



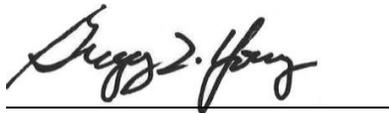
## **BOE - G - 02 - BOE Operations During COVID-19 Situation - 032620**

### **Guidance for BOE Operations During COVID-19 Situation**

This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

**EFFECTIVE DATE:** MARCH 26, 2020

#### **SIGNATURES:**



Deputy Commissioner

#### **I. Introduction**

On March 4, 2020, the first case of Coronavirus Disease 2019 (COVID-19) was identified in the state of Tennessee. Additional cases of COVID-19 have since been identified in Tennessee, demonstrating a continued, increasing, and serious risk to the health, safety, and welfare of Tennesseans. TDEC's Bureau of Environment (BOE) has joined the coordinated state government approach to both limit the spread of COVID-19 while continuing to protect the environment and provide and support Essential Services for Tennessee communities. This guidance offers direction for BOE operations during this extraordinary period, affecting the following "BOE Divisions" and their various programs:

- a) Air Pollution Control
- b) Energy Programs / Emergency Services
- c) Fleming Training Center
- d) Radiological Health
- e) Remediation
- f) Solid Waste Management
- g) Tennessee Geological Survey
- h) Underground Storage Tanks
- i) Water Resources
- j) West Tennessee River Basin Authority

As part of this guidance for BOE operations, BOE will take into consideration all applicable federal (e.g., Center for Disease Control, Environmental Protection Agency, Department of Energy, Nuclear Regulatory Commission, Food and Drug Administration, Department of Labor, Office of Management and Budget) guidance regarding the COVID-19 situation. While these circumstances are unprecedented in many ways, BOE will seek to continue operations as close to normal as possible. This guidance will apply to BOE operations from March 12, 2020, until



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December 27, 2020. This guidance will be re-evaluated on a regular basis and may be amended as deemed appropriate based on changing circumstances.

As the COVID-19 situation evolved and as this guidance was updated, BOE specifically delineated, tracked, and made public any changes in the first two revisions of this guidance. That process is unwieldy and creates more confusion than benefit as we continue to revise and update this document. The substance of this guidance has shifted to resuming normal business operations and addressing return to workplace issues. Numerous changes have been made to do this. Prior versions of this guidance are available to any person that desires to conduct their own change tracking.

## **II. Determination of Necessity**

Prior versions of this guidance contained substantial references to Executive Orders. Many of those Executive Orders have expired or have been superseded as the State of Tennessee has shifted focus to rebooting the economy and ensuring a safe return to the office for State employees. For ease of reading, this version deletes many of the prior versions' references to Executive Orders and other authorities. Suffice it to say that any portions of any Executive Orders or other binding authorities that remain valid and applicable are hereby incorporated by reference.

- a. On March 11, 2020, the World Health Organization officially characterized COVID-19 as a "pandemic."
- b. On March 12, 2020, Gov. Bill Lee issued Executive Order No. 14 declaring a State of Emergency to facilitate COVID-19 response activities.
- c. On March 13, 2020, President Donald J. Trump declared a National Emergency in response to COVID-19.
- d. On March 19, 2020, the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA) promulgated a "Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response" that included energy, water and wastewater, and solid waste management as within the range of operations and services that are essential to continued critical infrastructure viability.
  - i. CISA updated this Memorandum on March 28, 2020, April 17, 2020, and August 18, 2020.
- e. On March 25, 2020, the U.S. Department of Labor published Guidance on Preparing Workplaces for COVID-19 (OSHA 3990-03 2020) focuses on the need for employers to implement engineering, administrative, and work practice controls and personal protective equipment (PPE), as well as considerations for doing so.



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- f. On March 26, 2020, the U.S. EPA published a Guidance Memorandum to address COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program which set forth various circumstances and conditions under which EPA would be willing to exercise enforcement discretion.
- g. On April 16, 2020, the U.S. EPA Office of General Counsel issued a Memorandum regarding Virtual Public Hearings and Meetings stating that "virtual public hearings and meetings are a permissible tool for states to use as part of public participation for permitting and similar regulatory actions conducted under federal environmental statutes, where consistent with state law."
- h. On April 23, 2020, the Tennessee Department of Finance and Administration (F&A) and DOHR issued a Memo regarding Financial Management Policy that requires all State agencies to adhere to: (i) a hiring freeze on vacant positions; (ii) a freeze on hiring of temporary services workers; (iii) a freeze on equipment purchases not necessary for COVID-19 response and working from home initiative; and (iv) management of expenditures as conservatively as possible.
- i. On April 24, 2020, DOHR published a COVID-19 Update by email that extended the directive for employees who can work from home to do so until at least Tuesday, May 26, 2020. This Update further stated that: (i) efforts are underway to ensure workspaces are ready to support safe employee return; (ii) leveraging work from home and online services will be key going forward; and (iii) the State will only focus on filling mission-critical positions through June 30, 2020 and continuation of this approach will be re-evaluated at that time.
- j. On April 24, 2020, the Tennessee Economic Recovery Group (ERG) published its first round of guidelines entitled *Tennessee Pledge – Reopening Tennessee Responsibly* to help Tennesseans return to work in a safe environment, restore their livelihoods and reboot our state's economy. The ERG provided "Universal Guidelines" that apply to BOE so BOE can be fully prepared to operate safely and protect their employees and their stakeholders.
- k. On April 28, 2020, the CDC published Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes.
- l. On or about May 13, 2020, the Governor's Task Force Reimagine (TFR) published *Reimagining Tennessee Government* guidelines based on four foundational principles: (i) prioritize safety for all Tennesseans; (ii) sustain work from home for all employees where possible; (iii) deploy consistent safety and risk mitigation measures; (iv) reimagine work, drawing upon lessons learned from the crisis.



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- m. On May 21, 2020, DOHR directed by email that State agencies should follow the TFR Reimagining Tennessee Government guidelines. More specifically, (i) work from home should continue where possible and employees who have been doing so should continue to do so; (ii) relaxation of existing AWS policies will continue; (iii) worksite safety protocols established by CDC are required in connection with any return to office efforts; and (iv) individual agencies are encouraged to develop specific guidelines consistent with TFR and DOHR directives.
- n. On May 22, 2020, Gov. Lee issued Executive Order No. 38 that allowed Tennesseans to return to work safely while encouraging continued adherence to health guidelines to limit the spread of COVID-19. This Order also superseded and repealed Executive Orders Nos. 30, 33 and 35. Executive Order No. 38 applies in 89 counties. This executive order gives county health departments the discretion to determine when and how to reopen in the counties with county-operated health departments (Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan).
- o. On May 29, 2020, TDEC issued its own Reimagined Workplace Guidelines (TDEC RWG) that incorporate and the above referenced TFR and DOHR guidelines and directives. The TDEC RWG is attached hereto and fully incorporated by reference.
- p. On October 28, 2020, Gov. Lee issued Executive Order No. 65 that extended the state of emergency and prior executive orders that authorized conducting governing body meetings by electronic means, subject to best management practices to promote transparent government, through December 27, 2020.
- q. During this timeframe and in compliance with the foregoing, the BOE and Divisional leadership have taken various measures to protect TDEC employees and the Tennessee citizens and regulated community we serve. The vast majority of BOE personnel are currently working remotely. Travel is restricted and large gatherings discouraged, meaning that various meetings have been cancelled, postponed or conducted through electronic means. Compliance activities that can be undertaken remotely continue to occur.
- r. The purpose of this guidance is to ensure that further, ongoing measures and activities of the BOE Divisions are grounded in appropriate legal authority and common sense in a manner that continues to protect TDEC employees, Tennessee citizens, the environment, and the regulated community, including with respect to a reopening of federal and state economic activities and return to work / work continuity planning.



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#### III. Substantive Guidance

- a. Remote Work. BOE Divisions shall strongly encourage all employees to continue to utilize AWS to work remotely and shall facilitate working remotely to the level practical. Please work remotely as much as you can during this time.
- b. Return to Workplace. BOE Divisions may develop their own return to workplace schedules and protocols but shall comply with all applicable protocols set forth in the TDEC RWG. For instance, do not rush the process of returning to offices and worksites. Conduct workforce segmentation to determine what positions and personnel are site critical, site flexible, or fully virtually enabled. Stagger in-office work schedules and impose physical distancing. Appoint site coordinators. Continue to adhere to the appointment only service model for staff and external customers. Comply with personnel and visitor protocols as well as TDEC facility protocols. To ensure consistency, BOE Divisions should not deviate from the protocols set forth in the TDEC RWG.
- c. Travel Restrictions. BOE Division employees shall only conduct travel activities that are related to completing BOE Division "Mission Critical Activities," which may include but is not limited to routine fieldwork, on-site compliance inspections, site investigations, monitoring visits and complaint investigations. Mission Critical Activities do not include conferences, statewide staff meetings, trade shows and the like. Mission Critical Activities are further described in Section IV. d. below.
  - i. Use of Personal Vehicles. BOE Divisions may allow employees to use their personally owned vehicles for Mission Critical Activities if practical. BOE Division employees using personally owned vehicles should notify Elaine Boyd to formally designate your home as your "official workstation" and submit travel claims and requests for reimbursement every two weeks. BOE Division employees who have been designated as the primary driver of a State vehicle, such as employees working in the Subsurface Sewage Disposal Program, may continue to use the State vehicle they currently use. If a BOE Division employee's personally owned vehicle is not suitable for use, then the employee should use the Environmental Field Office Vehicle Reservation System to reserve the appropriate vehicle. Before and after using the TDEC vehicle, the employee shall follow the vehicle sanitizing procedure prescribed by TDEC. Staff are discouraged from riding together in the same vehicle; however, if it is necessary, face coverings should be worn by all persons traveling in the shared vehicle.



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- d. Permit, License & Certification Expirations / Renewals. BOE Divisions are authorized, but not required, to exercise enforcement and other discretion regarding expiration of any license, permit or certification that would expire after March 12, 2020, and prior to December 27, 2020. Statements of general applicability to the regulated community are strongly discouraged, and BOE Divisions should instead respond to individual requests from regulated persons or interested parties. BOE Divisions are encouraged to utilize the assistance of the Office of General Counsel when making these determinations.
- e. Public Comment Period Deadlines and Document Availability. BOE Divisions are reminded they have authority to extend deadlines for any public comment periods. BOE Divisions are authorized, but not required, to utilize alternative document viewing and repository solutions. Statements of general applicability to the regulated community are strongly discouraged, and BOE Divisions should instead respond to individual requests from regulated persons or interested parties. BOE Divisions are encouraged to utilize the assistance of the Office of General Counsel when making these determinations.
- f. Public Hearings and Board Meetings. BOE Divisions are authorized, but not required, to exercise enforcement and other discretion regarding public hearing and Board meeting dates. According to US EPA, virtual public hearings and meetings are a permissible tool for states to use as part of public participation for permitting and similar regulatory actions conducted under federal environmental statutes, where consistent with state law. Accordingly, BOE Divisions are also authorized to conduct any public hearing or Board meetings through electronic means such as WebEx. Any BOE Division actions in this regard must be consistent with applicable Executive Orders to allow for full and transparent public participation. BOE Divisions are directed to solicit any necessary Board approvals in connection with any such actions. BOE Divisions are encouraged to utilize the assistance of the Office of General Counsel when making these determinations.
  - i. Additional Guidance for Public Hearings. After consultation with US EPA Region 4, TDEC has developed a plan for conducting BOE Division public hearings via videoconference. To the extent practicable, the BOE Divisions will follow normal protocols applicable to in-person hearings. In particular, members of the public will be able to register their participation in the hearing, indicate whether they plan to testify, and provide their testimony (subject to normal time limits). For each of these public hearings, the Department will comply with all applicable rules and will:



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1. Provide clear, easy-to-understand instructions to the public about how to participate.
  2. Provide different options for participation, such as participating either by computer or by telephone. In addition, if a person cannot participate by computer or telephone, the person may submit written comments in advance and request the hearing officer to read these comments into the record, subject to the same time limits applicable to oral comments. (Please note that written comments do not need to be read at the public hearing to be considered as part of the record.)
  3. Provide a rationale for why the hearing is being conducted remotely.
  4. For any hearings that were previously noticed to be conducted in-person, provide public notice of the cancellation of the original hearing and a new public notice for the online public hearing.
- g. Routine Fieldwork, On-site Compliance Inspections, Monitoring Visits, Non-emergency Complaints & Testing. BOE Divisions are authorized to proceed forward with these Mission Critical Activities so long as appropriate protocols consistent with CDC, DOHR, Department of Health, TDEC and other applicable guidance are followed by BOE employees, and so long as BOE employees respect appropriate protocols requested by a regulated person and/or TDEC grantee. BOE Divisions are still authorized, but not required, to exercise enforcement and other discretion to postpone these activities; provided that such determinations shall be made on a case-by-case basis and documented in accordance with Section IV. c. below.
- h. Administrative Orders and Agreements Compliance Deadlines. With consultation and permission from the Office of General Counsel, BOE Divisions are authorized, but not required, to extend any applicable deadlines under administrative orders and agreements. Given the fact-dependent nature of these actions, BOE Divisions should not issue statements of general applicability, but should instead respond to individual respondent requests. Furthermore, specific provisions of these documents should be consulted to determine whether a procedure is already in place, and if so, that procedure should be followed.
- i. Administrative Appeals. Please be advised that the TDEC Office of General Counsel has established a new email address [TDEC.Appeals@tn.gov](mailto:TDEC.Appeals@tn.gov) to allow permittees, respondents, and third parties to file appeals with TDEC electronically.



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- j. Other. BOE Divisions are authorized, but not required, to exercise enforcement and other discretion regarding any other regulatory and/or contract deadlines<sup>1</sup> through response to individual requests from regulated persons, grantees, or contractors. This provision could apply to routine data submittals, technical reports, progress reports, (e.g., monthly, quarterly, annual, or milestone), studies, fee payments, plans and the like. Furthermore, BOE Divisions are authorized to make common sense, substantive exceptions or waivers to permits, licenses and certifications (limited in duration) that may involve other matters besides schedule and deadline extensions. For example, medical waste handlers may need longer holding times for medical waste and flexibility on waste storage volumes. No determination should be made that is anticipated to have a negative impact on human health and the environment.

#### **IV. Miscellaneous**

- a. BOE Division Discretion – This concept is fundamental to this guidance. BOE Divisions should use common sense and should not act in a manner that is arbitrary, capricious, or an abuse of discretion. We are in unique circumstances and uncharted waters. BOE Divisions must be reasonable and use good judgment in making decisions pursuant to this guidance. BOE Divisions should take into consideration all applicable federal (e.g., Center for Disease Control, Environmental Protection Agency, Department of Energy, Nuclear Regulatory Commission, Food and Drug Administration, Department of Labor, Office of Management and Budget) guidance issued as a result of the pandemic and consult with the Office of General Counsel.
- b. Regulatory Flexibility & Environmental Protection – These concepts are also fundamental to this guidance. In making decisions and working with respective regulated persons, BOE Divisions should balance the need for regulatory flexibility with our mission to protect the environment and ensuring that Mission Critical Activities continue. Not all requests for regulatory flexibility should be granted. BOE Divisions should use best professional judgment in achieving this balance between regulatory flexibility and environmental protection.
- c. Documentation – BOE Divisions shall document determinations made pursuant to and in connection with this guidance. Documenting a determination includes, but is not limited to, identifying: the impediment created by the COVID-19 situation, the absence of technological or process changes that can accommodate the impediment and

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<sup>1</sup> Subject to guidance and/or approvals of other State agencies (i.e., Department of General Services – Central Procurement Office, Department of Finance & Administration, and the Office of the Comptroller of the Treasury).



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negate the need for discretion or why those accommodations are not feasible, the potential impact of the determination on human health and the environment, and the term of the determination. Consultation with the Office of General Counsel is strongly encouraged.

- d. Mission Critical Activities. This term encompasses the following:
- i. Activities Consistent with TDEC Mission Statement – TDEC exists to enhance the quality of life for citizens of Tennessee and to be stewards of our natural environment by:
    - Protecting and improving the quality of Tennessee’s air, land, and water through a responsible regulatory system;
    - Protecting and promoting human health and safety;
    - Conserving and promoting natural, cultural and historic resources; and
    - Providing a variety of quality outdoor recreational activities.
  - ii. Activities Consistent with BOE Division Statutes and Regulations – For instance, nearly every Tennessee environmental statute lists various actions that are considered duties and responsibilities of the Commissioner.
  - iii. Services relating to critical infrastructure. See CISA Memos.
  - iv. Essential services. Divisions determine essential services through a two-part analysis:
    1. What activities of my Division are needed for the immediate support of public health, safety and welfare and environmental protection?
    2. What activities of my Division are needed for continued critical infrastructure operations?

BOE Divisions may also consider timing in order to identify and prioritize Mission Critical Activities. For example, an essential service could perhaps be postponed based on applicable federal compliance and funding deadlines, but if the COVID-19 situation persists, then that essential service may become more immediate to support public health, safety and welfare and environmental protection.

BOE Divisions should ensure that their analyses and determinations with respect to Mission Critical Activities are documented in writing through email, internal memoranda and the like.



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- e. Consideration of Local Orders. The six locally run county health departments in Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan counties retain authority to issue additional orders or measures related to the containment or management of the spread of COVID-19, which may permit to a greater degree, or restrict to a greater degree, the opening, closure, or operation of businesses, organizations, or venues in those counties. Such local orders could impact BOE Offices in Nashville, Chattanooga, Knoxville, Jackson, Memphis and Johnson City. BOE Division employees in these areas should evaluate and comply with any local orders in connection with their work-related activities, keeping in mind any pertinent exceptions to such local orders for Mission Critical Activities and the like.
- f. Amendment / Modification – BOE leadership will maintain situational awareness of these unprecedented circumstances and retain the prerogative to amend or modify the elements or duration of this guidance as needed.
- g. Termination – This guidance for BOE operations will automatically terminate 11:59 p.m. Central Daylight Time on December 27, 2020, unless otherwise amended or modified.

**REVISION HISTORY TABLE**

Revision Number	Date	Brief Summary of Change
1	4/7/2020	Revisions made to account for additional Executive Orders and other developments.
2	4/30/20	Extends guidance to June 30, 2020, and accounts for additional Executive Orders and return to work guidance.
3	6/15/20	Extends guidance to September 30, 2020. Shift to dealing more with resuming normal operations and return to office.



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4	9/30/20	Extends guidance to October 30, 2020. Updated to account for recent Executive Orders, resuming normal operations and return to work.
5	10/29/20	Extends guidance to December 27, 2020. Updated to account for recent Executive Orders.

As TDEC works to continue business operations and reopen our offices, of chief concern is the safety of staff and customers. This is a challenge faced by government agencies and businesses statewide. The Governor has called on all departments to lead by example through implementation of a thoughtful, deliberate approach to maximizing employee safety and adhering to physical distancing measures.

To that end, Governor Lee established “Task Force Reimagine” (TFR) to coordinate, sustain, and accelerate efforts to reimagine government and ensure Tennesseans can access critical government services in the safest way possible. TFR is guided by four foundational principles:

- **Prioritize safety** for all Tennesseans, including both residents and employees;
- **Sustain “work from home”** for all employees where possible to maximize physical distancing and “do our part” as state employees to protect the broader Tennessee community;
- **Deploy consistent safety and risk mitigation measures** to ensure safe working environments for state employees who need to return to state offices and for residents who must receive government services in person; and
- **Reimagine work**, drawing upon lessons learned from the crisis, to help Tennessee state government innovate how we work in the long term.

TFR established [statewide guidance](#) for all departments detailing practices that should be adopted to keep staff and customers safe. The TFR guidance is consistent with the [Tennessee Pledge](#).

This document contains TDEC’s adoption of the TFR statewide directives and provides the framework for more tailored guidelines that specific bureaus, divisions, offices, or worksites may implement depending on their unique characteristics. TDEC may update these guidelines as we continue to evaluate the evolving situation.

Given the complex nature of the challenges we face, it is anticipated that there may be questions, concerns, or feedback. Please feel free to submit any COVID-related issues to [TDEC.COVID19@tn.gov](mailto:TDEC.COVID19@tn.gov) or through the [COVID-19 Resources](#) page available on the TDEC intranet.

## **Section I. Employee Responsibilities**

1. **Stay Home.** Stay home when feeling ill, when exposed to COVID-19 (e.g., positive household member case or exposure confirmed through contact-tracing), or if diagnosed with a confirmed case of COVID-19. Even when feeling well, employees who are particularly vulnerable to COVID-19 according to the [CDC](#) (e.g., due to age or underlying conditions) are encouraged to work from home when approved to do so.
2. **“Further is Safer.”** Practice recommended physical distancing to the greatest extent possible. Maintain approximately six feet distance from others when possible. Avoid gatherings of people. When in the office, stay at your workstation as much as possible.
3. **Increase Hygiene Practices.** Wash your hands more frequently, avoid touching your face, and practice good respiratory etiquette (e.g., cover coughs).

4. Avoid High-Touch Surfaces. Avoid touching high-touch surfaces to the greatest extent possible. Avoid using other employees' phones, desks, offices, or other work tools and equipment, when possible. If necessary, clean and disinfect them before and after use.
5. Wear a Face Covering. Wear a face covering while at work to help protect against the spread of the virus anytime there is the risk of encountering others; reference [CDC](#) guidance for the use of protective face coverings. Face coverings shall be worn in state buildings when individuals cannot maintain at least six feet of physical distancing. This includes, but is not limited to, wearing a face covering in all shared spaces, such as lobbies, hallways, elevators, shuttles, bathrooms, breakrooms, and conference rooms.
6. When in Doubt, Take a Test. Employees are encouraged to take advantage of free COVID-19 testing at their local health department or at a voluntary, on-site testing station that may be made available to state employees at certain locations. Note that this option is separate from any testing that may be conducted for employees working with custodial or vulnerable populations.
7. Voice Concerns. Any employee who is uncomfortable with returning to a physical worksite should share those concerns with supervisors without fear of reprisal or adverse action. Additionally, staff can submit any COVID related issues to [TDEC.COVID19@tn.gov](mailto:TDEC.COVID19@tn.gov) or through the COVID-19 Resources page available on the TDEC intranet. The TDEC intranet [COVID-19 Resources page](#) allows staff to submit concerns anonymously if preferred.

## **Section II. Work from Home**

1. Continue Working from Home. The first – and most foundational line of defense – in the statewide guidance is to extend work from home wherever possible to improve the safety of employees and customers. Everyone – managers and staff – should do their part to “stay apart” and encourage physical distancing.

***In order to allow for effective and consistent implementation of the required safety protocols, TDEC employees who are currently working from home are strongly encouraged to continue doing so through June 15, 2020.***

Looking beyond June 15, 2020, divisions are expected to explore all potential options to sustain remote operations while still meeting mission-critical objectives. We need to continue to work together to minimize the number of staff present in the workplace.

Do not rush the process of returning employees to worksites. Employees should continue to work from home to the greatest extent possible until further notice. Only “site critical” or “site flexible” employees, to a more limited extent, should be considered eligible for the initial phase of returning to worksites. Furthermore, no employee should return to a worksite where the minimum COVID-19 safety requirements are not met. This is the time to reimagine work and leverage work from home for as many employees as possible, for as long as possible.

2. Workforce Segmentation. In order to maximize our resources and best manage our safety protocols, positions should be segmented into the following categories:
  - **Site Critical** - No ability to work from home.
    - For example, work that is physically tied to the work location, such as Tennessee State Parks rangers, maintenance, hospitality, etc.
  - **Site Flexible** - Can work from home, but with some potential mission impacts.
    - For example, work that requires some field work, onsite inspections, or physical in-office functions, such as receiving and depositing checks, scanning, receiving and sorting mail, reviewing paper plans/files, handling confidential or protected information, specific technology needs (i.e. computer modeling software), and customer appointments.
  - **Fully Virtually Enabled** - Can work from home indefinitely with no mission impact.
    - For example, work that can be accomplished by computer, phone, or virtual meetings.

The examples are not meant to be exhaustive. Managers will need to evaluate the conditions associated with each position.

Managers are expected to closely manage when and how “site flexible” and “fully virtually enabled” employees spend time in the office to maximize the safety of all employees. Managers may allow employees to return to office locations to execute core working functions that require in-person work or brief visits to collect files, etc. However, managers should consider what job functions necessitate in-office work and allow staff to perform all other job functions remotely. For positions that are not fully virtually enabled, managers are encouraged to identify and minimize remote working challenges.

3. Employees with Caregiver Responsibilities. The statewide AWS policy has been relaxed to support employees with childcare/eldercare responsibilities by continuing their ability to work from home, as long as this arrangement does not affect the business operation or the employee’s ability to perform the essential responsibilities of their job.
4. At-Risk Populations. Managers can help protect [CDC-defined](#) high-risk populations (including those who live with or care for at-risk individuals) by continuing to enable their ability to work from home or consider alternative work hours to encourage physical distancing. The CDC has identified persons who are over the age of 65 or those who have severe underlying medical conditions as more at-risk for COVID-19. Managers and staff should maintain the confidentiality of employee health information.

### **Section III. Accessing Office Locations**

1. Modified Schedules. Each division is expected to implement a staggered in-office staff schedule that allows for physical distancing (at least six feet) between employees while in their respective workstations and minimizes overcrowding during arrival and departure windows. Additionally, divisions that share a building or floor should coordinate scheduling to ensure physical distancing in adjacent and shared spaces.
2. Site Coordinators. Each Tennessee Tower floor and each non-central office location should establish a site coordinator, and a designated backup coordinator. For shared

floors, divisions may work together to designate site coordinators for the whole floor or may prefer a division-specific coordinator.

- a. Tina Pennington is serving as the department-wide site coordinator, with Karen Stevenson as her backup, to provide support for the various floor, division, and office site coordinators. COVID-related questions can be submitted to them through the [TDEC.COVID19@tn.gov](mailto:TDEC.COVID19@tn.gov) email.
  - b. Site coordinators will act as a point of contact for employees as they transition back to work, are available to help with adjustments to new workspace norms and physical distancing protocols, will help implement these guidelines, and will be a resource to address employee questions. The site coordinators should be familiar with the modified staff schedules to help identify when issues arise.
  - c. Once site coordinators have been designated for your floor, division, or office location, division or office leadership should share that information with their staff members. A list of all site coordinators will also be posted on the intranet.
  - d. The names of the designated site coordinator and backup coordinator should be submitted to [TDEC.COVID19@tn.gov](mailto:TDEC.COVID19@tn.gov). For the site coordinators in the Tennessee Tower, please include which floor you work on so that we can verify that every floor has at least one designated coordinator and backup. In the environmental field offices, staff from the administrative team will serve as the site coordinators to ensure coordination across the office.
3. Tennessee Tower. Given the population density of the Tennessee Tower, additional safety protocols are being implemented by building management. Staff should expect changes in routines and may experience delays in accessing the building. For example, employee shuttle capacity is capped at 10 people (regular capacity is 24) and elevators are limited to four people per cab. There is signage and physical markers to manage physical distancing of those queued up for elevators. Food service locations will remain closed until there are enough people in the building to support the service. Staff may want to avoid using the third-floor entrance given potential crowding associated with the driver's license center.
4. Minimize Visitors. All departments have been instructed to minimize non-essential visitors to state buildings. We are continuing with the appointment-only model of providing in-person services at all TDEC offices.
- a. To the greatest extent possible, divisions should plan to provide services remotely, such as through phone calls, mail, emails, or virtual meetings, rather than requiring in-office interactions. Additionally, if appropriate, staff may elect to meet customers requiring in-person services outside the building or at the customer's location. Entering a customer's location should only be done if no outdoor alternative is feasible.
  - b. In order to implement required physical distancing guidelines (six feet between attendees), the seating capacity in conference rooms will be significantly lowered. Meeting organizers may need to locate alternative locations for in-person meetings, including locations not in state office buildings when in-person meetings are essential and large space is required to maintain social distancing protocols.
  - c. The conference rooms on the third floor of the Tennessee Tower are currently closed.

- d. Some state buildings, such as the Tennessee Tower, are limiting visitor access to the building at the guard stations. If you are planning an in-person meeting in the Tennessee Tower with non-state employees, at least 24 hours prior to the meeting please send a notification to [TDEC.COVID19@tn.gov](mailto:TDEC.COVID19@tn.gov) with the following details so that we can notify building security:
  - i. Name of visitor(s)
  - ii. TDEC point of contact
  - iii. Date of building entrance
  - iv. Location visitor(s) will be accessing in the Tennessee Tower (i.e. floor number)

If a visitor is not on the approved list provided by TDEC, the visitor may be required to provide the name and contact information for their TDEC point of contact and location they will be accessing in the Tennessee Tower. The guard may contact the TDEC point of contact to confirm that the visitor is approved to access the building.

5. Travel and Meetings.

- a. Official Travel. Non-essential business travel is restricted until further notice. Examples of potentially non-essential travel includes conferences, statewide staff meetings, and optional training events. Bureau leadership may develop more detailed guidance on what constitutes essential travel.
- b. Meetings. Non-essential in-person employee meetings and gatherings should be canceled or adjusted until further notice (consider virtual and technology-enabled options).
- c. Returning from Travel. Employees returning from official or personal travel that includes air or boat transportation should work from home the week following such travel, if possible.

6. Vehicles. The order of preference for vehicle usage to complete essential travel is as follows:

- a. For staff that has an assigned vehicle, please continue to use your state vehicle. If you share an assigned vehicle with other staff, you are responsible for cleaning the vehicle at the start and end of your travel. All shared vehicles should be stocked with cleaning supplies and sanitization protocols.
- b. For other staff, the first choice will be to use your personal vehicle and submit a request for mileage reimbursement within 14 calendar days. For staff with duties requiring essential travel that will be using a personal vehicle, division leadership must notify Elaine Boyd (BOE divisions) or Karen Stevenson (all other divisions) to formally designate your home as your "official workstation" to avoid potential mileage reimbursement problems.
- c. If your personal vehicle is not an option for your travel needs, use a state vehicle. You are responsible for cleaning the vehicle at the start and end of your travel. All fleet vehicles have been stocked with cleaning supplies and sanitization protocols.
- d. Enterprise Rental Vehicles.
  - i. The CarShare program previously available in the Blue Lot near the Tennessee Tower has been suspended.

- ii. State vehicle reservations are currently available using the Enterprise state travel portal and are currently offering curbside service company-wide.
- e. Staff are discouraged from riding together in the same vehicle, however if it is necessary, face coverings should be worn by all persons traveling in the shared vehicle.

#### **Section IV. Personnel and Visitor Protocols**

##### **1. Face Coverings.**

- a. Masks/cloth face coverings (preferably not an N-95 or medical mask, which should be reserved for healthcare workers) are required for all individuals entering state buildings (employees, visitors, etc.).
- b. Staff are encouraged to utilize their personal face coverings. However, upon request, TDEC will provide face coverings for any staff member. Please contact your site coordinator or [TDEC.COVID19@tn.gov](mailto:TDEC.COVID19@tn.gov) for more information.
- c. Face coverings should be worn in state buildings when close proximity is anticipated or when individuals cannot maintain at least six feet of physical distancing.
  - i. This includes, but is not limited to, wearing a face covering in all shared spaces, such as lobbies, hallways, elevators, shuttles, bathrooms, breakrooms, and conference rooms.
  - ii. Staff is discouraged from riding together in the same vehicle, however if it is necessary, face coverings should be worn by all persons traveling in the shared vehicle.
  - iii. Employees may elect to not wear a face covering in their assigned cubicle/office if the employee workstation is adequately spaced (six-foot minimum) from other staff or visitors. However, a face covering is required if leaving the workstation or otherwise potentially coming into close proximity with another person.
- d. Each TDEC office or Tennessee Tower floor should keep a small number of face coverings available at front desks or security check points for individuals who do not have face coverings.
- e. Refusal to wear a mask may result in disciplinary action.
- f. In the event a staff member is unable to wear a mask for a personal health reason, please contact Jennifer Katzenmiller ([Jennifer.Katzenmiller@tn.gov](mailto:Jennifer.Katzenmiller@tn.gov)) with the Office of People & Organizational Development to discuss options.
- g. Visitors not wearing a face covering may be provided with a complementary face covering or offered services in alternative ways (e.g., remotely by phone or web).

##### **2. Temperature and Health Screenings.** Two forms of screening are required for all employees and visitors entering state buildings – health screening and temperature screening.

- a. Health screening questions – screen all employees and visitors who enter a state building for COVID-19 symptoms by posting prominent signage and asking the following questions:
  - i. Have you been in close contact with a confirmed case of COVID-19?

- ii. Are you experiencing a cough, shortness of breath, or sore throat?
  - iii. Have you had a fever in the last 48 hours?
  - iv. Have you had new loss of taste or smell?
  - v. Have you had vomiting or diarrhea in the last 24 hours?
- b. Temperature screening – all employees and visitors should have their temperature taken with a non-contact thermometer each day upon arrival to a state building. Normal temperature should not exceed 100.4 degrees Fahrenheit.
  - c. Direct any employee who exhibits COVID-19 symptoms (i.e., answers “yes” to any of the screening questions or who is running a fever) to leave the premises immediately and seek medical care and/or COVID-19 testing, per CDC guidelines. Departments should maintain the confidentiality of employee health information.
  - d. Visitors who exhibit COVID-19 symptoms or who refuse to participate in the screening process should not be approved to enter the building. If possible, services should be provided in alternative ways (e.g., remotely by phone or web). If a visitor is not cooperative, employees should contact their division leadership to discuss how to proceed. Divisions may also engage the Commissioner’s Office and/or Office of General Counsel if additional support is needed.
  - e. For buildings with dedicated security, health and temperature screening will be conducted at the security check points.
  - f. For buildings without dedicated security, alternative protocols must be implemented.
    - i. A non-contact thermometer has been provided to all TDEC offices.
    - ii. Screeners should use proper PPE. A face-covering should be worn if conducting an in-person screening. Gloves may be preferred if utilizing a thermometer that is a shared piece of equipment.
    - iii. Screeners should have access to a nearby handwashing station with running water or sanitizer that is at least 60% alcohol.
    - iv. Site coordinators can assist with questions staff may have about conducting the required screening protocols.
    - v. Front desk staff may ask any person accessing the building whether they have completed the required screening that day, but are not expected to carry out the screening protocols unless they are the manager or staff person approving access to the building as described below.

<b>Screening Employees</b>	
Who screens?	Managers authorizing staff to access office locations are responsible for ensuring the employee has completed the required self-screening protocols prior to entering the building each day.
Health Screening	For employees with smartphones, instruct them to utilize the online health screening questions phone app that is accessible by the QR code available on the Task Force Reimagine <a href="#">COVID-19 Screening Procedures</a> poster. These screening results are effective for 12 hours. Following successful completion of the questions, the employee will receive a time-stamped “green check mark” that can be shown to the screener. They will also receive a time-stamped email that can be forwarded to the screener.

	If the smartphone method is not an option, managers may develop an alternative method that ensures that the required questions are answered on a daily basis prior to entering the building. For example, this may include a written log sheet or verbally asking the questions.
Temperature Screening	Employees can take their temperature at home and self-report it to their manager prior to entering the building. If they are unable to take their temperature prior to work, the employee can utilize the thermometer available at each office location prior to entering the building.

<b>Screening Visitors</b>	
Who screens?	The staff person that scheduled the meeting is responsible for ensuring the visitor has completed the required screening protocols prior to entering the building.
Health Screening	For visitors with smartphones, instruct them to utilize the online health screening questions phone app that is accessible by the QR code available on the Task Force Reimagine <a href="#">COVID-19 Screening Procedures</a> poster. These screening results are effective for 12 hours. Following successful completion of the questions, the visitor will receive a time-stamped “green check mark” that can be shown to the screener. They will also receive a time-stamped email that can be forwarded to the screener.
	If the smartphone method is not an option, screeners may verbally ask the questions or refer to a nearby poster with the questions.
Temperature Screening	The screener will take the visitor’s temperature with the thermometer available at each office location prior to approving access to the building.

**Section V. TDEC Facility Protocols**

1. **Signage.** Site coordinators will post signage on health policies to help remind staff of COVID-19 symptoms and best practices. For consistency, Task Force Reimagine has developed signs to be used in all facilities, which can be downloaded at <https://www.teamtn.gov/human-resources/covid-19/taskforcereimagine/resources.html>.

Additional materials are available through the CDC and Tennessee Department of Health:

- a. [CDC guidance to stop the spread of germs](#)
  - b. [CDC guidance on COVID-19 symptoms](#)
  - c. [Tennessee Department of Health \(TDH\) COVID-19 website](#)
2. **Modify Floorplans.** Site coordinators will help implement space modifications. Modifications can be primarily accomplished through signage and markings with tape (painters tape recommended to avoid damaging surfaces).
    - a. Post signs to designate specific building entrances for ingress and egress to increase facility control and minimize interaction.
    - b. Modify layouts of physical office spaces, common areas, and breakrooms to encourage physical distancing.

- i. In areas where interpersonal interaction is common, such as reception desks, tape off the floor to mark six feet spacing from the desk.
  - ii. Adjust conference rooms and break rooms by moving tables to space them six feet apart and remove excess chairs to discourage overcrowding.
  - iii. Create “one way” paths or hallways to minimize the “pinch points” in the office areas.
3. Hand Sanitizer. Site coordinators will coordinate placement of hand sanitizer stations in lobbies, waiting areas, conference rooms, breakrooms, and other high-traffic areas.
4. Sanitization of High-Touch Surfaces. Site coordinators will coordinate workplace cleaning and disinfection practices among staff members, according to CDC guidelines, with regular sanitization of high-touch surfaces at least every two hours during periods of regular use or after use of shared equipment or surfaces, such as workstations, keyboards, telephones, handrails, and doorknobs. Upon request, TDEC will provide necessary cleaning supplies for staff to disinfect high-touch surfaces. Please contact your site coordinator or [TDEC.COVID19@tn.gov](mailto:TDEC.COVID19@tn.gov) for more information.

Avoid touching high-touch surfaces to the greatest extent possible. Avoid using other employees’ phones, desks, offices, or other work tools and equipment, when possible. If necessary, clean and disinfect them before and after use.

5. Division of Responsibility for Cleaning. Individual employees are responsible for ensuring regular disinfection of individual workspaces. Upon request, TDEC will provide necessary cleaning supplies for staff to disinfect individual workspaces. Please contact your site coordinator or [TDEC.COVID19@tn.gov](mailto:TDEC.COVID19@tn.gov) for more information.

All TDEC office locations, excluding offices located on Tennessee State Parks, are Department of General Services (DGS)-managed buildings. Under DGS management, JLL will ensure the state’s cleaning protocols are either completed by JLL or communicated to the landlord. In the state-owned buildings or leases in which JLL holds the janitorial contract, JLL will perform the work. In the leases in which the landlord holds the janitorial contract, JLL will provide the landlord with the cleaning protocols and request they provide the same level of service.

6. Confirmed COVID-19 Case. In the event of a potential or positive case of COVID-19, contact POD (Sara Sloane, [sara.sloane@tn.gov](mailto:sara.sloane@tn.gov) or 615-532-0163) immediately to assist with scheduling facility sanitization and staff quarantine procedures. Be prepared to provide the following information to schedule a thorough sanitizing:
  - a. Detailed information regarding the area(s) that need to be treated (the address, floor, description of workstation or hard-walled office [may be a space number if labeled] or geographic area, common path of travel, and other known areas suspected to need treatment);
  - b. Date/time of when the person was last in the space/building; and
  - c. Onsite point of contact that can be reached by the response team. Please ensure that this point of contact is aware of the request being made and that they will need to be available when contacted.

The agency should also isolate the area. This includes not just the workstation/office where the person may have been sitting, but the entire path, and common areas that the person may have traveled to, through, etc. For small office spaces/buildings this may mean that all people need to be isolated from the building. This space will need to remain isolated, until DGS has completed the treatment of the area(s).

#### **Section VI. Special Safeguarding for Non-Office State Worksites**

1. Tennessee State Parks. TSP developed and implemented protocols that are consistent with the Tennessee Pledge guidelines for their specific business operations. Additionally, the TSP protocols are aligned with American Hotel and Lodging Association and Tennessee Hospitality Association recommendations. Please contact Shannon Bowles ([Shannon.R.Bowles@tn.gov](mailto:Shannon.R.Bowles@tn.gov)) if you have any questions about these protocols.
2. TDEC-Hosted Trainings. Given the physical nature of some essential TDEC-hosted training sessions (i.e. Fleming Training Center, APC Smoke School), in-person attendance may be necessary.
  - a. In-person training sessions must comply with any state or local restrictions on gatherings applicable to the training location on the given day.
  - b. All instructors and participants must adhere to required social distancing protocols. Face coverings should be worn when close proximity is anticipated or when individuals cannot maintain at least six feet of physical distancing.
  - c. All instructors and participants must adhere to the required health and temperature screenings protocols.
  - d. Where possible, instructors and participants should minimize shared use of equipment necessary for the training session.
  - e. Hand sanitizer should be readily available to all instructors and participants, especially in high-traffic areas and if sharing equipment is unavoidable.
3. Field Staff. For staff whose job duties require field work (i.e. inspections, site visits, etc.), divisions should consider the following guidelines and may choose to implement additional safety measures.
  - a. Minimize shared use of vehicles or equipment, where feasible. Where possible, make allowances for employees to use their own equipment.
  - b. Implement safe touch protocol for interactions. Customers that sign documents should have a dedicated set of pens not touched by employees and that are sanitized regularly.
  - c. Require use of cloth masks during any close-proximity interaction with coworkers or the general public.
  - d. Clean and disinfect vehicles and equipment after each site visit/interaction and at least once per day.
  - e. Minimize reorganization of teams or crews to minimize physical interaction between different field workers.
  - f. Determine specific PPE guidance for employees based on role and job description.
  - g. Limit amount of time field employees spend at TDEC offices to reduce cross-infection potential.

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- h. Entering a customer's location should only be done if no outdoor alternative is feasible.
- i. If possible, call the facility/person and notify them of the necessary site visit. Discuss with the facility its specific COVID-19 procedures and requirements. Employees are expected to comply with the facility's COVID-19 procedures if required for entry to the facility.
- j. If a facility denies access, employees should contact their division leadership to discuss how to proceed. Divisions may also engage the Office of General Counsel if additional support is needed.