

MEMORANDUM

TO: Common Cause Staff
FROM: President Karen Hobert Flynn and “Returning to the Office Safely Subcommittee”¹ of the Management Team
DATE: August 2021
RE: Status Update on COVID-19 Pandemic and Office Work

As of mid-August, more than 623,000 people have died from COVID-19 and more than 37 million cases have been reported in the United States. After six months of new COVID-19 cases trending downward in the U.S., hitting an average of 11,000 new cases per day in late June, new infections have been rising rapidly over the past month, hitting an average of 114,000 new cases per day in mid-August, and breaking new infections records in Florida, Louisiana and other states. As a nation, we’re heading in the wrong direction in our battle against COVID-19. The recent dramatic rise in new cases is largely attributable (98+%) to the highly transmissible Delta variant of the coronavirus, which is causing more [serious illness in children](#) than earlier strains. New Delta-plus and Lambda variants are now causing concern among public health officials.

The good news is that [highly effective COVID-19 vaccines](#) are now widely available for free in the U.S for individuals 12 years and older. Though the coronavirus Delta variant can be transmitted by, and cause “breakthrough” infections in, vaccinated individuals, the Centers for Disease Control and Prevention (CDC) [has underscored](#) that “all three coronavirus vaccines authorized in the United States offer strong protection against severe disease and death from covid-19” and that “[p]reliminary data from several states over the past several months suggests that 99.5 percent of covid-19-related deaths occurred among unvaccinated people[.]”²

The Management Team’s top priority is safeguarding the health and safety of all staff, their families and communities—including mental health, which may be negatively impacted by working from home. In light of these facts, the following policies and practices remain in effect until further notice.

- Common Cause’s organization-wide work-from-home policy is extended to at least January 3, 2022. Prior to that time no Common Cause staff person may be required to attend an in-person event or work in the office.

¹ The “Returning to the Office Safely Subcommittee” of the Management Team’s members are Patricia Bennett, Bette Marchant, Paul S. Ryan, Scott Swenson, and Pam Wilmot.

² Lindsey Bever, Joel Achenbach and Kim Bellware, *What you need to know about the highly contagious delta variant*, WASHINGTON POST, July 28, 2021, <https://www.washingtonpost.com/health/2021/07/07/delta-variant-covid/>.

- **Common Cause is requiring all staff to be fully vaccinated by November 1, 2021**, with reasonable accommodations as required by the Americans with Disabilities Act (medical), Title VII of the Civil Rights Act (sincerely held religious beliefs) and other laws or unless otherwise prohibited by a state or local jurisdiction.
- Common Cause staff may voluntarily choose to go into our offices to work after discussing schedules with their supervisor. This is strongly discouraged for unvaccinated individuals, however, who may only go into the office for essential work after taking full precautions as described below. **Only fully vaccinated Common Cause staff may attend external in-person events or meetings.** Please note that this is a change in Common Cause policy.
- Work-related travel by Common Cause staff outside of one's home region (e.g., the DMV region for DC office users) is strongly discouraged, but permissible for fully vaccinated individuals. Any staff who travel outside their home region, for personal or professional reasons, is required to self-quarantine for at least 10 days before going into a Common Cause office or attending any external events or meetings in a professional capacity. Staff who experience any [COVID-19 symptoms](#) during quarantine must get tested for COVID-19 and may not go into a Common Cause office or attend any in-person meetings or events in a professional capacity until and unless they have obtained a negative test.
- With the resurgence of coronavirus infections, many jurisdictions [including the District of Columbia](#)³ have reinstated mask mandates regardless of vaccination status, as [recommended by the CDC](#). Common Cause staff choosing to work in a Common Cause office or represent Common Cause at an in-person meeting or event must adhere to mask wearing requirements, physical distancing requirements, and other practices detailed below and/or required by law.

An updated memo with further guidance regarding vaccination verification, mask wearing, physical distancing and other matters addressed in this memo, will be provided by December at the latest. The Management Team is also working on a longer-term work from home policy, which is widely supported by our staff.

VACCINE MANDATE

Private employers have well-established legal authority to impose vaccination requirements (with medical and other legally-required exemptions). A June Common Cause memo noted unresolved questions regarding the legality of requiring vaccinations that have only yet been approved for emergency use by the Food and Drug Administration (FDA), which led Common Cause to refrain from

³ See District of Columbia Mayor's Order 2021-097, *Resumption of Mask Requirements and Delegations of Authority to the Department of Health and the Office of the State Superintendent of Education* (July 29, 2021), https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Mayors-Order-2021-097.pdf; see also District of Columbia Department of Health, *Coronavirus 2019 (COVID-19): Mask Guidance for the General Public* (July 29, 2021), https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Masks_Guidance_DCHealth_COVID-19_2021-7-30.pdf.

imposing a vaccine mandate at that time. Through court decisions⁴ and a [U.S. Department of Justice memo](#),⁵ these legal questions have been resolved. Employers can lawfully require employees to receive a COVID-19 vaccine as a condition of employment.

Universities, health care systems, and private employers in a [variety of business sectors](#) around the United States have announced vaccine mandates for some or all employees (e.g., Google, Facebook, Lyft, Microsoft, Netflix, Disney, Walmart, Tyson Foods). [New York City announced](#) that proof of vaccination will be required to eat indoors at restaurants, exercise at gyms, and see a movie or Broadway show in a theater. Other businesses and jurisdictions will likely follow suit.

All three vaccines initially authorized by the FDA for [emergency use](#) are expected to receive full approval. Pfizer-BioNTech became the first vaccine maker to [apply for full FDA approval](#) in May and on August 23 became the [first to receive full approval](#). [Moderna applied for full FDA approval](#) in June, and Johnson & Johnson is expected to submit its application later this year.

After months of deliberation, a staff-wide survey showing overwhelming support for a vaccine mandate, legal research, and conversations with similar organizations, Common Cause has decided that a fully vaccinated staff is the right policy for our employees and for the health of our community. As of November 1, 2021, vaccines will be required as a condition of working for Common Cause, unless an employee is eligible for a reasonable accommodation as required by the Americans with Disabilities Act (medical), Title VII of the Civil Rights Act (sincerely held religious beliefs) or other law. Those who cannot be vaccinated because of an underlying medical condition confirmed by a doctor, or a sincerely held religious belief, should contact Patricia Bennett, Director Human Resources, to discuss whether reasonable accommodations are possible. Unless eligible for an accommodation, staff will need to provide proof of vaccination by November 1. Details on a system for providing proof of vaccination will be forthcoming.

⁴ See, e.g., Casey Smith and Tom Davies, *Appeals court upholds Indiana University's vaccine mandate*, AP NEWS (Aug. 2, 2021), <https://apnews.com/article/health-courts-education-indiana-coronavirus-pandemic-eb1408814f3d3c7921fa371675f8c617>; see also Dennis Romero, *Judge dismisses lawsuit by Houston hospital employees over Covid-19 vaccinations*, NBC NEWS (June 13, 2021), <https://www.nbcnews.com/news/us-news/judge-dismisses-lawsuit-houston-hospital-employees-over-covid-19-vaccinations-n1270597>.

⁵ U.S. Department of Justice Office of Legal Counsel, *Opinion Re Whether Section 564 of the Food, Drug, and Cosmetic Act Prohibits Entities from Requiring the Use of a Vaccine Subject to an Emergency Use Authorization*, 45 Op. O.L.C. ___ (July 6, 2021), <https://www.justice.gov/sites/default/files/opinions/attachments/2021/07/26/2021-07-06-mand-vax.pdf>.

STEPS TO SAFELY AND VOLUNTARILY RETURN TO COMMON CAUSE OFFICES

As COVID-19 vaccines have become widely available and stay at home orders have been lifted in many jurisdictions, some staff who prefer to work in their Common Cause office have voluntarily chosen to return to their office or participate in face-to-face meetings or events. Because Common Cause is committed to safeguarding our staff and their families, and because the coronavirus Delta variant can be transmitted by, and cause infections in, both vaccinated and unvaccinated individuals, even voluntary return to offices must be conducted with limitations.

First and foremost, all Common Cause staff must abide by all applicable local, state and federal government laws pertaining to COVID-19 health and safety. Common Cause further requires staff working in offices to take the following steps even where not required by law (with more detail of these policies and practices provided in the sections below):

- Let your manager know if you'd like to voluntarily work in a Common Cause office and agree to a schedule or, if *ad hoc*, let your manager know at least one day in advance.
- Wear a mask, and require visitors to wear masks in an office unless alone (i.e., required in shared work spaces, *not required* in a private office with door closed).
- Wear a mask when participating in a work-related event or face-to-face meeting. **As noted above, effective immediately, only fully vaccinated Common Cause staff are permitted to participate in external events or meetings.**
- If you do not have an office with a door and do not want to wear a mask while in your cubicle, consult with your manager about the possibility of being assigned a private office space on a daily or longer-term temporary basis.
- Practice physical distancing, maintaining a distance of at least 6 feet between office users and ideally much more than 6 feet.
- Wash or sanitize hands frequently, and ensure that hand sanitizer, soap and paper towels are readily available for colleagues and visitors.
- Self-screen for [COVID-19 symptoms](#). If you experience any symptoms whatsoever including fever, coughing, sneezing, moderate or greater headache, body aches, loss of smell or taste, get tested for COVID-19 and **do not go into a Common Cause office or attend any in-person meetings or events** until and unless you have obtained a negative COVID-19 test. (Always err on the side of caution—a high percentage of COVID-19 infections are asymptomatic or very mild. If you just feel off, please stay home.)
- Ensure ventilation systems are working properly, improve air filtration where feasible (contact Bette Marchant regarding acquisition of an air purifier for your office), and increase air circulation of outdoor air as much as safely possible by opening windows and doors and using fans.
- Cleanse and sanitize your workspace at the beginning and end of each workday (keeping in mind that multiple staff may be using the same office on different days).

A manager at each Common Cause office should print and hang flyers in strategic locations to remind employees and visitors of social distancing, proper hand hygiene, COVID-19 symptoms, and wearing masks. The CDC's "[COVID-19 Employer Information for Office Buildings](#)" (updated Apr. 7, 2021) provides detailed guidance for creating a safe and healthy workplace.

Physical Distancing

Locations of seats, desks, workstations and similar furniture should be adjusted to create a distance of at least 6 feet between Common Cause employees. Staff must not use adjacent cubicles, because adjacent cubicles do not allow the required 6 feet distance between Common Cause employees. Ideally staff will use offices with doors that close. When in shared spaces (e.g., break rooms, conference rooms, reception areas, supply/photocopy rooms) Common Cause employees and any visitors should maintain a distance of at least 6 feet from one another. Common Cause staff are encouraged to use outdoor seating areas (in addition to physical distancing) for any small-group activities such as lunches, breaks, and meetings.

With many Common Cause staff continuing to work from home into the foreseeable future, management may make temporary changes to office assignments to protect the health and safety of those who wish to work in the office (e.g., allowing a staff person with a cubicle to temporarily use a colleague's office, in order to avoid the expense of installing physical barriers around the cubicle).

Scheduling

Employees wanting to go back into the office should schedule their work time in the office with their managers. In the national office, managers should communicate with Bette to provide opportunities for office sharing and to ensure that social distancing is sufficient.

High-Touch Surfaces and Cleaning

Staff are encouraged to bring their own food, beverages and utensils to the office to minimize use and touching of shared water dispensers, coffee machines, utensils, etc.

Common Cause offices should follow the [CDC's Guidance for Cleaning and Disinfecting Workplaces](#) (updated Apr. 5, 2021). All high-touch surfaces in Common Cause offices should be cleaned and disinfected at least once daily (e.g., surfaces that are frequently touched by multiple people, such as door handles, desks, light switches, faucets, workstations, keyboards, telephones, handrails, printer/copiers). Most common, EPA-registered, household disinfectants should be effective, as well as diluted household bleach solutions.

Personal Hygiene, Health Self-Checks and Commuting

Personal hygiene is critically important to preventing the spread of the COVID-19 virus. Common Cause employees are required to frequently sanitize or wash their hands with soap and water for at least 20 seconds. All Common Cause offices must be stocked with hand soap, paper towels and hand sanitizer with at least 60% alcohol.

Any staff who intends to enter a Common Cause office must conduct a health self-check at home before heading to the office, checking their temperature and screening themselves for [COVID-19 symptoms](#), including fever, coughing, sneezing, moderate or greater headache, body aches, loss of smell or taste. Common Cause employees who have a fever or other symptoms of COVID-19, or who have a sick family member at home with COVID-19 symptoms, *must stay home and must not enter a Common Cause office*. Staff should always err on the side of caution as a high percentage of COVID-19 infections are asymptomatic or very mild. If you just feel off, please stay home.

Employees who typically commute to work using public transportation or ride sharing should follow CDC guidance on how to [protect yourself when using transportation](#).

ACKNOWLEDGMENT & AGREEMENT

Every Common Cause staff person is required to affirm via our ADP payroll/benefits online portal that they acknowledge and have read each page of this memorandum regarding COVID-19 pandemic work policies and practices; that they fully understand its meaning and effect; and that they agree to comply with the policies, requirements, restrictions and guidelines described herein.

