

PSC SAFETY STANDARD	TO ACHIEVE THE STANDARD CUNY SHOULD:	EVIDENCE THE STANDARD HAS BEEN ACHIEVED	SELECTED SOURCES FOR THE STANDARD
<p>1. Meaningful Participation in Reopening Plans:</p> <p>PSC representatives—designated by the PSC, not by management—as well as student governance representatives and designated representatives of other unions must participate as full decision-making members of each college reopening committee. The resulting plans, as required by the New York State Guidance, “should reflect engagement” with these representatives.</p>	<ul style="list-style-type: none"> • Include representatives who have been designated by the PSC, from faculty as well as professional staff titles, as decision-making members of reopening committees¹ and equivalent worksite committees responsible for planning reopening. • Include student representatives who have been designated by their own constituency (e.g., student government). • In addition, ensure that each committee responsible for planning the reopening includes representatives designated by other on-campus unions (e.g., IBT 237 and DC37) and other stakeholders as specified by the State — where they will function as <i>representatives</i> for their constituencies and have full decision-making rights. • Schedule meetings of the committees on reopening or return to on-site work on a regular and ongoing basis. 	<ul style="list-style-type: none"> • CUNY provides a list of all Reopening Committee members and the constituencies they represent. • CUNY publishes dates of Reopening Committee meetings a minimum of one week in advance. • All representatives are able to function as full decision-making members of their respective Reopening Committee (or the equivalent). • PSC representatives report on the extent to which Reopening Plans reflect engagement with students, unions (including PSC, IBT 237 and DC37) and other stakeholders, as specified by the State. 	<p>(New York State) Checklist for Higher Education Institution Reopening Plans</p> <p>“Plans should reflect engagement with campus stakeholders, including but not limited to administrators, faculty, staff, students, and, where appropriate, affiliated organizations (e.g., union, alumni, and/or community-based groups).”</p> <p>(New York State) Interim Guidance for Higher Education during the COVID-19 Public Health Emergency</p> <p>PSC-CUNY Collective Bargaining Agreement, Article 39</p> <p>New York Public Employees’ Fair Employment Act</p>

¹The names of the committees charged with planning for the Fall 2021 semester vary across locations: e.g., “Reopening Committee,” “Reopening Task Force,” “Reactivation Committee.” In this document, “Reopening Committee” is inclusive of all such committees with the function of planning for the return to campus.

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<p>2. Maximize Vaccination:</p> <p>CUNY must take actions to maximize vaccination within the University community, including providing education, opening vaccination sites on campuses, facilitating community vaccination, and providing adequate time, not charged to annual leave, for receiving vaccinations and boosters. As a public university, CUNY should also take a leading role in making vaccination available to underserved communities. PSC-represented employees must be provided with sufficient time off to receive vaccination, and employees who do not accrue sick days must be afforded appropriate time off at full pay after being vaccinated if they experience symptoms or side-effects that interfere with their ability to work.</p>	<ul style="list-style-type: none"> • Develop strategies that promote and facilitate vaccination of the CUNY community – workers and students. • Offer vaccinations at CUNY locations. • Provide adequate notice (6-8 weeks) of return to campus to allow non-vaccinated faculty and staff to be vaccinated and develop immunity before returning to on-site work. • Allow time to obtain vaccination or booster shots as specified by State policy. • Work with NYC and NYS government to develop a program training and employing CUNY students to facilitate vaccination in specified communities. 	<ul style="list-style-type: none"> • CUNY publishes policies and plans for enhancing vaccination of the CUNY community. • CUNY reports every semester and summer session on a statistically valid measurement of percentage of CUNY community fully vaccinated, including any required boosters. • Program for student vaccination-facilitators in operation. 	<p>(ACHA) Considerations for Reopening Institutions of Higher Education for the Spring Semester 2021</p> <p>NYS guidelines for vaccination</p>

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<p>3. Minimize Introduction of Infection on Campus:</p> <p>CUNY must ensure that all colleges take the necessary measures to detect COVID-19 infection in symptomatic and asymptomatic people and prohibit individuals who have contracted the virus from entering CUNY campuses. For entrance onto campus, CUNY must require either proof of complete vaccination or a negative COVID-19 test within the timeframe established by the Centers for Disease Control. Detection through regular COVID testing of PSC-represented employees may be implemented only if such testing is negotiated with the union, if appropriate privacy measures are in place, and if testing is provided on campus and at other CUNY worksites.</p>	<ul style="list-style-type: none"> Institute a system that ensures that entry to CUNY buildings/locations requires showing proof of full vaccination or negative COVID status. The system could take the form of an app, a pass, or the presentation of a valid vaccination card. Any app must integrate vaccination information from nearby states and provide alternative forms of entry for those without smart phones. Require that negative COVID status be documented through a negative molecular (PCR) test within the last 72 hours OR an antigen test within the last 6 hours. To accomplish the above, expand functions on Everbridge or other app to indicate vaccination and testing status. Develop a plan to promptly notify the campus community in the event that someone recently given campus access is found to test positive for COVID. Avoid congestion by providing adequate staffing for checking at sites of entry. Negotiate promptly with the PSC and other affected unions if CUNY seeks to implement mandatory COVID-19 testing. 	<ul style="list-style-type: none"> The CUNY community is able to access CUNY locations safely without excessive waiting or crowding. CUNY locations publish the details of their comprehensive plan for notifying relevant community members in the event cases of COVID-19 are detected on campus. CUNY locations monitor the results of entry data and report the following via an online dashboard: <ul style="list-style-type: none"> Weekly number of people on campus or CUNY worksite; Weekly number of fully vaccinated persons entering. 	<p>(NAS) COVID 19 testing strategies for Colleges and Universities</p> <p>(CDC) Interim Guidance for SARS-CoV-2 Testing and Screening at Institutions of Higher Education (IHEs)</p> <p>CDC Requirement for Informed Consent for Employer Testing of Employees</p>

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<p>4. Minimize Transmission of COVID-19 on Campus:</p> <p>CUNY must take all measures necessary to ensure that opportunities for transmission of COVID-19 on campus are minimized. Such measures include mandating wearing masks on campus, supplying PPE in clinical classes and other settings that require close contact, limiting occupancy of classrooms, offices, labs and other spaces to numbers that can maintain the required physical distance, maintaining a rigorous cleaning schedule, and employing a sufficient number of trained cleaning staff and protecting their safety.</p> <p>This standard may be revised based on emerging guidance from PESH and OSHA.</p>	<ul style="list-style-type: none"> Establish occupancy limits based on ventilation capacity for every classroom, office, lab, hallway, restroom and other area of student and employee use. Minimize congregating around elevators and entrances through scheduling, signage, and markings. Regulate occupancy in bathrooms, offices, labs, and classrooms through scheduling, signage, and markings. Recognizing that OSHA and PESH policies may change, require face coverings (e.g., masks) at CUNY worksites and supply surgical masks to those intending to enter campus who lack required face coverings. Supply appropriate PPE (e.g., N95 respirators or better) to those in clinical classes or other situations where close contact is required. Provide respirators (N95 or better) to students and PSC members participating in close-contact classes. Close contact is considered present when interpersonal distances must be less than 3 feet (within the breathing zone) for the activity taking place. Institute a respiratory protection program as specified by OSHA 1910.134 to ensure 	<ul style="list-style-type: none"> Compliance with policies requiring masks and distancing. Employees are not required to enforce mask and distancing requirements unless such enforcement is consistent with their job description. Students and employees observe clear and consistent communication to the campus community about policies and enforcement through signage and other forms of messaging. Face masks are easily obtained and locations for obtaining face masks are convenient. Maximum occupancy signs, based on ventilation and distancing, are prominently posted in each space. Cleaning logs are posted and available for review. Students, staff, and faculty involved with activities requiring proximity to others report having access to respirators and being fit-tested for their use. 	<p>(OSHA) Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace</p> <p>(New York State) Checklist for Higher Education Institution Reopening Plans</p> <p>(CDC) Considerations for Institutions of Higher Learning</p> <p>CDC Guidance for Wearing Masks (updated April 2021)</p> <p>(Politico) David Michaels (2009-2017 Assistant Secretary of Labor for the Occupational Safety and Health Administration) 6 feet isn't enough</p> <p>(ACHA) Considerations for Reopening Institutions of Higher Education for the Spring Semester 2021</p> <p>OSHA Respiratory Protection (enforced by NYS PESH) OSHA standard /1910.134</p>

	<p>that everyone regularly using respirators is trained and has been fit-tested when respirators are required.</p> <ul style="list-style-type: none">● Ensure that hand sanitizing stations are installed and kept stocked at all key locations.● Develop a cleaning schedule for disinfection of bathrooms and commonly touched surfaces – doorknobs, keypads, shared computer keyboards.● Ensure that an adequate number of cleaning staff is employed and that every college and workplace provides adequate supplies for cleaning, and restocking soap and sanitizer.● Train maintenance personnel on safe cleaning methods for viral infections and provide them with PPE that is replaced regularly or when contamination is suspected.		
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<p>5. Pandemic Ventilation: CUNY must permit occupancy of buildings, worksites, rooms and other spaces only if such spaces can be made to comply with authoritative ventilation guidelines designed to reduce transmission of COVID-19. CUNY must also adjust maximum occupancy limits to conform to distancing requirements and ventilation capacity.</p>	<ul style="list-style-type: none"> ● Audit ventilation of all occupied spaces (with criteria based on measured airflow, percent of outside air, filtration level, expected occupancy). ● Perform ventilation audits at the beginning of heating and cooling seasons and also during Spring and Fall shoulder seasons, when both heating and cooling systems may be in use. ● Configure HVAC systems to minimize the likelihood of virus spread (dampers open, inactivated demand control systems, etc.). ● Operate HVAC systems for at least two hours before and after the working day. ● Schedule use of shared rooms and spaces to allow sufficient time for three complete air changes between occupancies. ● Base occupancy on ventilation performance and capacity, not only on distancing. ● In instances where HVAC systems do not meet ASHRAE recommendations for ventilation and filtration, or where removal of contaminants near a source is needed, or where higher-risk activities occur, supplemental ventilation with in-room air cleaners may be used, provided that they have been documented to be capable of 	<ul style="list-style-type: none"> ● Reports of ventilation auditing parameters for all occupied spaces detailing airflow (a minimum of 4-6 air changes per hour (ACH), percent of outside air (as close to 100% as possible), and filtration (MERV 13 or better) are provided by CUNY upon request. ● See Standard 8 below for enhanced ventilation guidance for laboratories and studios. ● When supplemental in-room air cleaners are used, the manufacturer and performance specifications demonstrating efficacy for reducing airborne pathogens is provided to the PSC. ● Documentation that supplemental ventilation is sufficient for the size of the space, based on unit performance specifications and size measurements is provided to the PSC. ● A summary of how adequate ventilation is achieved in areas with natural ventilation, based on verifiable data, is provided by CUNY upon request. ● A list of CUNY work locations taken out of use due to inadequate 	<p>(ASHRAE) Epidemic Task Force 042721</p> <p>(ACGIH) Ventilation for Industrial Settings during the COVID-19 Pandemic</p> <p>(AIHA) Reducing the Risk of COVID-19 using Engineering Controls</p> <p>ASHRAE In-Room Air Cleaner Guidance for Reducing Covid-19 In Air In Your Space/Room (January 2021)</p>

	<p>reducing airborne virus, have sufficient capacity to reduce airborne virus in the space in which they are being used, and are maintained to ensure continued operation within specifications (e.g., air purifiers).</p> <ul style="list-style-type: none">• Supplemental ventilation must be sufficient for the size of the space based on unit performance specifications and size measurements.• Remove from use any spaces lacking ventilation sufficient to reduce airborne virus to recommended levels as specified by ASHRAE.• See Standard 8, below, for enhanced ventilation guidance for laboratories and studios.• See Appendix A, "ASHRAE Core Recommendations for Reducing Airborne Infectious Aerosol Exposure," for additional guidance.	<p>ventilation is provided by CUNY to the PSC and other affected unions.</p>	
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<p>6. Accommodations for Remote Work:</p> <p>In order to protect the safety and health of individuals and the public, CUNY must permit PSC-represented employees in the following categories to work remotely: 1) employees who, for documented medical reasons, cannot be vaccinated or cannot gain immunity through vaccination; and 2) employees whose households include an individual who cannot receive COVID-19 vaccination for documented medical reasons and who is at high risk of serious illness or death from COVID. In addition, CUNY must seek to accommodate requests for remote work from employees who have the co-morbidities currently identified by the CDC as incurring high risk of serious illness or death from COVID-19. CUNY must also be alert to the needs of employees covered by the Americans with Disabilities Act who may need additional accommodations because of changed worksite conditions.</p>	<ul style="list-style-type: none"> • Allow sufficient time for employees with current accommodations to transition, if needed, to on-site work. • Establish <i>CUNY-wide</i> policies that provide for accommodations for PSC-represented employees in the two categories named in the standard. While the exact form of the accommodation may be determined by CUNY, the policy should state that employees in these two categories will receive accommodations that allow them to work without endangering themselves or their households. • Ensure consistency across colleges in response to requests for accommodations. Establish timeframes to which colleges must adhere in responding to requests for accommodations. • Broaden eligibility for remote work accommodations to include all CDC-listed co-morbidities. • No later than July 2, communicate with each member of the professional staff and non-classroom teaching faculty about how a “blended scheduling system combining remote and in-person arrangements” and “ongoing telecommuting arrangements” (CUNY Chancellor’s May 13 Letter) are to be developed for their office or position. 	<ul style="list-style-type: none"> • Reports by individuals and PSC representatives that existing accommodations have been maintained and additional accommodations for employees in the two categories in the Standards have been swiftly and successfully arranged. • Reporting on use of the Remote Work Agreement, negotiated by the PSC with CUNY management, that allows professional staff in full-time positions to formalize their remote work schedules and that recognizes the need for modified work hours for some employees during the pandemic and periods of remote work, is available to members. 	<p>(New York State) Interim Guidance for Higher Education during the COVID-19 Public Health Emergency</p> <p>(CDC) Considerations for Institutions of Higher Learning</p> <p>(ADA) What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws</p> <p>CUNY Remote Work Agreement, negotiated with PSC.</p>

	<ul style="list-style-type: none">• Advise supervisors to seek to accommodate individual needs wherever possible when completing the Remote Work Agreement.		
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<p>7. Right to Inspect:</p> <p>PSC members and/or their representatives continue to have the right under the law and the contract to conduct walkthroughs and inspections of any workplace in which PSC-represented employees are required to work. Inspections may be conducted pre-occupancy and during occupancy.</p> <p>The approach to inspections must be flexible to accommodate different worksite situations and to fully characterize workplace hazards. It must include:</p> <ul style="list-style-type: none"> • PSC union-only walkthrough inspections (observations) of workplace health and safety conditions. • Joint labor-management walkthrough inspections (observations) of workplace health and safety conditions. • CUNY inspections of environmental and health and safety conditions at CUNY locations. • PSC-initiated consultant/third- party inspections of conditions affecting workplace health and safety. 	<ul style="list-style-type: none"> • Permit <u>pre-occupancy</u> walkthrough inspections as well as walkthrough inspections after occupancy and remediate any hazardous conditions before requiring employees to work in sites containing hazards. • Recognize and respond positively to the PSC’s notice of intent to conduct health and safety walkthroughs. • Provide access to HVAC and other systems at mutually convenient scheduled times for full inspection by PSC representatives and staff. • Invite PSC representatives in all titles represented in the worksite to be inspected to participate in CUNY inspections. • Participate in good faith towards a mutual agreement on an acceptable consultant for PSC-initiated third-party inspections. • Provide to PSC representatives any reports, analyses and data on environmental safety and industrial hygiene upon request in accordance with 29 CFR 1910.1020. 	<ul style="list-style-type: none"> • The PSC’s right to continue the practice of worksite safety inspections is respected. • CUNY provides the PSC with documents and environmental data relevant to the areas being reviewed prior to the walkthrough. • The PSC and CUNY mutually share their findings from walkthrough inspections. • CUNY makes a good faith effort to remediate the problems that were identified. 	<p>NLRB (Hercules, Inc. v. International Chemical Workers Union, Local No. 271, 281 NLRB 961 (1986).</p> <p>PSC Statement on Workplace Health and Safety</p> <p>Occupational Safety and Health Standards 1910.1020 Access to employee exposure and medical records.</p>

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<p>8. Standards for Laboratories and Studios:</p> <p>CUNY must adhere to enhanced ventilation, occupancy, and PPE standards developed for laboratories, studios and other situations where distancing may not be feasible.</p>	<ul style="list-style-type: none"> • Ensure that all hoods and ventilation in labs and studios are in compliance with ASHRAE lab-specific COVID guidance. • Ensure that lab- and studio-specific PPE is available, with at least a 3-month stockpile. • Arrange to have labs and studios disinfected by professional cleaners after use. • Schedule use of labs and studios to ensure adequate time to purge the air, consistent with ASHRAE recommendations for the type of space. For most labs, the time would need to permit at least 3 complete air changes. • Comply with Article 15.4 (d) of the collective bargaining agreement, prohibiting split schedules. 	<ul style="list-style-type: none"> • Provide ventilation documentation prior to opening labs or studios and at least once during each semester, including air changes per hour, level of air filtration and percentage of outside air. • Post records in labs indicating PPE orders and expedite reorders if needed. • Post and maintain schedules showing that CLTs are not required to: <ul style="list-style-type: none"> ○ proctor exams; ○ be sole supervisors of students in labs, studios or classrooms without the instructor being present in the same space; ○ perform decontamination work. 	<p>Classification of Laboratory Ventilation Design Levels</p> <p>ASHRAE Epidemic Task Force Laboratory Subcommittee Guidance Document</p> <p>PSC-CUNY Collective Bargaining Agreement</p>

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<p>9. Workload:</p> <p>The transition to in-person work and the continuation of remote work must in no way increase the contractual workload of PSC-represented employees or require out-of-title work. Changes to duties related to reopening that require additional work time must be compensated with appropriate overtime pay, compensatory time or contact teaching hour credit. The right of academic departments to determine appropriate teaching modalities for all classes offered by the department must be respected.</p>	<p>Professional Staff and Non-Classroom Faculty</p> <ul style="list-style-type: none"> • Ideally, provide a minimum of four weeks’ notice for any employee who is expected to return to on-site work for any part of the week. • Direct supervisors to be open to employees’ needs in developing Remote Work Agreements. • Expedite completion of Remote Work Agreements and ensure that their terms are adhered to. • Ensure compliance across the University with the CBA provisions on 35-hour workweek, the 30-hour workweek, and the HEO Compensatory Time Agreement. • Provide commensurate reduction in existing duties if additional duties and responsibilities are required. • Respect the “right to disconnect”: any changes to duties or responsibilities must be within title and within the contractual workweek; any on-call work must be within the contractual workweek. • Any changes in duties or responsibilities must be accompanied by appropriate training. • Conduct technology survey to assess needs of staff working remotely and provide financial reimbursement. • For employees working on campus, allow an increase in the number of breaks 	<p>Professional Staff and Non-Classroom Faculty</p> <ul style="list-style-type: none"> • Adequate notice of return to on-site work provided to each affected employee. • Remote Work Agreements signed before return to on-site work by each affected employee. • No grievances filed about violation of CBA workload provisions or associated agreements. • No reports of workplace harassment or bullying as a result of return to on-site work. • Employees receive reimbursement for expenses incurred for remote work, 2020-2021. • Employees report that the “right to disconnect” is respected. 	<p>PSC-CUNY Collective Bargaining Agreement</p> <p>CUNY Code of Practice Higher Education Officers Series Titles</p> <p>CUNY Bylaws Article 8 Organization and Duties of the Faculty, Sections 8.5 and 8.6</p> <p>https://www.insidehighered.com/digital-learning/article/2020/05/13/online-option-delivering-instruction-if-campuses-open-fall-hyflex</p> <p>CUNY Code of Practice: Instructional Titles</p> <p>HEO Compensatory Time Agreement, 2008</p>

	<p>during the day, to facilitate movement away from the desk or office.</p> <p style="text-align: center;"><u>Classroom Faculty</u></p> <ul style="list-style-type: none"> • Maintain the modality of courses already assigned for the Fall 2021 semester. Direct colleges to ensure that courses already assigned and/or for which registration has already begun are not changed in modality. • Clarify that there is no explicit directive to conduct 60% of courses in person in the Fall 2021 semester. • Ensure that in-person and online class size does not exceed pre-pandemic norms for the courses or sections. • Ensure that class size reflects best pedagogical practices for the specific modality, course and discipline. The literature consistently supports the need for online classes to be small (12-15 students.) • Provide for full workload credit for two instructors when colleges offer online or in-person options for the same course. • Provide compensation or reassigned time for both part-time and full-time faculty preparing any courses that require new or mixed modality (blended simultaneous, hybrid, staggered, online) when it was previously in-person). • Ensure that no new modalities that represent a doubling or tripling of class 	<p style="text-align: center;"><u>Classroom Faculty</u></p> <ul style="list-style-type: none"> • No disruption in modality of instruction for Fall 2021 semester courses. • In-person classes return to pre-pandemic size; online classes are restricted to pedagogically appropriate size. • Part-time and full-time faculty receive appropriate compensation or workload credit for preparation for teaching in new modalities. • No workload grievances filed on behalf of classroom teaching faculty. • Impact bargaining with PSC about the impact of changes in class size, a mandatory subject of bargaining. • Negotiations with PSC about compensation for true “hyflex” courses, which are reportedly being piloted in Fall 2021 at 18 colleges, and about “staggered” hybrid courses. 	
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	<p>options and an increase in faculty workload are introduced, even on an emergency basis.</p> <ul style="list-style-type: none">• Ensure that no modality changes implemented on an emergency basis during the pandemic extend beyond the emergency pandemic period without appropriate faculty governance review, oversight and approval.		
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<p>10. Comprehensive and Accessible Plans:</p> <p>CUNY college reopening plans for Fall 2021 and Spring 2022 must incorporate the above standards and be easily available for inspection by all CUNY students, staff and faculty. Colleges must also make available all relevant environmental inspection reports and records of compliance with approved reopening plans.</p>	<ul style="list-style-type: none"> • Communicate with local PSC representatives on an ongoing basis regarding the content of the reopening plans before any general community announcements are made. Indicate any updates or changes to such plans. • Provide environmental inspection reports to PSC representatives on reopening committees or their equivalent. 	<ul style="list-style-type: none"> • Reopening Plans and current information are easily accessible online and are kept updated. • Records related to environmental inspection and reports are made available to local PSC representatives and PSC leadership. 	<p>(New York State) Interim Guidance for Higher Education during the COVID-19 Public Health Emergency</p> <p>PSC-CUNY Collective Bargaining Agreement, Article 39</p>



ASHRAE EPIDEMIC TASK FORCE

Core Recommendations for Reducing Airborne Infectious Aerosol Exposure

The following recommendations are the basis for the detailed guidance issued by ASHRAE Epidemic Task Force. They are based on the concept that within limits ventilation, filtration, and air cleaners can be deployed flexibly to achieve exposure reduction goals subject to constraints that may include comfort, energy use, and costs. This is done by setting targets for equivalent clean air supply rate and expressing the performance of filters, air cleaners, and other removal mechanisms in these terms.

1. *Public Health Guidance* - Follow all regulatory and statutory requirements and recommendations for social distancing, wearing of masks and other PPE, administrative measures, circulation of occupants, reduced occupancy, hygiene, and sanitation.
2. *Ventilation, Filtration, Air Cleaning*
 - 2.1 Provide and maintain at least required minimum outdoor airflow rates for ventilation as specified by applicable codes and standards.
 - 2.2 Use combinations of filters and air cleaners that achieve MERV 13 or better levels of performance for air recirculated by HVAC systems.
 - 2.3 Only use air cleaners for which evidence of effectiveness and safety is clear.
 - 2.4 Select control options, including standalone filters and air cleaners, that provide desired exposure reduction while minimizing associated energy penalties.
3. *Air Distribution* - Where directional airflow is not specifically required, or not recommended as the result of a risk assessment, promote mixing of space air without causing strong air currents that increase direct transmission from person-to-person.
4. *HVAC System Operation*
 - 4.1 Maintain temperature and humidity design set points.
 - 4.2 Maintain equivalent clean air supply required for design occupancy whenever anyone is present in the space served by a system.
 - 4.3 When necessary to flush spaces between occupied periods, operate systems for a time required to achieve three air changes of equivalent clean air supply.
 - 4.4 Limit re-entry of contaminated air that may re-enter the building from energy recovery devices, outside air intakes, and other sources to acceptable levels.
5. *System Commissioning* – Verify that HVAC systems are functioning as designed.

January 6, 2021

