



# Department of Public Safety and Correctional Services

## Office of the Secretary

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**OOS IB # 2021-03**

**Effective:** June 2, 2021

**Issued:** June 2, 2021

**Expiration:** Until rescinded

## OOS INFORMATION BULLETIN

**SUBJECT:** Universal and Mandatory COVID-19 Testing for DPSCS Employees

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The DPSCS's Office of Occupational Health and Safety (OHS) is working with the Maryland Department of Health (MDH) to test employees for SARS-CoV-2, the virus that causes COVID-19. This testing protects the health and safety of the workforce and inmates within the correctional system and is required for compliance with the Governor's Order for universal testing. Employees may be tested at a DPSCS test site or offsite by a licensed healthcare provider.

**You are required to be tested weekly** for a SARS-CoV-2 infection if you:

- Are a DPSCS employee; and
- Work within the secure perimeter of a correctional facility for one (1) day or more each week.

**You are required to be tested once a month** (during the last week of each month) for a SARS-CoV-2 infection if you:

- Are a DPSCS employee;
- Report to work *in person* to a DPSCS office (e.g. Reisterstown Plaza Office Center, or a Division of Parole and Probation office); and
- Are in direct contact with the public or with individuals who routinely work within the secure perimeter of a correctional facility.

Testing will be conducted regionally by facility and office. Employees will be notified by their appointing authority or manager when testing is to occur.

Following the [guidance of the CDC](#), some employees may be subject to re-test after initial or subsequent testing, because the scope of immune protection in those who have been infected is not yet fully understood.

## Required Test Type

Two types of tests can be used to detect SARS-CoV-2 infection: molecular tests and antigen tests.

Test results for an “at home test” or an antibody (serologic) test may not be used to fulfill the testing requirement.

## Compliance with Weekly and Monthly Testing

**DPSCS Testing Site:** An employee who chooses to be tested at a DPSCS test site shall report to the appropriate location as directed by their appointing authority or manager.

An employee who chooses to be tested onsite by the DPSCS shall receive the test at no cost.

- Employees tested during work hours (regular, volunteer overtime, or drafted) will receive pay for time involved in the testing process but will not receive any additional compensation for being tested.
- Overtime eligible employees who are tested at the work site either before or after their scheduled shift will receive overtime for time involved in the testing process. The overtime applies to time spent before or after the scheduled shift waiting in line, filling out paperwork, or taking the actual test.

Compensatory time (comp-time) eligible employees who are tested at the work site either before or after their scheduled shift will receive comp-time for time involved in the testing process. The comp-time applies to time spent before or after the scheduled shift waiting in line, filling out paperwork, or taking the actual test.

**Offsite Testing:** An employee who chooses to be tested offsite by a licensed healthcare provider shall be tested not later than *48 hours* from the date their appointing authority or manager ordered testing. Upon receipt of test results (negative, positive, or inconclusive), the employee shall immediately provide those results to the DPSCS’s OHS as provided below.

An employee who chooses to be tested off site by a private healthcare provider shall bear the costs associated with that testing process.

Employees who chose the option to be tested offsite will be compensated at the flat rate of 2 hours overtime (or comp-time as appropriate). Compensation for anything over the 2 hour flat rate will require verified proof from the licensed health care provider that the testing process required more than 2 hours and an explanation of the reason for the duration of the visit.

**Testing Refusal:** An employee who refuses to be tested as mandated by the Governor’s Order for universal testing of COVID-19 and this bulletin shall be considered unqualified for the position in accordance with [COMAR 17.04.05.03B](#). Failure to meet current job qualifications *is an*

*automatic performance based termination* that does not invoke the Correctional Officers' Bill of Rights (COBR) process.

## **Test Results and Reporting Requirements**

**DPSCS Testing Site:** Employees tested onsite at a DPSCS facility who have a positive test result will be contacted by the DPSCS's OHS. The test results shall be communicated to the employee in a manner that maintains confidentiality. Contact tracing will be initiated immediately by the DPSCS's COVID-19 Response Teams in accordance with [OOS IB 2020-08- Contact Tracing](#). The DPSCS will **not** notify employees of negative test results.

**Offsite Testing:** If an employee is tested offsite, the healthcare provider will inform the employee of their results. All employees upon receipt of COVID-19 test results, regardless of the result, must immediately email the result to the confidential email [health.safety@maryland.gov](mailto:health.safety@maryland.gov) to disclose the results to the DPSCS's OHS.

Test results from an offsite health care provider must indicate:

- The full name and date of birth of the employee;
- That a diagnostic test for a current infection of SARS-CoV-2 was conducted;
- The date the test was conducted; and
- The complete test results.

An offsite healthcare provider is required by law to report test results to the MDH that will in turn report the results to the DPSCS. This does not relieve an employee of the obligation to report promptly the employee's results to the DPSCS's OHS as provided above.

An employee who fails to disclose a COVID-19 positive status, in accordance with [OOS IB # 2020-09 – Use of Unscheduled Sick Leave and Failure to Disclose COVID-19 Positive Status](#), may be subject to disciplinary action.

## **What to Expect at the DPSCS Testing Site.**

- An employee is required to produce valid identification.
- An Environmental Compliance and Safety Officer (ESCO) or Supervisor shall verify the employee's attendance.
- Employees must wear any required PPE and maintain an appropriate social distance of 6 feet, except while the test is being conducted.
- Testing will be held inside an enclosed medical tent or other private area.

- Testing shall be conducted by trained and licensed healthcare providers.
- The healthcare provider will use a nasal swab to collect a nasopharyngeal (NP) specimen.
- For more information about the general guidelines for proper specimen collection visit the [CDC's website](#).

### **Isolation Timeframe Strategies for Employees with COVID-19.**

Employees who test positive for COVID-19 should follow the treatment and self-isolation directions given by their healthcare provider. However, employees will not be permitted to return to the work place until the following CDC guidelines have been met:

**Persons with laboratory-confirmed COVID-19 who have NOT had any symptoms** and were directed to care for themselves at home may discontinue isolation and return to the workplace if a minimum of 10 days have passed since the date of the positive test.

**Persons with COVID-19 who have symptoms** and were directed to care for themselves at home may discontinue isolation and return to the workplace under the following conditions:

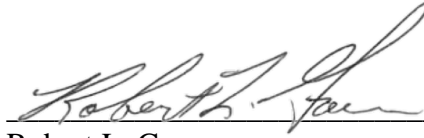
- At least 24 hours have passed since recovery, which is defined as:
  - Resolution of fever **without** the use of fever-reducing medications; **and**
  - Improvement in respiratory symptoms (e.g., cough, shortness of breath); **and**
  - At least 10 days have passed since symptoms first appeared.

### **What Kind of Leave is an Employee Allowed to Use During Isolation?**

An employee who tests positive for COVID-19 as a result of mandatory testing and who is subject to self-isolation/quarantine may use:

- Emergency Paid Sick Leave (EPSL). An employee may request EPSL for up to 80 hours (10 days) of emergency paid sick leave. To request EPSL complete the hyperlinked [application](#). If the EPSL is exhausted an employee may use their accrued or other paid leave while in isolation or quarantine.
- Sick Leave (Pandemic) – Level II Operations. An employee who tests positive for COVID-19 may use accrued sick, annual, or personal leave, or accrued comp time. If the employee has exhausted all accrued leave the employee may apply for Advanced Sick Leave.
- Advanced Sick Leave. An employee may request the use of advanced sick leave if the employee has exhausted all earned sick, annual, and personal leave, compensatory time

earned, and any other available paid time off. If the employee receives advanced sick leave the employee must agree to pay the leave back.

A handwritten signature in cursive script, appearing to read "Robert L. Green", is written above a solid horizontal line.

Robert L. Green  
Secretary

Attachments: DPSCS Mandatory COVID-19 Testing Notification Form  
DPSCS Weekly Testing Site Staff Roster and Contact Sheet

Distribution: A – Facility/Agency Reference Set  
B – All DPSCS Employees



## Department of Public Safety and Correctional Services

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### Universal and Mandatory COVID-19 Testing for DPSCS Employees Assigned to a Correctional Facility

#### MANDATORY COVID-19 TESTING NOTIFICATION FORM

By Order of the Secretary of Public Safety and Correctional Services, and under the authority of the Governor's Order for universal testing within the correctional system, all employees, volunteers, and contractors assigned to a Correctional Facility are required to be tested for COVID-19.

#### Requirements:

1. Employees must be tested for COVID-19 within 48 hours of initial notification of the DPSCS routine testing requirement. An employee who is required to participate in routine testing shall elect to be tested at one of the following:
  - a. A DPSCS facility, or
  - b. An offsite by a licensed healthcare provider or a licensed pharmacist.
2. An employee required to be routinely tested for COVID-19 and elects to be tested offsite (outside of a correctional facility) **MUST** ensure that they are tested within 48 hours of their region's scheduled onsite testing. Upon receipt of test results, the employee must *immediately* submit documentation of the test result to the DPSCS's Office of Occupational Health and Safety (OHS). Documentation of test results shall be submitted by confidential email at [health.safety@maryland.gov](mailto:health.safety@maryland.gov).

**Testing must be completed within 48 hours of your region's scheduled testing day.**

**Off-site results must be reported to OHS immediately.**

**Failure to Test:** Participation in COVID-19 testing is required for an employee to remain qualified for continued employment in the Correctional Facility. Any employee who fails to test for COVID-19 after notification may be deemed unqualified for continued employment and subject to termination pursuant to COMAR 17.04.05.03.B.

**Testing Results:** Employees who elect to test off site are required to report their results to the Agency *immediately* and in the manner described above. An employee who fails to disclose a COVID-19 positive status, in accordance with OOS IB # 2020-09 – Use of Unscheduled Sick Leave and Failure to Disclose COVID-19 Positive Status, may be subject to discipline, up to termination from state service.

**Acknowledgement**

I \_\_\_\_\_, hereby acknowledge the mandatory requirement to be tested for COVID-19 within 48 hours of receipt of this initial notice of required COVID-19 testing.

**Please indicate below, election of testing site and reporting requirement:**

\_\_\_\_\_ I elect to be tested routinely onsite at a DPSCS testing location or correctional facility.

\_\_\_\_\_ I do hereby acknowledge the requirement to be routinely tested for COVID-19. I also acknowledge that I have elected to be routinely tested for COVID-19 at an offsite location within *48 hours* of weekly testing in my region. I will provide notice of my test date and provide documentation of my results immediately upon receipt of the results.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Printed Name

cc: File