

**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 August 12, 2021.

Section 1. Utilizing the Center 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. For the purpose of this agreement, public indoor settings include common areas (e.g., elevators, hallways, etc.) and any shared workspaces (e.g., open floorplan office space, cubicles, conference rooms, and operational areas). Exceptions may be provided consistent with Center for Disease Control and Prevention (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 3. The type of face mask shall be at the election of the employee, but the face mask must cover the nose and mouth and must be in accordance with current CDC and OSHA 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 cloth face masks available to NATCA bargaining unit employees.
- c. The social distancing requirement is as defined by the CDC.
- d. Employees 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 employees that maintain a medical certificate, the operational supervisor/manager will advise the appropriate Regional Flight Surgeon (RFS) for validation and follow-up as necessary.

Section 4. Issues arising from an employee's non-compliance with Section 1 or 2 above, will be addressed using Article 8 and/or Article 52, as applicable, of NATCA/FAA collective bargaining agreements prior to initiating other compliance measures.

Section 5. Either Party may request to reopen this Agreement to address changes in CDC or Safer Federal Workforce Taskforce guidance.

Section 6. This Agreement does not constitute a waiver of any right guaranteed by law, rule, regulation, or Collective Bargaining Agreement on behalf of either Party.

Signed this 4th day of March 2022:

For NATCA:



Dean Iacopelli
Chief of Staff

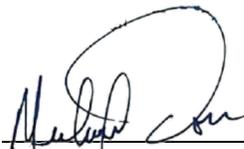


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For FAA:



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