

**4A. Consideration of approving a vaccination, testing, and face covering policy.**

<b>Prepared by:</b> Human Resources Manager	<b>Meeting Date:</b> 01/10/2022	<input checked="" type="checkbox"/> <b>Regular Agenda Item</b> <input type="checkbox"/> <b>Consent Agenda Item</b>
<b>Reviewed by:</b> N/A	<b>Approved by:</b> City Administrator	

**ACTION REQUESTED**

Motion to approve a vaccination, testing, and face covering policy.

**REFERENCE AND BACKGROUND**

On January 3, 2022, Minnesota OSHA adopted the federal OSHA Emergency Temporary Standard (ETS) requiring that, beginning January 10, 2022, all employers with 100 or more employees must require their employees to be vaccinated against COVID-19. As an alternative to the vaccination requirement, employers have the option to require all unvaccinated employees submit to weekly COVID-19 testing and wear face coverings while in the workplace. The cost of the testing is the responsibility of the employer.

The legality of the federal mandate is expected to be reviewed/ruled on by the Supreme Court on January 7. In the meantime, the League of MN Cities has provided direction for employers to prepare for implementation on January 10. While the City must have a vaccination, testing and face covering policy in place as of January 10, the testing requirement won't be enforced until February 9.

Based on the mandate requirements, staff has put together a policy for review by the council. The proposed policy has been reviewed by the city attorney and meets the requirements as identified in the ETS regulations. The maximum duration of the ETS is six months from the date MN OSHA adopted the federal ETS, which means that this could potentially remain in place through July 3, 2022.

The recommended policy allows for weekly testing and face coverings for unvaccinated employees. Following the regulations, the policy does not require face coverings for fully vaccinated employees but instead, strongly recommends vaccinated employees also wear face coverings.

In the State of Minnesota, employers must pay for testing when it is a condition of employment therefore, if testing is allowed as an option, the estimated cost to test all unvaccinated employees on-site is \$5,250-\$5,950 per week. Based on Wright County statistics, we estimate that approximately 46.5% of our workforce (70 employees) remain unvaccinated.

- I. **Budget Impact:** The cost of testing and providing time off to vaccinate/recover from the vaccinations will be funded through ARPA funds.
- II. **Staff Workload Impact:** Under this policy, supervisors will be responsible for enforcing the masking policy and coordinating with Human Resources on the testing protocol. The workload for the human resources manager will be significantly impacted for the duration of this policy.
- III. **Comprehensive Plan Impact:** N/A

**STAFF RECOMMENDED ACTION**

Staff recommends the policy as proposed with a testing option and following the face covering requirements as outlined by OSHA's ETS.

At their discretion, council has the option to amend the recommended policy and instead require vaccinations for all employees (not offer a testing option) or require all employees wear a face covering regardless of vaccination status.

**SUPPORTING DATA**

- Vaccination, Testing and Face Covering Policy



## Vaccination, Testing and Face Covering Policy

### **Purpose:**

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. The City of Monticello encourages all employees to receive a COVID-19 vaccination to protect themselves and other employees. However, should an employee choose not to be vaccinated, this policy's sections on testing and face coverings will apply. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

### **Scope:**

This COVID-19 Policy on vaccination, testing, and face covering use applies to all employees of the City of Monticello except for employees who do not report to a workplace where other individuals (such as coworkers or customers) are present; employees working from home exclusively; and employees who work exclusively outdoors.

All employees are encouraged to be fully vaccinated. Employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses. For example, this includes two weeks after a second dose in a two-dose series, such as the Pfizer or Moderna vaccines, two weeks after a single-dose vaccine, such as Johnson & Johnson's vaccine, or two weeks after the second dose of any combination of two doses of different COVID-19 vaccines as part of one primary vaccination series. Employees who are not fully vaccinated will be required to provide proof of weekly COVID-19 testing and wear a face covering while working indoors or occupying a vehicle with another person for work purposes.

All employees are required to report their vaccination status and, if vaccinated, provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status, and if not fully vaccinated, their testing results.

Employees not in compliance with this policy will be subject to disciplinary action up to and including termination of employment.

Employees may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by contacting Human Resources. All such requests will be handled in accordance with applicable laws and regulations and the City of Monticello's adopted policies and procedures.

## Procedures:

### Overview and General Information

#### Vaccination

Any employee not fully vaccinated by **February 4, 2022** will be subject to the regular testing and face covering requirements of the policy.

Employees will be considered fully vaccinated after receiving the requisite number of doses of a COVID-19 vaccine as stated above. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine.

It is the responsibility of the employee to schedule their vaccination appointments. The cost of the vaccination is the responsibility of the employee, and the City will provide up to 4 hours of paid time off during the workday to obtain each vaccination. Additional information can be found in the *Supporting COVID-19 Vaccination- Paid Time Off for Vaccination and Recovery from Side Effects* section of this policy.

### Vaccination Status and Acceptable Forms of Proof of Vaccination

#### Vaccinated Employees

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted via email to HR@ci.monticello.mn.us or in person to the HR department.

Acceptable proof of vaccination status is:

1. The record of immunization from a health care provider or pharmacy;
2. A copy of the COVID-19 Vaccination Record Card;
3. A copy of medical records documenting the vaccination;
4. A copy of immunization records from a public health, state, or tribal immunization information system; or
5. A copy of any other official documentation that contains the information listed below.

Proof of vaccination generally should include the employee's name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances the City of Monticello will still accept the state immunization record as acceptable proof of vaccination.

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:

"I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties."

An employee who attests to their vaccination status in this way should to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine.

All employees shall be required to include the *Vaccination Attestation Form* when submitting their vaccination status to Human Resources. Employees should contact Human Resources to request this form.

**All Employees**

All employees, both vaccinated and unvaccinated, must inform the City of Monticello of their vaccination status. The following table outlines the requirements for submitting vaccination status documentation. Updates to vaccination status may be submitted at any time.

Vaccination Status	Instructions	Deadline(s)
Employees who are fully vaccinated.	Submit proof of vaccination that indicates full vaccination.	February 4, 2022
Employees who are partially vaccinated (i.e., one dose of a two dose vaccine series).	Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose, if and when it is obtained.	February 4, 2022
Employees who are not vaccinated.	Submit statement that you are unvaccinated but are planning to receive a vaccination by the deadline.	February 4, 2022
	Submit statement that you are unvaccinated and not planning to receive a vaccination.	February 4, 2022

**Supporting COVID-19 Vaccination- Paid Time Off for Vaccination and Recovery from Side Effects**

The City encourages all employees to be vaccinated and will allow an employee to take up to four (4) hours of time per dose during the workday to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of duty time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of duty time will be granted. Employees who take longer than four hours to get the vaccine must send their supervisor an email documenting the reason for the additional time (e.g., they may need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., PTO, to cover the additional time.

If a non-exempt (hourly) employee receives their primary vaccinations outside of their workday, upon providing proof of their vaccination to Human Resources, they will receive 1 hour of paid time added to their paycheck.

Employees may utilize up to two (2) workdays of sick leave/PTO immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick/PTO leave will be granted up to two (2) days of additional paid sick leave immediately following each dose if necessary.

The following procedures apply for requesting and granting time off work to obtain the COVID-19 vaccine or sick leave to recover from side effects:

Time off for vaccination appointments during an employee's normal workday must be approved in advance by the employee's supervisor. The supervisor is obligated to accommodate the testing date and time unless it would cause an undue hardship to the department.

### **Testing and Face Coverings**

Any employee not fully vaccinated by the day testing will begin will be subject to the regular COVID-19 testing and face covering requirements of the policy beginning the week of February 7, 2022. Policies and procedures for testing and face coverings are described in the relevant sections of this policy.

#### **COVID-19 Testing**

All employees who are not fully vaccinated will be required to comply with this policy for testing.

Employees who report to the workplace at least once every seven days:

- Must be tested for COVID-19 at least once every seven days and **if not** utilizing the City sponsored provider (On-Site Drug Testing) the employee must provide documentation of the most recent COVID-19 test result to their supervisor and Human Resources no later than the seventh day following the date on which the employee last provided a test result.

Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

- Must be tested for COVID-19 within seven days prior to returning to the workplace; and if not utilizing the City sponsored provider (On-Site Drug Testing) must provide documentation of that test result to their supervisor and Human Resources upon return to the workplace.

If an employee does not test as required by this policy, they will be removed from the workplace until they provide a test result.

Employees who have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.

The City has contracted with *On-Site Drug Testing* to provide testing services for employees. The City will cover the cost of the testing. Employees are expected to make themselves available for the testing. If they are not able to attend one of the City sponsored test dates, the employee must arrange for their own rapid or PCR test and provide their results to their supervisor and Human Resources at the start of their shift. The City will not accept home test results.

## **Employee Notification of COVID-19 and Removal from the Workplace**

### Notification Requirements

The City of Monticello will require employees to promptly notify their supervisor when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider. Upon notification, the supervisor must contact Human Resources, or their designee so contact tracing and follow-up can be conducted with the employee.

### Medical Removal from the Workplace

The City of Monticello will immediately remove an employee from the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider.

### Return to Work Criteria

For any employee removed because they are COVID-19 positive, the City of Monticello will keep them removed from the workplace until the employee meets the return to work criteria in CDC's "Isolation Guidance"; or receives a recommendation to return to work from a licensed healthcare provider.

If an employee has severe COVID-19 or an immune disease, the City of Monticello will follow the guidance of a licensed healthcare provider regarding return to work.

## **Face Coverings**

The City of Monticello will require all employees who are not fully vaccinated to wear a face covering. Face coverings must: (i) completely cover the nose and mouth; (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source); (iii) be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers; (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings. Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

Employees who are not fully vaccinated must wear face coverings over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes. Policies and procedures for face coverings will be implemented, along with the other provisions required by OSHA's COVID-19 Vaccination and Testing ETS, as part of a multi-layered infection control approach for unvaccinated workers.

Employees are responsible for providing their face coverings; however, each City location will have a supply of masks on hand if an employee forgets to bring their own.

The following are exceptions to the City of Monticello's requirements for face coverings:

1. When an employee is alone in a room with floor to ceiling walls and a closed door.
2. For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.
3. When an employee is wearing a respirator or facemask.

4. Where the City of Monticello has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee's mouth for reasons related to their job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).

While not required, the City of Monticello *strongly recommends* that all vaccinated employees also wear face coverings while at the workplace.

#### **New Hires:**

All new employees are required to comply with the vaccination, testing, and face covering requirements outlined in this policy as soon as practicable and as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment. New employees will be required to submit their vaccination status on day of hire and if unvaccinated show proof of COVID-19 Test within the last seven (7) calendar days showing a negative test result to Human Resources.

#### **Confidentiality and Privacy:**

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

#### **Questions:**

Please direct any questions regarding this policy to Human Resources.