

# Le Sueur County Mandatory Vaccination Policy for Employees Covered Under Centers for Medicare and Medicaid (CMS) Rule

## Effective Date of Policy

This policy will become effective upon action by the Le Sueur County Board of Commissioners. Implementation of policy may be effected by pending legal actions.

## 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. Le Sueur County has adopted this policy on mandatory vaccination for employees covered under the Centers for Medicare and Medicaid (CMS) rule to safeguard the health of our employees and those who they interact with from the hazard of COVID-19.

## Scope:

The Centers for Medicare and Medicaid Services' (CMS) Health Care Staff Vaccination Interim Final Rule requires vaccination of all staff at health care facilities that participate in Medicare and Medicaid programs. In Le Sueur County, the Public Health division is a federally certified Home Health Care agency, which triggers this requirement. Thus all Le Sueur County Public Health employees are subject to these rules, which are separate from the OSHA rules that cover all employers with over 100 employees.

The CMS rules are more restrictive in nature, as they require all employees to be vaccinated, and does not allow for weekly testing of unvaccinated employees.

Employees may request an exception from this mandatory vaccination policy if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated because of a disability, or conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by the employee and sent to the Human Resources Department. All such requests will be handled in accordance with applicable laws and regulations.

## SEE ATTACHED EXEMPTION FORMS

## Procedures:

### Overview and General Information

All Le Sueur County employees that fall under the CMS rules must be fully vaccinated no later than **January 4, 2022**.

To be fully vaccinated by January 4, 2022, an employee must:

- Obtain the first dose of a two dose vaccine no later than **December 5, 2021**; and the second dose no later than **January 3, 2022**.
- Obtain one dose of a single dose vaccine no later than **December 5, 2021**.

Newly hired Le Sueur County employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine. An employee will be considered partially vaccinated if they have received only one dose of a two dose vaccine.

### **Disciplinary Steps**

If employee is not fully vaccinated by January 4, employee will be immediately suspended.

Upon effective date of suspension, the employee will have 24-hours to make decision if they choose to be vaccinated or voluntarily resign. If no decision is made by employee, employer will terminate employment.

If employee chooses to be vaccinated, they will remain suspended. Upon being fully vaccinated the employee can return to work.

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

All employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted to the Human Resource Department.

Acceptable proof of vaccination status is:

1. The record of immunization from a healthcare 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 type of vaccine administered, date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) administering the vaccine(s).

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 healthcare 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 Le Sueur County 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 healthcare professional(s) or clinic site(s) administering the vaccine.

All employees must inform Le Sueur County of their vaccination status. The following table outlines the requirements for submitting vaccination status documentation.

<i>Vaccination Status</i>	<i>Instructions</i>	<i>Deadline</i>
<i>Employees who are fully vaccinated.</i>	<i>Submit proof of vaccination that indicates full vaccination.</i>	<i>December 5, 2021</i>
<i>Employees who are partially vaccinated (i.e., one dose of a two dose vaccine series).</i>	<i>Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose when it is obtained.</i>	<i>December 5, 2021</i>
<i>Employees who have not yet been vaccinated or request a religious or medical exemption.</i>	<i>Submit statement that you are unvaccinated or an exemption form as applicable.</i>	<i>December 5, 2021</i>

### **Supporting COVID-19 Vaccination**

An employee may take up to four hours of duty time per dose 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., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated.

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

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

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

Le Sueur County 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. Employees are also required to report any co-worker who they may have been in close contact with. Close contact is defined as spending a cumulative total of 15 minutes or more interacting within 6 feet. The starting period is two days before becoming symptomatic.

## Medical Removal from the Workplace

Le Sueur County has also implemented a policy for keeping COVID-19 positive employees or those who have been in close contact with a COVID-positive employee from the workplace in certain circumstances. Le Sueur County 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. Le Sueur County may also remove an employee from the workplace if they have been in close contact with a COVID-positive employee.

## **SEE ATTACHED COVID-19 DECISION TREE & SUPERVISOR PROCEDURE FOR HANDLING COVID**

### **COVID-19 Testing**

If an employee covered by this policy is not fully vaccinated (e.g., if they are granted an exception from the mandatory vaccination requirement because the vaccine is contraindicated for them), the employee will be required to comply with this policy for 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:

- (A) must be tested for COVID-19 at least once every seven days; and
- (B) must provide documentation of the most recent COVID-19 test result to the HR Department 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):

- (A) must be tested for COVID-19 within seven days prior to returning to the workplace; and
- (B) must provide documentation of that test result to [the supervisor] upon return to the workplace.

If an employee does not provide documentation of a COVID-19 test result 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.

### ***Testing Protocols and Cost of Testing***

The cost of testing will be the responsibility of the employee.

Le Sueur County is still developing a testing protocol policy. Testing will be done in one or more of the following ways:

1. Employees will report to County designated location to have a test administered
2. Employees will work with a third-party provider to conduct a test

Regardless of testing protocol chosen, self-administered testing will not be allowable.

## Face Coverings

If an employee covered by this policy is not fully vaccinated (e.g., if they are granted an exception from the mandatory vaccination requirement because the vaccine is contraindicated for them), Le Sueur County will require the employee 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.

The following are exceptions to Le Sueur County'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 Le Sueur County 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).

### **New Hires:**

All new employees are required to comply with the vaccination 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.

### **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 the Human Resources Department.



## RELIGIOUS ACCOMMODATION REQUEST FORM

**Applicant's or Employee's Name:**

**Date of Request:**

**Employee's Position:**

1) Please identify the EEOC requirement, policy, or practice that conflicts with your sincerely held religious observance, practice, or belief (hereinafter "religious beliefs").

2) Please describe the nature of your sincerely held religious beliefs or religious practice or observance that conflict with the EEOC requirement, policy, or practice identified above.

3) What is the accommodation or modification that you are requesting?

4) List any alternative accommodations that also would eliminate the conflict between the EEOC requirement, policy, or practice and your sincerely held religious beliefs.

Requester Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Accommodation Decision**

Accommodations:

- Approved as requested
- Approved but different from the original request
- Denied

Identify the accommodation provided.

If the approved accommodation is different from the one originally requested, explain the basis for denying the original request.

If an alternative accommodation was offered,

- accepted
- rejected

If it was rejected, state the basis for rejection.

If the accommodation is denied and no alternative accommodation was proposed, explain the basis for denying the request without an alternative accommodation. An individual who disagrees with the resolution of the request may ask the Human Resources Director to reconsider that decision within 10 business days of receiving this completed form with the Deciding Official's decision. Note that requesting reconsideration does not extend the time limits for initiating administrative, statutory, or collective bargaining claims.

If an individual is dissatisfied with the resolution and wishes to pursue administrative, statutory, or collective bargaining rights, they must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. part 1614, contact an EEO counselor in the Office of Equal Opportunity within 45 days from the date of receipt of this form or a verbal response, whichever comes first.
- For a collective bargaining claim, file a written grievance in accordance with the provisions of the collective bargaining agreement.

# Supervisor Procedure for Handling COVID-positive or symptomatic employees

As a supervisor, you are likely going to be the first point of contact when a county employee becomes COVID symptomatic, is awaiting test results, or tests positive for COVID. Here are procedures to follow.

## Scenario #1: Employee contacts you that they are not feeling well today and won't be in to work.

### 1. *Ask them what symptoms they have?*

People with COVID-19 have had a wide range of symptoms reported – ranging from mild symptoms to severe illness. Symptoms may appear 2-14 days after exposure to the virus. Anyone can have mild to severe symptoms. People with **two or more** of these symptoms may have COVID-19:

- Fever or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- New loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

### 2. *If they have two or more of the above aforementioned symptoms, ask them if they plan to get a COVID test? If they say no, encourage them to do so.*

### 3. *If they don't plan on getting a COVID test, inform them they will need to stay home and take sick/vacation/comp accruals for 10-days since symptoms started. They will also need to be fever-free for at least 24 hours before returning to work.*

### 4. *If they plan to get a COVID test;*

- a. *Tell them to inform you as soon as they have received their test results.*
- b. *If employee produces a negative COVID test, to you and Human Resources, they can return to work when feeling better.*
- c. *If employee tests positive, follow attached COVID-19 Decision Tree, and have the employee contact Human Resources regarding medical leave.*

### 5. *Ask the employee who they have been in contact with in the last two days;*

- a. *Contact is defined as spending a cumulative total of 15 minutes or more interacting within 6 feet, with no barrier between.*
- b. *If they identify an employee they have been in contact with, fill out the attached interview form, and contact the co-workers, as they may need to be placed into quarantine protocol. Please submit the completed interview form to Human Resource. This information is confidential.*

## **Scenario #2: Employee contacts you to inform you they have COVID symptoms and are planning to get tested.**

- 1. Thank them and reinforce the need to get tested.**
- 2. Ask them who they have been in contact with in last two days;**
  - a. Contact is defined as spending a cumulative total of 15 minutes or more interacting within 6 feet, with no barrier between.*
  - b. If they identify an employee they have been in contact with, fill out the attached interview form, and contact the co-workers, as they may need to be placed into quarantine protocol. Please submit the completed interview form to Human Resources. This information is confidential.*
- 3. Tell them to inform you as soon as they have received their test results;**
  - a. If employee produces a negative COVID test, to you and Human Resources, they can return to work when feeling better.*
  - b. If employee tests positive, follow attached COVID-19 Decision Tree, and have the employee contact Human Resources regarding medical leave.*

## **Scenario #3: Employee contacts you and informs you they have tested positive for COVID.**

- 1. Ask them who they have been in contact with in last two days;**
  - a. Contact is defined as spending a cumulative total of 15 minutes or more interacting within 6 feet, with no barrier between.*
  - b. If they identify an employee they have been in contact with, fill out the attached interview form and, contact the co-workers, as they may need to be placed into quarantine protocol. Please submit the completed interview form to Human Resources. This information is confidential.*
  - c. Ask them to contact Human Resources regarding medical leave.*
- 2. Follow COVID-19 decision tree**

## **Scenario #4: You have an employee in the building who is displaying or communicating COVID symptoms.**

- 1. Send them home and encourage them to test, follow aforementioned guidance.**

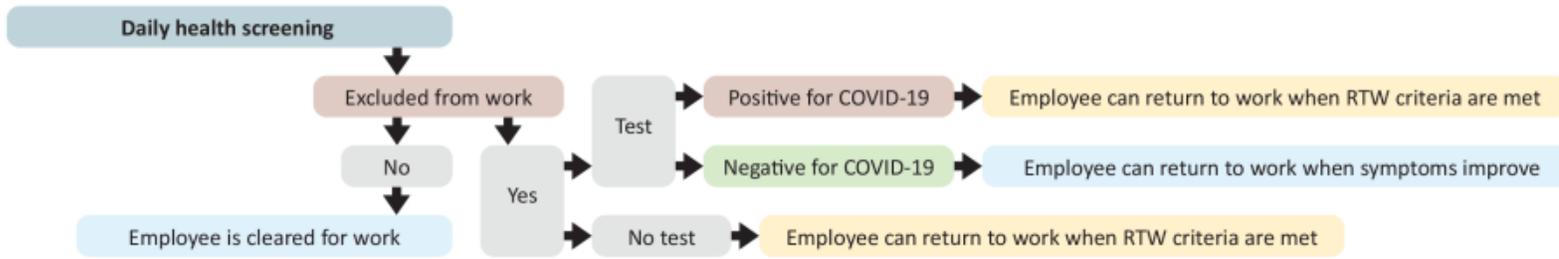
## **Scenario #5: Employee contacts you and informs you that their child/loved one has been sent home to quarantine due to a positive COVID exposure.**

- 1. If employee has someone in their household quarantining due to a positive COVID exposure, encourage the employee to keep them away from others in the home, including themselves, if possible.**
- 2. If the household contact tests positive, they are not able to social distance, and the employee is unvaccinated, the employee must quarantine 14 days after the positive household contacts isolation period ends.**

3. *If the household contact tests positive, they are not able to social distance, but the employee is vaccinated the employee does not need to quarantine, unless showing signs or symptoms. Masking is encouraged when coming into contact with the positive household case, and when outside of the home.*
4. *If employee tests positive, follow attached COVID-19 Decision Tree and have the employee contact Human Resources regarding medical leave.*

*Remember: If the employee has been in close contact with a co-worker, the supervisor can take action to notify those who may have come into contact with the employee. The supervisor can do so without revealing the employee's identity, and maintaining the confidentiality of medical information. When providing notice to the co-workers, ensure there is no violation of the ADA's prohibition of disclosure of confidential medical information. Supervisors are prohibited from confirming or revealing the employee's identity.*

## COVID-19 Decision Tree: Recommendations for Business and Industry



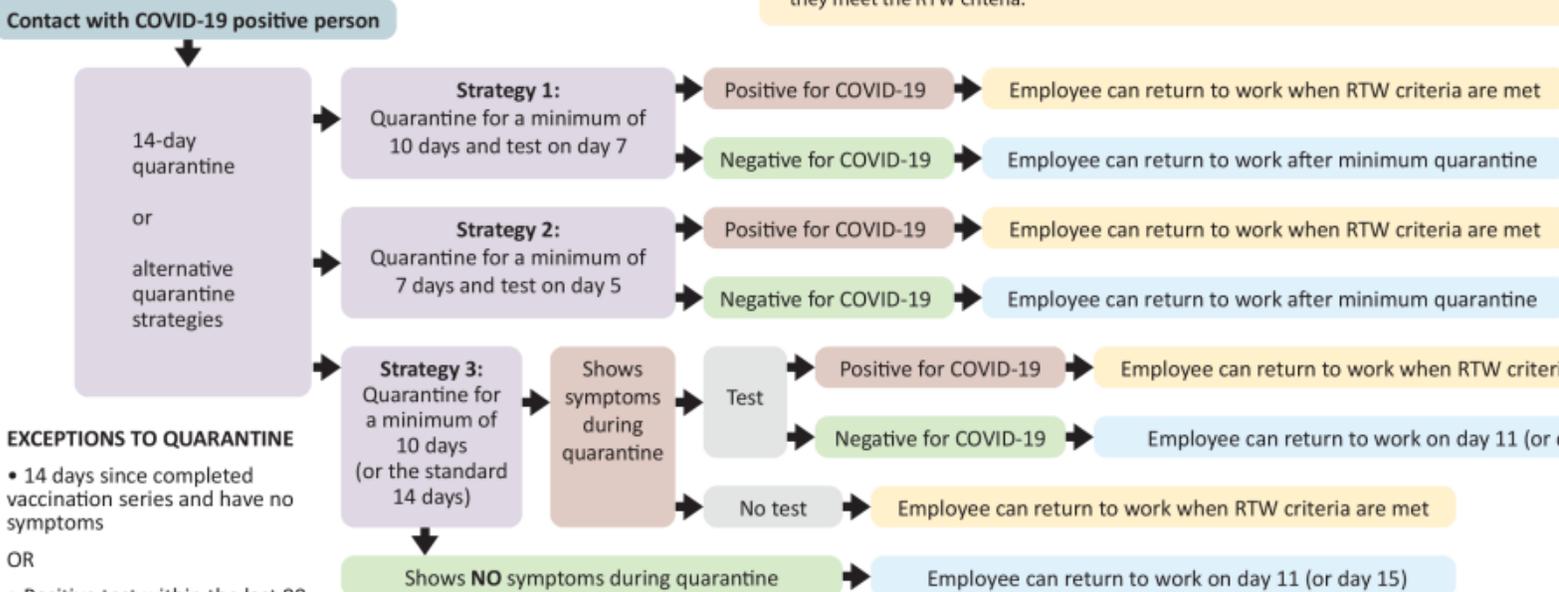
Contact is defined as spending a cumulative total of 15 minutes or more interacting within 6 feet of an infectious person, unless there was a physical barrier between them such as a cubicle wall or full Plexiglas screen, or a face covering and face shield.

**RETURN TO WORK (RTW) CRITERIA AFTER A POSITIVE COVID-19 TEST RESULT**

Symptomatic employees may return to work when all three are met:

- Symptoms have improved
- 10 days since symptoms started
- Fever-free in the last 24 hours (without the use of fever reducing medication)

Asymptomatic employees may return to work 10 days after the positive test. No medical exam or additional testing is necessary to clear employees once they meet the RTW criteria.



**EXCEPTIONS TO QUARANTINE**

- 14 days since completed vaccination series and have no symptoms
- OR
- Positive test within the last 90 days and have no symptoms

**IF EMPLOYEES HAVE SYMPTOMS OR AN EXPOSURE, THEY SHOULD STAY ISOLATED AT HOME UNTIL TEST RESULTS ARE AVAILABLE**



Minnesota Department of Health | health.mn.gov | 651-201-5000 | 625 Robert St N, PO Box 64975, St Paul, MN, 55166  
 Contact health.communications@state.mn.us to request an alternate format. | Updated 6/30/2021