

**Memorandum of Understanding
Between
National Air Traffic Controllers Association
and
Federal Aviation Administration**

This Agreement is entered into between the National Air Traffic Controllers Association, AFL-CIO ("NATCA" or "the Union") and Federal Aviation Administration ("FAA" or "the Agency"), herein collectively referred to as "the Parties." This Agreement represents the complete understanding of the Parties concerning the use of face masks. This Agreement supersedes the Face Coverings - Workplace Toolkit agreement dated March 4, 2022.

Section 1. Utilizing the Centers for Disease Control (CDC) COVID-19 Community Levels by County tracker (<https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html>), for all FAA owned, leased, and operated offices and facilities, herein referred to collectively as "facilities," and individually as "facility," a weekly spreadsheet will be developed to identify the "COVID-19 Community Levels" for the county in which the facility is located and will be classified as Low, Medium, or High.

- A. Low or Medium Community Level:** In accordance with CDC guidance and the Safer Federal Workforce Task Force, bargaining unit employees (BUEs) shall not be required to wear a mask in public indoor settings, regardless of vaccination status.
- B. High Community Level:** In accordance with CDC guidance and the Safer Federal Workforce Task Force, all BUEs shall be required to wear a mask in public indoor settings, regardless of vaccination status.

After the initial classification, each facility will be reviewed weekly and the required CDC and the Safer Federal Workforce Task Force mask guidance will be adjusted to conform with the new classification, if necessary.

In the event either party has concerns regarding a facility classification, the Parties will convene as soon as practicable and collaboratively discuss concerns and present relevant data for consideration. Absent a consensus, the original classification based on the CDC COVID-19 Community Levels by County tracker will continue to apply.

Section 2. BUEs who return to work after a positive COVID-19 test shall be required to wear a high-quality mask or respirator (e.g., surgical mask, N95 mask) in public indoor settings for ten (10) days following their first day of symptoms, or after the date of a positive viral test for asymptomatic individuals.

Section 3. To remove their mask sooner than day 10, BUEs who return to work after a COVID-19 positive test may opt to take two antigen tests authorized by the FDA to detect current COVID-19 infection, starting on day 6. With two sequential negative tests 48 hours apart, BUEs may remove

their mask sooner than day 10. If either of their antigen test results are positive, the BUE should continue taking antigen tests at least 48 hours apart until they have two sequential negative test results. Upon request, the Agency will provide antigen tests, duty time, and a private space to complete the antigen tests for this purpose. BUEs who test positive utilizing these procedures are considered positive only for mask wearing purposes and are not subject to Policy Bulletin #126, Returning to the Workplace After Identifying a Case of COVID-19 and Close Contacts, dated September 1, 2022, for the purposes of isolation or quarantine.

Section 4. BUEs who have been identified as a close contact of a COVID-19 positive individual and have no COVID-19 related symptoms shall be required to wear a high-quality mask or respirator (e.g., surgical mask, N95 mask) in public indoor settings for ten (10) days following exposure.

Section 5. For the purpose of this Agreement, public indoor settings include common areas (e.g., elevators, hallways) and any shared workspaces (e.g., open floorplan office space, cubicles, conference rooms, and operational areas). Exceptions may be provided consistent with CDC guidelines, including, but not limited to, when an individual is alone in an office with floor to ceiling walls and a closed door, or when eating or drinking and maintaining social distancing in accordance with CDC guidance.

Section 6. The type of face mask shall be at the election of the employee, but the face mask must be a high-quality mask or respirator (e.g., surgical mask, N95 mask) in accordance with current CDC and Occupational Safety and Health Administration guidance. The guidance does not supersede any position-specific guidance on Personal Protection Equipment (PPE).

- a. Non-protective masks such as masks with unfiltered exhalation valves, or face shields are not allowed as substitutes for face masks.
- b. Upon request, the Agency will make high-quality masks (e.g., surgical mask, N95 mask) available to NATCA BUEs.
- c. The social distancing requirement is as defined by the CDC.

BUEs who have a medical condition that prevents them from wearing a face covering should contact their supervisor/manager to address a workplace flexibility/modification that can accommodate the employee's limitation. For BUEs that maintain a medical certificate, the operational supervisor/manager will advise the appropriate Regional Flight Surgeon for validation and follow-up as necessary.

Section 7. Issues arising from an employee's non-compliance with this Agreement will be addressed using Article 8 and/or Article 52, as applicable, of the NATCA/FAA Collective Bargaining Agreements (CBAs) prior to initiating other compliance measures.

Section 8. Either Party may request to reopen this Agreement to address changes in CDC or Safer Federal Workforce Taskforce guidance.

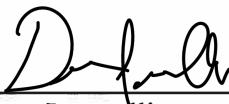
Section 9. This Agreement does not constitute a waiver of any right guaranteed by law, rule, regulation, or CBA on behalf of either Party.

Section 10. This Agreement shall remain in full force and effect for the duration of the Parties' CBAs, unless modified by mutual agreement of the Parties


Signed this 8th day of November 2022:

For NATCA:


For FAA:



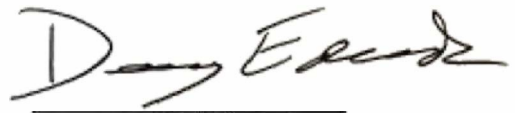
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