

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

Updated 1/10/2023

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 unless the employee receives approval for a medical or religious exemption.

Employees may request an exemption 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

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. New hires may request an exemption from this mandatory vaccination policy if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination or goes against their sincerely held religious beliefs.

Disciplinary Steps

If an employee is not fully vaccinated, or does not have an approved medical or religious exemption, the 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 upon hire or as requested.

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.

SEE ATTACHED HEALTHCARE PERSONNEL QUARANTINE & ISOLATION GUIDE & 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 exemption 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 exemption 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 or may request an exemption. Exemptions are granted if the vaccine is medically contraindicated for the individuals or goes against their sincerely held religious beliefs. 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.

Approved by the County Board on _____, 2023.

Certified by: _____

Le Sueur County Board Chair

Date: _____

Request for Accommodation: Religious Exemption from Vaccination

To request an exemption from required vaccinations, please complete the form below and return this form to the human resources department.

Name (print):	Date:
Dept.:	Position:
Manager:	Work/Cell Phone:

I am requesting a religious exemption from Le Sueur County’s mandatory vaccination policy for the following vaccination(s):

Please describe the nature of your sincerely held religious beliefs or religious practice or observance that conflicts with the vaccination requirement:

Please provide any additional information that you think may be helpful in reviewing your request. For example:

- How long you have held the religious belief underlying your objection.
- Whether your religious objection is to the use of all vaccines, a specific type of vaccine or some other subset of vaccines.
- Whether you have received vaccines as an adult against any other diseases.

I verify that the information I am submitting to substantiate my request for exemption from Le Sueur County’s vaccination policy is true and accurate to the best of my knowledge. I understand that any falsified information can lead to disciplinary action, up to and including termination.

I further understand that Le Sueur County is not required to provide this exemption accommodation if doing so would pose a direct threat to myself or others in the workplace or would create an undue hardship for Le Sueur County.

Employee Signature:	Date:
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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.

HR USE ONLY

Date initial received: __/__/____ Date any additional documentation received: __/__/____

Accommodation request:

Approved __/__/____

Describe specific accommodation details:

Denied __/__/____

□ Describe why accommodation is denied:

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COVID-19 TESTING RECOMMENDATIONS

Situation	Recommendation
Symptoms of COVID-19	Get tested right away, even if you have been vaccinated and/or had a prior COVID-19 infection.
Close contact or Exposure	Get tested five full days (on day six) after you were around someone with COVID-19.
Attend indoor event or gathering	Test on the day of an indoor gathering or event, as close to the time of the event as possible, especially if you will be around people who are immunocompromised, at risk of severe disease, or older adults. Do not attend a gathering if you have symptoms of COVID-19, regardless of the test result. Following any event, test immediately if you develop symptoms. If you had close contact with someone with COVID-19, test five full days after the event (test on day six).
Around high risk or immunocompromised person	Consider getting tested before you spend time with them and consider wearing a mask when around them.
People who are immunocompromised	Talk to your health care provider.

Travel*	Before travel	After travel
Domestic travel	Consider testing as close to departure and return flights as possible but no more than 3 days before travel.	Get tested after travel if you were in situations with greater risk of exposure to COVID-19 (for example, being in crowded places while not wearing a high-quality, well-fitting mask).
International travel**	Consider testing as close to departure and return flights as possible but no more than 3 days before travel.	Get tested 3-5 days after travel.

*CDC recommends that travelers are up to date on all recommended COVID-19 vaccines before travel. People who had confirmed COVID-19 in the past 30 days do not need to test unless they have symptoms. People with symptoms of COVID-19 should not travel.

** Some countries and airlines may require testing prior to travel. Check airline requirements and the requirements of your destination and any layovers before you travel.



Minnesota Department of Health | health.mn.gov | 625 Robert Street North PO Box 64975, St. Paul, MN 55164-0975
Contact healthcommunications@state.mn.us to request an alternate format. | 651-201-5000
10/24/2022



What to Do While You Wait for a COVID-19 Test Result

If you take a COVID-19 test that needs to be sent to a lab, such as a PCR test, it may take several days to get your results back.



If you have any symptoms of COVID-19:

- Stay home and away from others (isolate).
- Start wearing a high-quality, well-fitting mask around others, even in your home.
- If your test result is positive, follow the public health recommendations on [If You Are Sick or Test Positive: \(www.health.state.mn.us/diseases/coronavirus/sick.html\)](http://www.health.state.mn.us/diseases/coronavirus/sick.html).
- If your test result is negative, continue to stay home if you have symptoms or feel sick.

If you were exposed to COVID-19, but do not have symptoms:

- Wear a high-quality, well-fitting mask around others.
- If you get a positive test result, stay home and away from others (isolate). If you get a negative test result, continue to wear a mask and watch for symptoms for 10 full days after the last day you were near someone who has COVID-19. If you get symptoms, stay home and get tested again.
- For more information, visit [Close Contacts or Exposure: \(www.health.state.mn.us/diseases/coronavirus/close.html\)](http://www.health.state.mn.us/diseases/coronavirus/close.html).

COVID-19 HOTLINE: 1-833-431-2053

www.health.state.mn.us/diseases/coronavirus

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Isolate and take precautions if you have or suspect you have COVID-19

ISOLATION



Stay home and away from others

Wear a high-quality mask if you must be around others



Start counting days

Day 0 is the day your symptoms started

If you never had symptoms, day 0 is the day you took a COVID-19 test



Watch for emergency warning signs, like trouble breathing

Seek help if they develop

AFTER ISOLATION

Until at least day 11, avoid being around people who are more likely to get very sick

Wear a high-quality mask when around others indoors



Removing your mask

After ending isolation, wear your mask through day 10

OR

Take 2 antigen tests, 48 hours apart

If both tests are negative, you may remove your mask sooner than day 10



ENDING ISOLATION

Isolate to day 6 or later, if you

- never had symptoms or symptoms are improving, and
- are fever-free for 24 hours without the use of fever-reducing medication



Continue to isolate if your fever persists or other symptoms have not improved

Isolate through day 10, if you experienced moderate illness, like shortness of breath or difficulty breathing

Isolate through day 10 and talk with a healthcare provider before you end isolation, if you

- were hospitalized, or
- have a weakened immune system

