May 3, 2020

Senator Cory A. Booker
United States Senate
717 Hart Building
Washington, D.C. 20510-3007

Dear Senator Booker:

Our Chairman Frederick W. Smith asked that we, as the two senior officers most directly responsible for and knowledgeable about regulatory compliance and operational safety at our Newark hub facility, respond to your letter dated May 1, 2020, a copy of which is attached.

While our comments address the focus of your letter—the FedEx Express Newark hub facility—please understand that FedEx's commitment to the highest levels of safety extends to all of our operating companies, including FedEx Ground, FedEx Freight, and FedEx Office, all of which have operations in New Jersey. Our concern for the wellbeing of FedEx's team members during this health crisis is our top priority, as evidenced by the broad array of safety measures we have taken to protect them. And, because we fully recognize the economic importance of our facilities in New Jersey for our company and the state, the well-being and continued functioning of our operations are also paramount.

Since the outbreak of COVID-19, FedEx has prioritized the safety of our employees and customers and we have worked tirelessly to adapt and improve our response to the pandemic as scientific guidance has evolved. Although we have provided extensive information to your staff over the past weeks, some of the claims in your letter reflect an unfortunate misunderstanding of FedEx policies and procedures for dealing with the COVID-19 situation. With this letter, we hope to correct some of these misconceptions and clarify the efforts we have made to keep our employees safe, while fulfilling our mission as an essential business to deliver food, medicine and other life-saving supplies to healthcare facilities, other critical businesses, and the American public.

Pay and Benefits

FedEx Express provides a generous package of paid time-off benefits, including vacation pay, medical absence pay, personal time, and floating holidays. Employees can use this paid time for their own illness, to care for family members, or to self-quarantine due to an underlying condition making them more vulnerable to COVID-19.

We have expanded those benefits to help employees make good decisions regarding their own health. Specifically, employees who are diagnosed with COVID-19 are receiving guaranteed pay while they recover, even if they have otherwise exhausted their paid time off.

And, employees identified as having been in close contact with confirmed cases are also guaranteed pay during their quarantine. To ensure our employees understand the full range of benefits that are available to them, FedEx maintains a robust Human Resources (HR) department, including on-site advisors at the Newark hub who are available to answer any questions employees may have regarding their benefits.

Preventative Measures

We have instituted or improved many processes at the Newark hub to address the specific challenges of the COVID-19 pandemic, including the following:

- Implemented temperature testing to identify employees who might be ill and send them for appropriate medical care.
- Increased the frequency of routine daily janitorial cleaning, including cleaning all touch surfaces and common areas prior to employees beginning work.
- Implemented enhanced cleaning of the facility, beyond the routine cleaning, six days per week at specified areas, buildings, common areas and buses.
- Provided gloves and masks to all employees and encouraged employees to use them.
- Provided hand sanitizer stands and disinfectant wipes throughout the facility.
- Implemented "Social Distancing Best Practices" that include:
    - Providing wider physical spacing between employees
    - Prohibiting more than one person in a tow vehicle
    - Encouraging employees to work back-to-back when in close proximity
    - Using social distancing signs, tape on seats, and driver awareness of social distancing practices in buses
    - Adding an additional bus during the overnight hours to help social distancing
    - Spacing out pre-work meetings to at least six feet per person
    - Reducing the number of chairs in breakrooms for greater distancing
- Communicated the importance of personal hygiene, and posted signs reminding employees of social distancing requirements.

In addition, FedEx has diverted traffic away from the Newark hub to decrease the number of people in the facility. FedEx has also had a preeminent physician, who specializes in disaster medicine and bio-safety, on retainer for years. He assists us in interpreting U.S. Centers for Disease Control and Prevention (CDC) guidelines and, given the scope and scale of our operations in China, we began consulting with him on COVID-19 precautions in early January. Moreover, he has continually advised us on health and safety measures covering all of our hub facilities and employees, including Newark specifically. In short, FedEx has devoted significant resources to keeping its employees safe, and our efforts exceed current guidelines and practices.

Diagnosed Cases

FedEx takes seriously every case of COVID-19 within our workforce and proceeds according to CDC guidance in responding to them. FedEx uses a clearly-articulated process to handle every case as soon as it is informed that an employee is confirmed as having COVID-19. Local management works through a checklist to:

- submit the confirmed case into a centralized safety system;
- set up additional enhanced cleaning of the affected work site per CDC guidance;
- discuss the confirmed case with the work group without identifying the infected individual, providing transparency while protecting privacy; and
- identify anyone in the workgroup who may have come into prolonged close contact.

Contrary to the assertions in your letter, management follows these steps, with input from HR, for each and every confirmed case. Managers and local HR advisors can ask for further guidance from a cross-functional team at FedEx Express headquarters in Memphis, which meets daily to address questions and provide advice on COVID-19 issues. Members of that team are available around the clock should issues arise.

Regarding your questions about our adherence to standards for employee contact, FedEx does, in fact, abide by CDC guidance regarding the definition of "close contact for a prolonged period of time" which is generally defined as less than 6 feet, for 10 - 30 minutes. The close contact is measured from 48 hours prior to the confirmed case having COVID-19 symptoms. In addition, the following factors are relevant, according to the CDC, and are considered by FedEx: proximity, the duration of exposure, whether the individual has symptoms, and whether the individual was wearing a facemask. While employees may believe that they have come into contact with an employee who has a confirmed case of COVID-19, as indicated in your letter, such contact may not meet the CDC guidelines, and therefore, a period of self-quarantine would not be scientifically warranted.

The timing of employee diagnosis also plays a significant role in the company's response and may be the source of some employee—and your staff's—confusion regarding the length of a required period of self-quarantine. Under CDC guidance, a person having prolonged close contact should quarantine for **14 days from the date of exposure.**

In many instances, the company is not informed by the employee of a positive COVID-19 diagnosis for several days, or even a week, after the employee has left the workplace due to illness or while awaiting testing. As soon as the company receives the confirmation, it conducts the close contact analysis, which may result in a shorter than 14-day self-quarantine if the affected employee has already been out of the workforce for some time.

Return to Work

FedEx has also devoted extensive resources to assisting employees diagnosed with COVID-19. All employees with COVID-19 are advised to work directly with the FedEx Human Capital Management Program (HCMP) team to coordinate their return to work after fully recovering from COVID-19. This process ensures that employees fully recover before returning to work and provides a centralized method of handling return-to-work procedures rather than requiring local managers to make those decisions.

Because every case is different, employees are not given a specific time to be out of work for recovery, which was a complaint raised in your letter. Instead, employees with COVID-19 are told to recover fully, and may return to work when at least seven days have passed since the symptoms first appeared and 72 hours after they are symptom free without the use of medications, again, per CDC guidance.

Local Experience

While it is rarely possible to identify exactly where an employee became infected with COVID-19, FedEx's experience in New Jersey and New York reflects the widespread community outbreak in this region of the country. The fact that our employees, who are on the front lines of the nation's response to COVID-19, have infection rates comparable to those in the same areas as those who are able to shelter at home strongly suggests that our array of safety measures is very effective in preventing the higher rate of infection one might otherwise expect.

Finally, the Chairman asked us to reconvey our invitation (which he extended personally when you and he shared dinner in January, 2018, and which others have repeatedly offered) for you to tour FedEx's facilities in Newark, where we would answer additional questions you may have about our operations there. We can arrange such a tour at your convenience and would be pleased to host you and show you first hand all that we are doing to protect our outstanding and dedicated employees whose work is essential in protecting the nation's supply chain.



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