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Description of document: Securities and Exchange Commission (SEC) Continuity of Operations Plan (COOP) Pandemic Influenza Annex, 2009

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UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
STATION PLACE  
100 F STREET, NE  
WASHINGTON, DC 20549-2465

Office of FOIA Services

October 26, 2021

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. 21-00060-REMD

This letter responds to your request, dated May 03, 2021 and received in this office on May 13, 2021, for a copy of the SEC Pandemic Influenza Plan posted on the SEC Insider website under Policies and Procedures/Procedures - pandemic preparedness.

By letter dated May 20, 2021, we denied access to a copy of your May 13, 2021 request for a copy of the SEC Pandemic Influenza Plan pursuant to FOIA Exemption 2.

On May 24, 2021, you filed this appeal challenging the FOIA Office's decision to deny access to the requested information.

After further review, we have determined to grant access to the requested information in full. The 20 pages of records that may be responsive to your request. They are being provided to you with this letter.

If you have any questions, please contact me at [rollinsc@sec.gov](mailto:rollinsc@sec.gov) or (202) 551-8329. You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,

Carl Rollins  
FOIA Research Specialist

Enclosures

## ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at [ogis@nara.gov](mailto:ogis@nara.gov). Information concerning services offered by OGIS can be found at their website at [Archives.gov](https://www.archives.gov). Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.

## M. PANDEMIC INFLUENZA ANNEX

### M.1. Introduction

The SEC Pandemic Influenza Annex provides guidance on how the SEC plans to continue its operations through an influenza pandemic and identifies scaled capabilities and resource requirements. This plan contains courses of action and concepts of operation focused on three mission-critical areas:

1. Protecting the health of employees:
2. Maintaining essential functions and services: and
3. Communicating to stakeholders.

Traditional continuity planning is designed to help departments and agencies withstand all hazard events by continuing essential functions from an alternate location. A pandemic event is not geographically or temporally bound and predominately affects personnel. Consequently, the traditional continuity planning model may be inappropriate for a pandemic influenza scenario because it does not fully account for the impacts of widespread illness. Although a pandemic does not directly affect the physical infrastructure of the SEC it threatens all operations via its possible impact on all SEC employees. The health threat to personnel is the primary threat in maintaining essential functions during a pandemic.

Absenteeism due to illness, caring for ill family members, fear of infection, and social distancing measures could considerably disrupt society and the economy by disturbing the nation's critical infrastructure. National security, the economy, the healthcare system, and much more could be at risk.

### M.2. Objectives

In order for the SEC to effectively maintain its operations during an influenza pandemic, the following planning objectives have been identified:

- Help to maintain the health and safety of SEC employees before, during, and after a pandemic:
- Maintain key essential functions and services during significant and sustained periods of absenteeism:
- Ensure continuity of the leadership within the SEC
- Disseminate timely and accurate pandemic preparedness and response guidance to SEC stakeholders: and
- Strive for a timely and orderly recovery and resumption of functions and services while preparing for subsequent waves of illness (periods during which community outbreaks occur across the country).

This Pandemic Annex is intended to supplement the SEC COOP Plan by addressing the unique considerations, challenges, and planning elements central to the dynamic, personnel-centric nature of a pandemic. During a pandemic, a traditional continuity response as outlined in the SEC COOP Plan may not be necessary, and essential functions can be maintained through proper mitigation strategies that promote the safety and health of employees.

### M.3. Pandemic Planning Assumptions

This Pandemic Annex is based on these general assumptions, derived from guidance issued by the Centers for Disease Control and Prevention.<sup>8</sup>

- Susceptibility to the pandemic influenza virus will be universal;
- Efficient and sustained person-to-person transmission signals an imminent pandemic;
- The clinical disease attack rate will be 30 percent in the overall population during the pandemic with illness rates the highest among school-aged children (about 40 percent) and declining with age. Among working adults, an average of 20 percent will become ill during a community outbreak;
- Some persons will become infected but not develop clinically significant symptoms and these asymptomatic or minimally symptomatic individuals can transmit infection and develop immunity to subsequent infection;
- While the number of patients seeking medical care cannot be predicted with certainty, in previous pandemics about half of those who became ill sought care. With the availability of effective anti-viral drugs for treatment, this proportion may be higher in the next pandemic;
- Rates of serious illness, hospitalization, and deaths will depend on the virulence of the pandemic virus and differ by an order of magnitude between more and less severe scenarios. Risk groups for severe and fatal infection cannot be predicted with certainty but are likely to include infants, the elderly, pregnant women, and persons with chronic or immunosuppressive medical conditions;
- Rates of absenteeism will depend on the severity of the pandemic. In a severe pandemic, absenteeism attributable to illness, the need to care for ill family members and fear of infection may reach 40 percent during the peak weeks of a community outbreak, with lower rates of absenteeism during the weeks before and after the peak. Certain public health measures (closing schools, quarantining household contacts of infected individuals, "snow days...") are likely to increase rates of absenteeism;
- The typical incubation period (interval between infection and onset of symptoms) for influenza is approximately two days;
- Persons who become ill may shed virus and can transmit infection for one-half to one day before the onset of illness. Viral shedding and the risk of transmission will be greatest during the first two days of illness. Children will play a major role in transmission of infection, as their illness rates are likely to be higher, they shed more viruses over a longer period of time, and they do not control their secretions well;
- On average, infected persons will transmit infection to approximately two other people;
- Epidemics will last 6 - 8 weeks in affected communities; and
- Multiple waves (periods during which community outbreaks occur across the country) of illness are likely to occur, with each wave lasting 2 - 3 months. Historically, the largest waves have occurred in the fall and winter, but the seasonality of a pandemic cannot be predicted with certainty.

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<sup>8</sup> *National Strategy for Pandemic Influenza Implementation Plan*, p.15

## M.4. Concept of Operations

During a pandemic, the goal of the SEC is to maintain normal operational performance for as long as possible by leveraging available staff and resources. If circumstances require a reduction in operations, functions are performed according to mission priority. A pandemic does not automatically trigger a standard continuity response, although many of the planning elements are similar and are influenced by continuity guidance.

### Readiness and Preparedness

Readiness is the ability of an organization to respond to a pandemic. Although readiness is a function of planning and training, it is ultimately the responsibility of an agency's leadership to ensure an organization can perform its essential functions before, during, and after an emergency or disaster. This phase includes, but is not limited to:

- Development, review, and revision of programs, plans, and procedures:
- Tests, training, and exercises:
- Risk management:
- Budgeting and acquisition:
- Coordination with external entities; and
- Staff readiness and preparedness.

### Programs, Plans, and Procedures

Federal Continuity Directive (FCD) - I provides guidance on elements recognized across the Executive Branch as supportive of effective continuity planning and the *National Strategy for Pandemic Influenza: a Implementation Plan* acknowledges that a pandemic influenza requires specialized planning. To prepare for and react to a pandemic event, the SEC maintains the following programs, plans, and procedures:

- SEC COOP Plan
- SEC Telework Policy and Agreements
- SEC OIT Enterprise Disaster Recovery Plan

### Tests, Training, and Exercises

A robust Test, Training, and Exercise (TT&E) Program is essential to demonstrate, assess, and improve the SEC's ability to execute its pandemic program, plans, and procedures. Pandemic Influenza preparedness tests, training, and exercises are incorporated in the SEC's COOP TT&E Program; more information is located in [Annex D](#).

### Risk Management

Risk management is the process of identifying, analyzing, assessing, and communicating risk and accepting, avoiding, transferring, or controlling it to an acceptable level considering associated costs and benefits of any actions taken. Refer to [Annex A](#) for more information.

### Budgeting and Acquisitions

A key component of building resilience is to identify the people, communications, facilities, and infrastructure requirements necessary for the successful implementation and management of its



most essential programs and functions. To support the program, it is necessary to align and allocate the budgetary resources needed to acquire and then implement these requirements.

#### Coordination with External Entities

As appropriate, the SEC coordinates their activities with other federal agencies: state, local, tribal, and territorial governments; regional entities; and the private sector owner to ensure a unity of effort. The Pandemic Annex is shared with selected stakeholders, as appropriate.

#### Activation of the SEC's Pandemic Influenza Annex

Activation includes activating plans and procedures for the continuation of essential functions, as well as for the personnel, essential records and databases, and equipment involved with these functions. The activation and implementation of a pandemic plan and its associated procedures may require the use of agency-wide telework. The use of the SEC COOP or devolution sites is an appropriate solution during a pandemic.

Activation phase activities include:

- Occurrence of an event or the threat of an event;
- Reviewing, analyzing, and deciding to activate the Pandemic Annex;
- Alerting and notifying the PMT and personnel;
- Relocating, if necessary, to telework locations (e.g., home);
- Accounting for personnel; and
- Identifying available leadership.

#### Decision Process

Based on the type and severity of the emergency, the Pandemic Annex may be activated by one of the following methods:

- The President of the United States may initiate a federal executive branch-wide pandemic plan activation
- The Chairman or a designated authority may activate the Pandemic Annex

#### Alert and Activation Procedures

All employees will receive notification of Pandemic Annex activation via the SEC Emergency Notification System, the SEC-wide internal notification system.

#### Relocation Process

Following activation of the Pandemic Annex and notification of personnel, SEC personnel relocate to alternate locations to perform SEC essential functions and other tasks. For purposes of this Pandemic Annex, some SEC employees will telework from home, deploy to the alternate site, or to other regional offices.

#### SEC Operations during a Pandemic

Information specific to the following aspects of the SEC's operations during a pandemic can be found in the following sections.

## I. Essential Functions

The SEC's essential functions are outlined in Annex 8.

### 2. Telework

Teleworking during a pandemic enables the SEC to continue many functions while accommodating employees' needs. Telework is an important tool in two ways. First, as the pandemic approaches and intensifies in a geographic area, telework<sup>9</sup> can be used in advance of any formal evacuation orders and requirements to work from home (or another alternate location mutually agreed upon by the division or office and employee). Second, if an evacuation is ordered and designated employees must work at home, the division and office is in a better position to meet mission needs. Information on teleworking during an emergency is located in Annex F.

A robust SEC telework capability allows a reliance on staff who could continue to work for some portion of the day rather than use their personal time off when home needs would otherwise permit work. Employees who are not incapacitated may be able to continue working through telework when, for example, they:

- May be contagious;
- May need to take extra precautions to avoid exposure to infection for reasons such as compromised immune systems;
- Are unable to get to work because public transportation is severely restricted; or
- Are asked to stay home in the event of a National Capital Region evacuation.

### 3. Orders of Succession<sup>10</sup>

In the event the Chairman is incapable or unavailable to fulfill essential duties, successors have been identified to ensure there is no lapse in essential decision-making authority. The order of succession to the Chairman is located in Annex 1-1.

### 4. Delegations of Authority

The SEC's pre-determined delegations of authority take effect when normal channels of direction are disrupted and terminate when these channels have resumed. Pre-determined delegations of authority may be particularly important in a pandemic influenza scenario. Refer to Annex I for more information on delegations of authority.

### 5. Continuity Communications

The SEC maintains fully capable continuity communications to support its needs under all conditions, to include pandemic and other related emergencies, and gives full consideration to supporting social distancing operations including telework and operating from remote locations. Refer to Annex J for more information.

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<sup>9</sup> For additional information, please refer to [www.telework.gov](http://www.telework.gov)

<sup>10</sup> 17 CFR 100.203, the Designation of the Sequence of Division Directors Under Emergency Succession Rules (November 2014), and the Designation of the Sequence of Regional Directors Under Emergency Succession Rules (November 2014)



## 6. Essential Records Management

The identification, protection, and ready availability of essential records, databases, and hardcopy documents, needed to support essential functions, are critical elements of a successful pandemic program. Refer to Annex K for more information.

## 7. Human Capital Considerations

Although a pandemic does not directly affect the physical infrastructure of the SEC, it threatens all operations via its possible impact on all SEC employees. The health threat to personnel is the primary threat in maintaining essential functions during a pandemic. **OPM** provides pandemic-specific guidance and policies at <https://www.opm.gov/policy-data-oversight/pandemic-information/>. Please refer to Annex L for additional human capital information.

## 8. Devolution of Operations

Devolution planning outlines the procedures and protocols for delegating statutory authority of key leadership and personnel, as well as essential functions to devolution organizations and personnel located outside of the affected area. Refer to [Annex C](#) for more information.

## 9. Reconstitution after a Pandemic

Reconstitution planning identifies, develops, and coordinates a plan for a return to normal operations after an event. Refer to [Annex G](#) for the Reconstitution Annex.

# M.5. Roles and Responsibilities

### **Chairman of the SEC**

The Chairman or designated authority must designate-in writing-a senior SEC official to act as Pandemic Coordinator.

### **SEC Pandemic Coordinator/Chief Operating Officer (COO)**

The SEC Pandemic Coordinator/COO must:

#### 1. Readiness and Preparedness Phase

- Establish and chair a senior-level SEC Pandemic Management Team (PMT).
- Direct the selection and notification of division and office Pandemic Coordinators: and
- Direct the implementation of a Pandemic Workforce Protection Training Program and Awareness campaign.
- Provide leadership and direction for the PMT. Recommended members of the PMT include:
  - Chief of Staff(COS) and Deputy Chief of Staff (DCOS) to the Chairman
  - COO with leadership representation from the following Office of the Chief Operating Officer (OCOO) offices:
    - Office of Information Technology (OIT)
    - Office of Financial Management (OFM)

- Office of Acquisitions (OA)
  - Office of Human Resources (OHR)
  - Office of Support Operations (OSO)
    - Leadership representation from all headquarters Divisions and Offices
    - Chief, Office of Security Services (OSS)
    - COOP Program Manager
    - National Treasury Employees Union (NTEU) representative
2. Activation Phase
- As necessary, communicate and liaise with outside federal departments and agencies.
3. Operations Phase
- In response to a pandemic event, implement/activate the Pandemic Annex either in its entirety, or those appropriate elements in response to a pandemic:
  - In collaboration with the Director, OSO: the COS to the Chairman: and the DCOS to the Chairman, develop ongoing assessments of the pandemic situation and available courses of action to provide to the Chairman:
  - Oversee the business-related response to a pandemic as related to the SEC's essential functions, work with the respective divisions and offices to determine the scale of performance of essential functions, and determine what measures should be instituted (i.e., devolution):
  - Oversee the performance of activities outlined in the Pandemic Annex assigned to OFM, OA, OSO, OIT, and OHR:
  - Coordinate with the SEC Health and Safety Officer/Chief, OSS, to implement workforce protection actions defined in this Pandemic Annex, or other yet-to-be-determined actions that may be necessary:
  - With the assistance of the PMT and in coordination with the COS, develop initial and ongoing assessments of the pandemic situation and available courses of action;
  - With the COS, provide recommendations and courses of action to the Chairman: and
  - Authorize and coordinate emergency notifications to all SEC personnel.

### **Pandemic Management Team**

The PMT is central to the execution of the Pandemic Annex and has responsibility for providing operational guidance to the Chairman and the SEC as a whole to ensure continuity of SEC leadership and essential functions.

In the early stages of a pandemic, the PMT should convene as often as necessary to move forward with executing the foundational responsibilities in this plan; however, throughout all phases of a pandemic event, the PMT must oversee the following activities:

- Coordinate the efforts of all pandemic planning, activation, and operations:

- Recommend the development of other supplemental plans, policies, or procedures as needed;
- As necessary, maintain situational awareness and distribute information;
- As needed, provide recommendations and courses of action to the Pandemic Coordinator;
- As appropriate, distribute information and guidance to regional offices;
- Maintain a log of meetings and decisions;
- Develop employee-focused pandemic awareness briefings and materials;
- Coordinate with the Office of the General Counsel (OGC) on all legal matters/questions related to orders of succession and delegations of authority;
- Consult with SEC divisions and offices to maintain a list of all personnel by exposure risk level and position as defined in the job hazard analysis and guidance provided by appropriate technical sources (i.e., the Occupational Safety and Health Administration [OSHA] and the Department of Health and Human Services [HHS]);
- Coordinate with the SECs Telework Manager to ensure that divisions and offices conduct annual reviews of Telework agreements;
- Coordinate with OA to ensure contract contingency modification language addresses pandemic contingencies;
- In coordination with the Office of Public Affairs (OPA), develop an internal multi-media messaging campaign to provide a consistent and focused message to the SEC workforce;
- Ensure that all pandemic activities are coordinated with and complement existing COOP plans and procedures;
- Coordinate with the SEC Health and Safety Officer/Chief, OSS to coordinate workforce protection efforts; and
- In coordination with OPA, the COS, and the DCOS, develop an external multi-media messaging campaign to provide a consistent and focused message to SEC partners.

#### **Chief of Staff to the Chairman and Deputy Chief of Staff to the Chairman**

Throughout all phases of a pandemic event, the COS and DCOS to the Chairman must:

- Participate on the PMT;
- With the assistance of the PMT and in coordination with the Pandemic Coordinator/COO, develop initial and ongoing assessments of the pandemic situation and available courses of action;
- With the Pandemic Coordinator/COO, provide recommendations and courses of action to the Chairman; and
- In coordination with OPA and the PMT, develop an external multi-media messaging campaign to provide a consistent and focused message to SEC partners.

**Division and Office Pandemic Coordinators**

Division and office Pandemic Coordinators must:

**I. Readiness and Preparedness Phase**

- Participate on the PMT;
- Maintain an updated list of personnel skills and experience and provide the list to OHR;
- Coordinate with division and office Directors, Assistant Directors, and Branch Chiefs to identify prioritized operational functions;
- Identify Mission Essential Functions (MEF) and other government functions within the following categories:
  - Must be completed onsite (e.g., security, operations/command centers);
  - May be performed at 100 percent capacity remotely via telework; and
  - Hybrid: majority of the task may be completed via telework, but some elements require onsite work.
- Identify employee skill sets and experience to perform MEFs and government functions and recommend each essential position have at least two people with the requisite skills and experience;
- Assess the feasibility of performing essential functions via telework;
- Coordinate with division and office COOP Liaisons to prioritize MEFs;
- Identify employees that may be cross-trained to perform "other duties" as required when absenteeism rates are high and there are personnel voids in critical areas; and
- Coordinate with OIT to ensure personnel are able to access the appropriate essential systems, records, and applications.

**2. Activation Phase**

- Ensure that OHR and division and office leadership have the most current list of personnel skills and experience.

**3. Operations Phase**

- Ensure that division and office activities support the SEC's response to a pandemic event; and
- Implement appropriate workforce protection and response actions in accordance with this Pandemic Annex.

**Health and Safety Officer/Chief of Security Services**

Prior to and throughout a pandemic event, the SEC Health and Safety Officer/Chief, OSS, must:

- Participate on the PMT;
- Maintain a roster of division and office Pandemic Coordinators;
- Assist SEC divisions and offices with workforce protection related issues;

- Provide pandemic information updates to the Pandemic Coordinator. PMT. SEC division and office Pandemic Coordinators, and general personnel as often as directed (or as the situation warrants);
- In coordination with the PMT, OPA. and the SEC COOP and Policy Branch. develop pandemic awareness briefings and materials;
- If applicable. manage any personal protective equipment stockpile issued to the SEC;
  - Ensure appropriate distribution of approved personal protective equipment based on risk-based principles (see section M.7 of this Annex. *Protecting the Health of Employees*):
- Communicate when personnel are to wear personal protective equipment;
- Develop and provide guidance on facility hygiene requirements such as cleaners and antiseptics;
- Coordinate with the Office of Building Operations (OBO) in space utilization/social distancing planning to limit disease transfer between employees;
- Coordinate with HHS and the Federal Occupational Health (FOH) for the establishment of a Place of Distribution (POD) and the administration of vaccinations to SEC personnel: and
- Coordinate with an SEC health professional to develop a risk-based plan for delivering vaccines to SEC personnel after coordinating with HHS and FOH.

### **Division and Office Directors**

Division and Office Directors must:

#### **I. Readiness and Preparedness Phase**

- Ensure that personnel are trained annually on their roles and responsibilities for preparing and responding to a pandemic;
- Designate, in writing, division and office Pandemic Coordinators to manage internal pandemic preparedness and response activities; and
- Submit name(s) of selected Pandemic Coordinators to the SEC Health and Safety Officer/Chief, OSS.

#### **2. Operations Phase**

- Manage teleworking employees to ensure that essential functions and government functions are accomplished effectively;
- Revise assignments as needed in order to respond to requests or changes in personnel availability or needs; and
- Protect the privacy of employees who may have been affected by the pandemic.

**Office of Financial Management (OFM)**

Prior to and throughout a pandemic event. OFM must:

- Participate on the PMT;
- Ensure that funding is available to the SEC-including surge funding, as necessary-to sustain operations; and
- Coordinate with OA to ensure the existence of a blanket increase on purchase cards for the duration of a declared public health emergency supporting the response to the pandemic event.

**Office of Acquisitions (OA)**

OA is responsible for providing the tools for rapid and responsive procurement, contract administration, and resource acquisition. Prior to and throughout a pandemic event, OA must:

- Participate on the PMT;
- Coordinate with the PMT to examine contracts for all contracted services and ensure contract contingency modification language addresses pandemic contingencies;
- Coordinate with OFM to ensure purchase card limits are managed to provide the necessary supplies and/or services for the duration of the pandemic event;
- In coordination with OHR, maintain an updated list of all contracting officers to identify a cadre available to assist with contract related issues during periods of increased absenteeism;
- Communicate with the contractor's management and Contracting Officer's Representative to ensure contractor support expectations are fully met in the event of a pandemic;
- Communicate with the contractor's management to implement company's Pandemic Influenza Contingency Plan in the event of a pandemic event;
- For those contracts identified as vital to support SEC essential functions, implement contractual language into existing (and future) contracts to require contractors to submit a Pandemic Influenza Contingency Plan to include surge support and protective equipment for personnel during a pandemic event;
- Verify identified acquisition vehicles capable of being used to support SEC essential functions during a pandemic event;
- Anticipate contractor personnel absenteeism up to 40 percent;
- Review terms and conditions of those contracts vital to the support of SEC essential functions to ensure statements of work include provisions to provide staffing, services, and necessary resources during pandemic event;
- Review SEC mission essential contracts to determine if they guarantee performance in all circumstances; and
- Execute new acquisition vehicles or modify existing contracts to ensure continuity of SEC essential functions.



**Office of Support Operations (OSO)**

Prior to and throughout a pandemic event. OSO must:

- Provide ongoing assessments of the pandemic emergency in consultation with other federal and private sector entities as appropriate;
- Maintain communications with the Federal Emergency Management Agency (FEMA), HHS, and other entities to receive information and provide federal government status updates;
- In coordination with the PMT, OPA, and the Health and Safety Officer/OSS, develop employee-focused pandemic awareness briefings and materials;
- Deliver pandemic awareness briefings and materials; and
- Develop messaging for emergencies.

**Office of Information Technology (OIT)**

Prior to and throughout a pandemic event. OIT must:

- Participate on the PMT;
- Provide SEC employees with the appropriate information technology (IT) equipment (e.g., laptops, Blackberries, and RSA SecurID tokens) as approved;
- Coordinate with the PMT to ensure IT guidance and direction on protecting and accessing electronic files, records, databases and supporting IT infrastructure is made available to all SEC personnel;
- Provide updates to the PMT, as requested, on SEC telework preparedness;
- Define plans and procedures for surging IT staff to support critical systems and ensure continuity of Help Desk support during all stages of a pandemic; and
- Ensure that essential systems, records, and applications to perform SEC essential functions and government functions are accessible during a pandemic event.

**Office of Human Resources (OHR)**

OHR must:

- Participate on the PMT;
- Disseminate the Human Resources policy to include workplace flexibilities, telework, pay and leave, and benefits;
- Ensure all SEC divisions and offices comply with guidance from the U.S. Office of Personnel Management (OPM) (<https://www.opm.gov/policy-data-oversight/pandemic-information/>) relating to human capital issues;
- Coordinate with OGC to contact former federal employees to determine if they could be called upon to fill critical staffing voids caused by the pandemic;
- Coordinate with OGC and the NTEU to ensure agreement on labor- and employment-related issues;

- Encourage employees to sign Telework Agreements. where applicable; and
- Coordinate with the SEC divisions and offices to:
  - o Identify employee skill sets and experience to perform SEC essential functions and Government functions;
  - o Identify non-essential personnel that may be able to be cross trained to perform --other duties-- as required when absenteeism rates are high and there are personnel voids in critical areas across the divisions and offices:
  - o Identify all SEC military reservist and National Guard personnel who may be called to active duty during a pandemic:
  - o Disseminate Telework Agreements to all divisions and offices: and
  - o Collect and maintain signed Telework Agreements.

**Office of the General Counsel**

OGC is responsible for providing legal counsel on the execution of all phases of the Pandemic Annex, including post-pandemic activities. Prior to and throughout a pandemic. OGC must:

- Participate on the PMT:
- Advise the Chairman on all legal matters related to orders of succession and delegations of authority;
- Advise OHR on contacting former federal employees to fill critical staffing voids;
- Advise OHR and the NTEU on agreement on labor and employment issues;
- Advise OPA on a messaging to notify employees with pandemic concerns within SEC;
- Advise the Chairman to direct the delegation of leadership authorities and orders of succession at least three deep and identified in writing; and
- Advise OPA on messaging to notify employees with pandemic concerns within SEC.

**Office of Public Affairs (OPA)**

Prior to and throughout a pandemic event. OPA must:

- Participate on the PMT:
- Develop messages that address rumors and inaccurate information to diminish fear and misunderstanding by employees and stakeholders:
- In coordination with the PMT. develop employee-focused pandemic awareness briefings and materials;
- Raise awareness, disseminate information. and promote a clear understanding of pandemic planning and preparedness efforts among SEC personnel:
- Provide a continual flow of information on the progress of health and safety protection efforts and status of SEC operations for employees and partners:
- Develop messaging regarding protective measures within the SEC:

- In coordination with the PMT, develop an internal multi-media messaging campaign to provide a consistent and focused message to the SEC workforce;
- Coordinate with OGC to develop a messaging plan to notify employees of illnesses and concerns within the SEC;
- Develop messages aligned to each of the four phases described in Section M.2;
- Develop a messaging plan to communicate the death of an employee within the SEC; and
- In coordination with the PMT, develop an external multi-media messaging campaign to provide a consistent and focused message to SEC partners.

#### **Office of Legislative and Intergovernmental Affairs (OLIA)**

Prior to and throughout a pandemic event OLIA must:

- Participate on the PMT; and
- Manage legislative and intergovernmental communications related to all matters surrounding the Pandemic Annex, the SEC's operating status, and other SEC actions.

#### **Optional Responsibilities for SEC Personnel and Contractors**

All SEC personnel and contractors play a role in supporting continuity through a pandemic. Prior to and throughout a pandemic event, all SEC personnel should consider taking the following actions:

- Validate remote access to essential records, databases, and systems and report any issues to the SEC;
- Maintain a written description of the computer pathway to all of their shared drives;
- Back up essential records in accordance with guidance from ORMS;
- Work with supervisors, managers, and contracting firms (as applicable) to identify any work scheduling flexibilities;
- Develop and maintain a list of points of contact with whom you regularly interact, including site phone numbers, email addresses, and mobile numbers. Ensure that this information is stored securely;
- Participate in pandemic influenza training and testing as directed;
- Develop a family emergency plan; and
- Become familiar with and follow health guidance on sanitation and preventing the spread of infection at [www.flu.gov](http://www.flu.gov).

### **M.6. Staffing**

The PMT serves as the central coordinating group for the SEC's pandemic response operations. This team coordinates both operational continuity and pandemic response actions. The team is comprised of senior leadership, division and office leadership, a Health and Safety Officer, and COOP and Policy Branch personnel. Roles and responsibilities are listed in Section M.4 of this Annex.

## M.7. Protecting the Health of Employees

### Characteristics of Influenza Transmission and Infection

Human influenza virus is transmitted from person-to-person primarily via virus-laden large droplets that are generated when infected persons cough, sneeze, or speak. These large droplets can then be directly deposited onto the mucosal surfaces of the upper respiratory tract of susceptible persons who are near (i.e., typically within three feet) of the droplet source. Transmission also may occur through direct and indirect contact with infectious respiratory secretions.

Patients with influenza typically become infectious after a latent period of about one to two days and prior to becoming symptomatic. At about two days, most infected persons will develop symptoms of illness, although some remain asymptomatic throughout their infection. This is important because even seemingly healthy asymptomatic individuals in early stages of influenza could be infectious to others.

Individuals at high risk for severe and fatal infection cannot be predicted with certainty, but individuals at highest risk of developing flu-related complications include:<sup>11</sup>

- Children younger than 5, but especially children younger than 2 years old
- Adults 65 years of age and older
- Pregnant women (and women up to two weeks postpartum)
- Residents of nursing homes and other long-term care facilities

The primary strategies for preventing pandemic influenza are the same as those for seasonal influenza: vaccination, early detection and treatment with antiviral medications, and the use of infection control measures to prevent transmission.

### Infection Control Measures

The appropriate and thorough application of infection control measures is key to limiting transmission, delaying the spread of a pandemic, and protecting personnel. A pandemic may come in waves, each of which can last for weeks or months. Not all susceptible individuals will be infected in the first wave of a pandemic; therefore, preventing transmission by limiting exposure during the first wave may offer several advantages.

1. People who are not infected during the first wave may have an increased chance of receiving virus-specific vaccine as it becomes available.
2. If the virus becomes less virulent over time, individuals who fall ill in subsequent waves may have milder illness.
3. Delaying transmission can change the shape of the epidemic curve and mitigate the social and economic impact of a pandemic by reducing the total number of people who become ill.

Within the workplace, the systematic application of infection control and social distancing measures during a pandemic should reduce employee-to-employee disease transmission rates, increase employee safety and confidence, and possibly reduce absenteeism.

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<sup>11</sup> [http://www.cdc.gov/flu/about/disease/high\\_risk.htm](http://www.cdc.gov/flu/about/disease/high_risk.htm)

Given the characteristics of influenza transmission, a few simple infection control measures may be effective in reducing the transmission of infection. Persons who are potentially infectious should stay home if they are ill; cover their nose and mouth when coughing or sneezing; use facial tissues to contain respiratory secretions and dispose of them in a waste container; and wash their hands (with soap and water, an alcohol-based hand rub, or antiseptic hand wash) after having contact with respiratory secretions and contaminated objects/materials. Persons who are around individuals with influenza-like symptoms should maintain spatial separation of at least three feet from that individual; turn their head away from direct coughs or sneezes; and wash their hands (with soap and water, alcohol-based hand rub, or antiseptic hand wash) after having contact with respiratory secretions and contaminated objects/materials.

Antibacterial hand washing products do not appear to offer an advantage over soap and water in most settings for removing influenza virus from hands; however, healthcare facilities should continue to follow hand hygiene guidelines that recommend use of antimicrobial soaps and alcohol-based hand cleaners in healthcare settings to protect against transmission of other microorganisms. For the duration of a pandemic, the deployment of infection control measures requires the ready availability of soap and water, hand sanitizer, tissues and waste receptacles, and environmental cleaning supplies.

Minimizing workplace exposure to pandemic influenza can be facilitated by:

- Developing policies and strategies for isolating and excusing employees who become ill at work;
- Allowing unscheduled and non-punitive leave for employees with symptomatic household members;
- Restricting business-related travel to affected geographic areas; and
- Establishing guidelines for when employees who have become ill can return to work.

### **Social Distancing Measures**

“Social distancing” in the context of pandemic flu planning, means separating yourself from others by a distance that reduces one's chances of coming into contact with the virus. Depending on the severity of a pandemic, and its anticipated effects on healthcare systems and the functioning of critical infrastructure, communities may recommend general measures to promote social distancing and the disaggregation of disease transmission networks. Within the workplace, social distancing measures could take the form of guidelines modifying the frequency and type of face-to-face encounters that occur between employees (e.g., moratoriums on hand-shaking, substitution of teleconferences for face-to-face meetings, staggered breaks, posting of infection control guidelines in prominent locations, etc.); policies establishing flexible work hours or worksite, including telework, especially working from home rather than from a (telecommuting center); and promotion of social distancing between employees and customers.

Social distancing interventions are important because they represent a basic type of intervention measure available in the early phases of a pandemic. Social distancing is beneficial in that it is self-driven, resource-light, and can be used everywhere. The goals of social distancing are to:

- Reduce exposure;
- Reduce overall illness attack rates;
- Reduce consequential excess mortality attributed to the pandemic;

- Delay and reduce the peak infection rate; and
- Reduce pressure on health services and allow time to distribute and administer antiviral drugs and suitable vaccines (if available).

Some social distancing measures, such as the recommendation to maintain three feet of spatial separation between individuals or to otherwise limit face-to-face contact, may be adaptable to certain work environments and in appropriate settings should be sustainable indefinitely at minimal cost. Other community public health interventions (e.g., closure of schools and public transit systems, implementation of "snow day" restrictions) may increase rates of absenteeism and result in disruption of workflows and productivity. Low cost or sustainable social distancing measures should be introduced within the workplace immediately after a community outbreak begins, and businesses should prepare for the possibility of measures that have the potential to disrupt their continuity of operations. Decisions regarding how and when to implement community measures are made on a case-by-case basis.

The SEC considers at least the following social distancing measures:

- Split SEC work teams into different work locations to avoid cross-infection;
- Increase the use of telework as a means of social distancing;
- Install protective barriers between work stations or increase space between workers (minimum of three feet);
- Stagger work schedules/shift changes so that SEC worksites can be thoroughly ventilated to minimize contact and congestion;
- Avoid meeting face-to-face by using telephone, video conferencing, and the Internet to conduct business as much as possible. If a face-to-face meeting is required, minimize meeting time; choose a large conference room; and sit at least three feet away from others, if possible;
- Avoid all unnecessary travel and cancel or postpone non-essential meetings, gatherings, workshops, and training sessions;
- Advise SEC employees to avoid public transportation—drive a car or come to work early or late to avoid rush hour crowding on public transportation;
- Introduce staggered lunch times to minimize the number of employees in lunch rooms;
- Encourage employees to bring lunch and eat at their desks or away from others, and to avoid eating in cafeterias, lunchrooms, and crowded restaurants;
- Advise employees not to congregate in break rooms, designated smoke break areas, or other areas where people socialize;
- Advise employees to avoid shaking hands or hugging; and
- Consider the use of alternate work schedules and/or allowing personnel to work on weekends to aid in social distancing.

### **Cleaning of Facilities and Equipment**

The SEC needs to do everything it can to maintain a suitable environment for employees who continue to report to work in its facilities during a pandemic. Facilities and equipment is kept clean of viruses, which in practice requires that no infected person comes in contact with facility and equipment surfaces or, if they do, that these surfaces are promptly and effectively disinfected. One infected person not only can contaminate surfaces but also can infect many other people. Employees are not able to concentrate and work efficiently unless they feel secure



from the threat of contamination; therefore, the SEC Health and Safety Officer works with the appropriate offices to provide:

- Common area (e.g., elevators, stairwells, restrooms, cafeterias) disinfection on a regular schedule to prevent and mitigate the spread of germs and viruses;
- Workspace disinfection in areas used by those who showed symptoms and left; and
- Physical security to prevent facility access by unscreened or infected individuals.

Cleaning workplace surfaces with a neutral detergent followed by a disinfectant solution or disinfectant wipes is recommended. Surfaces that are frequently touched with hands should be cleaned often, preferably several times a day.

### Employee Classification

Employee classifications vary slightly between a traditional continuity event and a pandemic event. According to FCD-2, in a traditional continuity event, essential functions are those functions that must be continued during any emergency for a minimum of 30 days or until normal operations are resumed after COOP Plan activation. Other government functions and services in a continuity event may be deferred until the ERG members are able to return to their normal or some other alternate facility. A pandemic presents different circumstances - waves may last several months, personnel availability can change very quickly, and although many functions can continue (not just essential), the person(s) performing them may constantly vary.

Within the SEC, there are personnel assigned to perform essential functions and other functions whose inability would degrade SEC's ability to perform its mission. The SEC classifies these employees as "continuity personnel." This group encompasses both the ERG and the support personnel required to sustain continuity operations.

SEC divisions and offices, in conjunction with the COOP and Policy Branch, conduct regular reviews to identify, designate, and notify employees and contractors, including alternates, occupying positions required to support the essential functions of the organization under all circumstances. The SEC COOP Manager and the COOP Liaisons work together to complete this task. The SEC COOP Manager, along with the COOP Liaisons, reviews existing ERG personnel rosters, then updates and revises as necessary to address the extended nature of a pandemic event.

### Occupational Risk Classification

SEC job functions are classified according to the *Occupational Risk Pyramid for Pandemic Influenza* per OSHA publication 3321-02N: [http://www.osha.gov/Publications/influenza\\_pandemic.html](http://www.osha.gov/Publications/influenza_pandemic.html).

The U.S. Department of Labor (DOL) OSHA Employee Occupational Risk Classification Index and examples of classifying job functions according to exposure risk are identified in the following table. *U.S. Department of Labor OSHA Employee Occupational Risk Classification*. Employee risks of occupational exposure to influenza during a pandemic may vary from very high to high, medium, or lower (caution) risk. Risk depends, in part, on whether or not the employee's job requires close proximity to people potentially infected with pandemic virus, or requires the employee to have either repeated or extended contact with known or suspected

infected sources. Per FC0-1, for those essential functions that must be conducted onsite, organizations must classify jobs by exposure risk level to pandemic influenza. The SEC must notify the personnel in these jobs that they are expected to work onsite during an influenza pandemic.

To help employers determine appropriate work practices and precautions, OSHA has divided workplaces and work operations into four risk zones, according to the likelihood of an employee's occupational exposure to pandemic influenza. These zones are shown in the shape of a pyramid to represent how the risk is likely to be distributed. The vast majority of American workplaces are likely to be in the medium exposure risk or lower exposure risk (caution) groups.

Table M-1: DOL OSH\ Employee Occupational Risk Classification Index

Risk Level	Definition	SEC Job Functions
<b>High Exposure Risk</b>	<ul style="list-style-type: none"> <li>Occupations with high potential exposure to high concentrations of known or suspected sources of pandemic influenza during specific medical or laboratory procedures.</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>
	<ul style="list-style-type: none"> <li>Occupations with high potential for exposure to known or suspected sources of pandemic influenza virus.</li> </ul>	<ul style="list-style-type: none"> <li>Security Guards</li> </ul>
<b>Medium Exposure Risk</b>	<ul style="list-style-type: none"> <li>Occupations include jobs that require frequent, close contact (within 6 feet) exposures to known or suspected sources of pandemic influenza virus such as coworkers, the general public, outpatients, schoolchildren or other such individuals or groups.</li> </ul>	<ul style="list-style-type: none"> <li>SEC MarketWatch Staff</li> <li>SEC personnel who share an office space</li> <li>SEC Mail Room Staff</li> <li>Facilities Maintenance Staff</li> <li>Child Care Facility Staff</li> </ul>
<b>Low Exposure Risk (Caution)</b>	<ul style="list-style-type: none"> <li>Occupations that do not require contact with people known to be infected with the pandemic virus, nor frequent close contact (within 6 feet) with the public. Even at lower risk levels, however, employers should be cautious and develop preparedness plans to minimize employee infections.</li> </ul>	<ul style="list-style-type: none"> <li>Most SEC Office Employees</li> </ul>

### Personal Protective Equipment

SEC must ensure all employees have a safe and healthy work environment. Employees who have the potential to be exposed to a pandemic virus must be protected by the proactive implementation of administrative protocols, general hygiene practices, awareness training, and the use of personal protective equipment.

Examples of personal protective equipment include:

- Respiratory protection (e.g., N-95 respirators and surgical masks)
- Hand sanitizer
- Antimicrobial soap
- Tissues
- Antimicrobial surface wipes

Table M-2 provides the HHS and OSHA guidance on respiratory protection equipment based on employee risk exposure to pandemic influenza at work. If available, the OSC must provide continuity personnel, as necessary, with the proper personal protective equipment in accordance with the risk classifications provided below. The vast majority of SEC employees fall into the "low risk" category.

Table M-2: Respiratory Protection Recommendations Based on OSHA and HHS Guidance

<p><b>Very High and High Risk Critical Job Functions</b></p> <p>Occupational Risk Pyramid for Pandemic Influenza</p>	<p><b>N-95 Respirators (disposable)</b></p> <ul style="list-style-type: none"> <li>• Can be flat-fold or cup-shaped, vented or not</li> <li>• Usage can vary by job and by person</li> <li>• Must be fit-tested annually (flat-fold exception may apply)</li> <li>• Two N-95s per person per shift</li> </ul> <p><b>Surgical Masks (disposable)</b></p> <ul style="list-style-type: none"> <li>• About 1/10 the cost of N-95 respirators</li> <li>• Limited protection to the wearer; protects others</li> <li>• Two surgical masks per person per shift (for others, less protection)</li> </ul> <p><b>Powered Air Purifying Respirators (PAPR)</b></p> <ul style="list-style-type: none"> <li>• Affords a higher level of protection for those who need it</li> <li>• More expensive but reusable, require charged batteries to operate</li> <li>• Cumbersome to wear; speaking and hearing more difficult</li> </ul> <p><b>Elastomeric Masks (half- or full-face)</b></p> <ul style="list-style-type: none"> <li>• Affords a higher level of protection for those who need it</li> <li>• More expensive but reusable with disposable cartridges</li> </ul>
<p><b>Medium Risk, Non-Critical Job Functions</b></p>	<p><b>Surgical Masks (disposable)</b></p>
<p><b>Low Risk, Non-Critical Job Functions</b></p>	<p><b>Respiratory Protection (optional)</b></p>

### Personal and Family Preparedness

An important and often overlooked facet of personnel preparedness is the development of a family emergency preparedness plan. The SEC encourages everyone to take simple steps to prepare for and respond to potential emergencies. It is important to think about the challenges that SEC personnel and their families might face, particularly if a pandemic becomes severe.

To ensure that SEC personnel can save time in preparing family plans, SEC recommends that all of its employees develop or update their existing plans. Refer to [Annex E](#) for guidance on personal preparedness.