



MEMORANDUM

DATE: October 28, 2021
TO: All Staff
FROM: Doug Menke, General Manager
RE **REVISED Mandatory Vaccination**

SCOPE

This policy applies to all employees (including temporary and contracted), paid and unpaid interns, specified volunteers, and others who interact on behalf of THPRD with the public and/or co-workers. It does not apply to vendors or visitors.

Volunteers - Vaccinations will be required of any volunteer working with children or the public on an ongoing basis (indoors & outdoors). Vaccinations will not be required of volunteers who work outdoors independently or for one-day volunteer community events.

POLICY

To support efforts to reduce severe disease from COVID-19 among employees and the public, and for the safety of our employees and the continuity of our operations, THPRD will require COVID-19 vaccines as a condition of employment. Health authorities are clear that vaccination is critical to public health and the operations of health systems, and as public officials, district employees are responsible for acting to support public health.

This policy outlines timelines and guidelines for implementation and for employees to request accommodations for medical conditions or disability or a sincerely held religious belief. The policy also provides for paid time off for post-vaccination recovery should an employee's accruals exhaust, and for the initial waiting period for a workers' compensation claim should an employee contract COVID-19 in the course of employment at THPRD.

GUIDELINES

Persons covered under this policy are responsible for either submitting proof of vaccination, requesting accommodation based on a medical condition or disability or on a sincerely held religious belief, or notifying the district of their decision to neither submit proof of vaccination nor request accommodation. An electronic system will be used to collect and maintain information, with access to records limited to Human Resources staff or the Volunteer Coordinator as appropriate.

Employees/volunteers are responsible for scheduling and obtaining all recommended doses of an FDA- approved COVID-19 vaccine or a COVID-19 vaccine granted Emergency Use Authorization by the FDA. Employees may schedule an appointment during regularly scheduled work hours contingent on supervisor approval.

A person is considered **fully vaccinated** 2 weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine. See the "Booster Dose" section below for further information on booster doses and vaccination status.

Implementation Timeline

10/8/2021	Policy effective date
10/22/2021	Deadline to submit request for reasonable accommodation (beginning of interactive process to consider requests)
10/25/2021	Deadline to submit a response indicating intent to become vaccinated with proof of first shot.
10/29/2021	Deadline to submit proof of vaccination and request for reasonable accommodation for in-process medical reasons. Volunteers to be notified of vaccination requirement.
11/1/2021	Beginning of leave of absence for all employees who have not submitted proof of vaccination and do not have an accommodation agreement in place
11/15/2021	Layoff
11/18/2022	End of recall period for bargaining unit employees
11/29/2021	Deadline to be fully vaccinated for Employees In-Process Extensions; and Volunteers to submit proof of vaccination, intent to become vaccinated with proof of first shot, or request reasonable accommodation.

Request for accommodation

Requests for accommodation may be submitted to Human Resources based on a sincerely held religious belief or for a medical condition or disability that prevents vaccination. Such requests should be submitted via the electronic form hosted on the district's intranet page, and support in completing the form will be provided upon request to humanresources@thprd.org. Volunteers seeking accommodations will submit via a separate link:

<https://forms.office.com/g/DMnhhGzyGA>

Supporting information such as provider certification or how the sincerely held religious belief prevents vaccination will be required and failure to provide requested documentation or information may result in denial of the request.

Proof of vaccination

Proof of vaccination includes a scan or photo of a COVID-19 Vaccination Record or other medical record and completion of the district form hosted on the district's intranet page including date(s) and brand of vaccination. Documents that are not clearly authentic and/or legible will be reviewed in-person by Risk staff. Volunteers will submit documentation to their staff supervisor and via a separate link: <https://forms.office.com/g/DMnhhGzyGA>

Unpaid leave status

Following the deadline to either request accommodation or submit proof of vaccination, employees who have elected to do neither will be placed on unpaid leave. During this unpaid leave status, employees may use available accrued vacation, comp, administrative, personal holiday, or deferred leave to fulfill payment for normally worked hours for a period of two weeks. The intent of this leave is to provide an opportunity for employees to reconsider vaccination.

Separation of employment

District employees who do not submit either proof of vaccination or request reasonable accommodation are notified in this policy of the district's intent to initiate layoff procedures. Due process shall be provided as required.

Employees working in positions for which there is no available reasonable accommodation shall be informed of the district's intent to separate employment.

Recall/reemployment

Within one year of layoff, if a bargaining unit employee becomes fully vaccinated, they may submit proof of vaccination to Human Resources to be placed on a recall list. Bargaining unit positions may require special skills that impact the order of recall to vacant positions.

Non-represented and unclassified employees who become fully vaccinated may apply for vacant positions as available on the district's publicly posted site.

Extensions

Extension for in-process vaccination

Employees who choose to become vaccinated as a result of this policy will be provided an extension to complete vaccination provided that the employee is making a good faith effort to become fully vaccinated. Employees requesting this extension must submit proof of their Vaccination Record Card showing one dose administered by the deadline. Employees will continue to work in their regular position until they receive their final dose and complete the prescribed two-week waiting period to be considered fully vaccinated.

Employees in process of becoming vaccinated who may be unable to complete their series and two-week waiting period by the date due for medical reasons will be accommodated through the request for accommodation process.

Extension for interactive process

THPRD will make every effort to review requests for accommodation in a timely manner. Following the deadline to submit proof of vaccination, employees with requests for accommodation pending response may be provided interim accommodations such as a temporary remote work assignment.

If a temporary accommodation is unavailable, up to 40 hours of paid leave will be provided while the request is pending. In addition, employees may then use any accrued paid time off or take unpaid leave until the request is resolved.

Reasonable accommodation

Employees may request reasonable accommodation based on a medical condition or disability or for sincerely held religious beliefs that prohibit them from receiving a COVID-19 vaccine(s). Philosophical, political, scientific, or sociological objections to vaccination shall not be considered valid grounds for an accommodation. Documentation of the conditions or reasons for the accommodation request will be required.

Accommodation requests will be considered on a case-by-case basis and facilitated by the Human Resources division following requirements established under THPRD policies, the Americans with Disabilities Act (ADA), Title VII, and state law. THPRD will engage in an interactive dialogue with the employee to discuss accommodations that may support the employee in completing the essential functions of their position(s).

An accommodation that is reasonable for one job/position may not be reasonable for another. Consistent with federal and state law, THPRD will provide reasonable accommodation so long as it does not create an undue burden to the district and/or does not create a health and safety risk to others. Requests from employees with more than one position with the district will have each position considered individually and accommodation may be possible for one position but not for another.

Paid time off

Leave for post-vaccination symptoms or recovery

Some employees may experience moderate symptoms after receiving a COVID-19 vaccine dose. Employees may use paid leave the day of and one day after receiving a vaccine dose should they suffer an adverse reaction. Miscellaneous leave may be provided if the employee has exhausted their accruals.

Leave for workers' compensation claim for COVID-19

Miscellaneous leave shall be provided for scheduled hours during the initial waiting period for a workers' compensation claim that the employee contracted COVID-19 in the course of employment at THPRD.

Paid leave award

In recognition of the various demands for quarantine, symptoms monitoring, caregiving, and testing, on December 1, 2021, 8 hours of paid COVID-19 leave shall be awarded to all active employees of the district who have submitted proof of vaccination or have a documented reasonable accommodation. This leave must be used by November 30, 2022 and is not eligible for cash out upon separation. No leave shall be provided to employees hired after December 1, 2021 under this policy.

Booster doses

Staff are not currently required to get a booster dose of the COVID-19 vaccine to be considered fully vaccinated. In line with CDC recommendations, THPRD strongly encourages employees to receive a booster dose of the COVID-19 vaccine when they are eligible. THPRD reserves the right to modify the definition of fully vaccinated based on public health guidance and changing circumstances. This includes, but is not limited to, requiring booster shots if public health guidance requires them to maintain immunity.

Recruitment and staffing

Effective the date of this policy, THPRD recruitment notices will include that COVID-19 vaccinations are a condition of employment. Candidates who receive a conditional offer of employment must either submit proof of vaccination or request reasonable accommodation for a medical condition or disability or for sincerely held religious beliefs.

When an employee is placed on leave under this policy, the district shall commence the process to consider recruitment efforts for their position. The district also maintains management right to determine alternative staffing options to meet operational needs such as contingent labor.

If implementation of this policy results in staffing shortages, employees may request and supervisors shall engage in discussions regarding workload and mitigation efforts such as overtime. These discussions may take place through the labor-management process.

Non-Retaliation

THPRD prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting a violation of this policy or any other health and safety concern. Employees also have the right to report work-related injuries and illnesses, and THPRD will not discharge, discriminate, or otherwise retaliate against employees for reporting work-related injuries or illnesses or good faith health and safety concerns.

COVID-19 vaccine records

Employees, volunteers, interns, and unpaid interns who choose to provide proof of vaccination must provide a photo or scan of new or updated COVID-19 vaccination card via the electronic

process. Employees may request support in submitting the required information and attachments by contacting humanresources@thprd.org.

Employee vaccination information, including the employee's name and vaccination dates, will be maintained securely and separate from the employee personnel file. Access to these records shall be limited to Human Resources staff, though reports in the aggregate will be provided on a need-to-know basis and will not include employee names or IDs. THPRD records retention schedule requires the records be kept until six years after employee separation or termination. Any employee with access to the data will treat it as sensitive information and may not share vaccination information such as vaccine type or other details with other employees or persons.

Policy Modification

Government and public health guidelines and restrictions, as well as industry best practices regarding COVID-19 and COVID-19 vaccines, are changing rapidly as new information becomes available, further research is conducted, and additional vaccines are approved and distributed. The policy is intended to comply with federal, state, and/or local mandates and to protect public health.

THPRD reserves the right to modify this policy at any time in its sole discretion to adapt to changing circumstances and business needs, consistent with its commitment to maintaining a safe and healthy workplace. This includes, but is not limited to, requiring booster shots or other actions as required by health authorities.

RESPONSIBILITIES

Employees

- Follow procedures outlined in this policy.
- Respect other employees' privacy and beliefs.

Supervisors

- Approve time away from work and adjust schedules to allow employees time to get vaccinated.
- Provide time within scheduled shifts, or schedule additional time for variable hour employees to receive the vaccine, access resources, and education.
- Follow timekeeping procedures for applying paid time for vaccinations, and any needed paid leave for recovery.
- Forward any reports of or observed violations of this policy to the direct supervisor or manager.
- Ensure employees understand whistleblower protections and THPRD's commitment against retaliation for making a complaint or identifying concerns.

Risk Management

- Develop resources, training, and communication materials as required to support implementation and compliance with this policy.

Human Resources

- Facilitate the medical and religious accommodation process.
- Secure and retain confidential medical records.

Payroll

- Activate miscellaneous leave when notified of authorization by Risk Management (workers' compensation claim) or supervisor (post vaccination symptoms or adverse reaction)

Division Directors

- Respond effectively to violations of this policy to reduce future risk and create a safer workplace.
- Ensure implementation, communication of, and adherence to the policy with all direct reports.

REFERENCES

THPRD Policies

- American with Disabilities Act (ADA) and accommodation
- Religious Accommodations
- Anti-Discrimination/Anti-Harassment
- Recruitment and Selection
- COVID-19 Pandemic Emergency Response

American's with Disabilities Act and Equal Employment Opportunity Commission

Technical Assistance Questions and Answers: What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws. U.S. EEOC May 28, 2021

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

U.S. Centers for Disease Control references

CDC: Safety of COVID-19 vaccines. Aug. 30, 2021

<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/safety-of-vaccines.html>

CDC: Ensuring COVID-19 vaccine safety in the U.S. April 22, 2021

<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety.html>