

## Policy on COVID-19 Vaccine Mandate

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**Applies To:** All Employees and Job Applicants

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### Introduction

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Disability Rights Wisconsin is committed to providing a safe environment for all employees. The Occupational Safety and Health Act of 1970 requires that:

*(Sec.5.Duties) (a) Each employer – (1) shall furnish to each of his[sic] employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his[sic] employees.*

The Equal Employment Opportunity Commission (EEOC) interprets the threats faced by COVID-19 as serious enough that they affect the safety of the work environment for employees. The Centers for Disease Control (CDC) continues to assert that the COVID-19 vaccine is the safest, most effective way to prevent the spread of the virus that causes COVID-19 and it minimizes the illness if it is contracted. Both the EEOC and the CDC consider COVID-19 to be a “direct threat” in the workplace. Vaccines have been given final approval by the Food and Drug Administration (FDA). The many rules and regulations that control employers and people with disabilities, including the Americans with Disabilities Act (ADA), support an employer’s action to issue a COVID-19 vaccine mandate.

In addition to the responsibility to provide a safe work environment, DRW has a responsibility to avoid placing others at risk. Many of DRW’s job positions place employees in close proximity to vulnerable populations. DRW itself, in its commitment to hire individuals who represent the people we serve, has a number of employees who have disabilities or who have family members with disabilities. People with disabilities generally have a greater vulnerability to the impacts of COVID-19.

Because DRW is concerned about our clients, our team members and those in the communities we serve, and because of the extraordinary circumstance of a worldwide pandemic, the decision has been made by the Executive Director to adopt and enforce measures to reasonably mitigate the spread of COVID-19 that are job related and consistent with business necessity. Therefore, all employees will be required to be fully vaccinated against COVID-19, with exceptions allowed for those granted accommodations for medical or disability contraindication, or for sincerely held religious beliefs. DRW has added the possibility of an accommodation for an employee with a household member who is highly vulnerable to severe effects of COVID-19.

All employees covered by this policy are required to be fully vaccinated as a term and condition of employment at Disability Rights Wisconsin. This is a mandatory vaccination policy that does not allow an option to mask or test in lieu of receiving a COVID-19 vaccine.

Employees are required to report their vaccination status and to provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status. Employees not in compliance with this policy will be subject to disciplinary action, up to and including placement on unpaid leave until in compliance or termination.

## Definitions

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### Employees covered by this policy

This policy applies to all employees, regardless of status (part time or full time; regular, limited term or intern; paid or unpaid; DOL exempt or nonexempt, etc.) or work location (in DRW office or office sublease; most fully at-home situations; hybrid, etc.). This policy does not apply to the rare instance of an employee who works fully remotely, who will not travel to a DRW office, and whose job responsibilities will not bring the individual into physical proximity or in-person contact with DRW's employees, vendors, clients or partners. This exception must be requested by the employee's supervisor and authorized by the Executive Director.

### Definition of 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. At the time this policy is issued, this includes:

1. Two weeks after a second dose in a two-dose series of the Pfizer or Moderna vaccines;
2. Two weeks after a Johnson & Johnson single-dose vaccine; or
3. Two weeks after the second dose of any combination of two doses of Pfizer and Moderna vaccines as part of one primary vaccination series.

There is a high likelihood that in the near future booster doses will be added to the definition of "fully vaccinated".

### Definition of self-quarantine

In this policy, the term self-quarantine means the employee may not come to the office or conduct any in-person DRW work. Employees who are self-quarantining may work if they feel well enough and their job responsibilities can be conducted without in-person contact.

## Sections

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### Section I – Requirements

- All employees who have not been given an exemption are required to be fully vaccinated for COVID-19 by February 28, 2022. As of the date this policy is issued, a booster dose is not required.
- Supervisors will allow employees to use medical leave (up to four hours) to receive vaccinations. Employees may use up to two workdays of medical leave (pro-rated for part time employees) immediately following each dose if they have side effects from the COVID-19

vaccination that prevent them from working. Employees who have no accrued medical leave will be granted up to two days of additional sick leave immediately following each dose if necessary. To access the additional time, a request can be made by the supervisor to the Executive Director. If approved, the Executive Director will submit the addition of hours to the HR provider. Employees are to keep their supervisors informed of time needed to comply with the vaccine mandate policy.

- Employees are to make their own arrangements to receive the vaccine.
- As of the date this policy is issued, approved vaccines can be obtained at no cost. Should a cost be required for the vaccine in the future, DRW will reimburse the employee for the cost of the vaccine itself, not for transportation or other costs related to obtaining the vaccine
- No other form of immunization for COVID-19 (e.g., homeopathic, natural immunity without COVID vaccine, another form of medication or intervention, or recent antibody test) is acceptable in lieu of vaccination, under the definition of “fully vaccinated”.
- No COVID-19 testing and/or masking option in lieu of full vaccination is a replacement for this mandate.

## Section II – Proof of Vaccination

DRW will accept one of the following as proof of vaccination.

1. A copy of the record of immunization from a health care provider or pharmacy.
2. A copy of the COVID-19 Vaccination Record Card (CDC Form MLS-319813\_r).
3. A copy of medical records documenting the vaccination (no other medical records should be included).
4. A copy of immunization records from a public health or the [Wisconsin Immunization Registry](#). Be aware that this copy should not include any other immunization record besides the COVID-19 vaccine. A screen shot showing vaccination dates, with other records blacked or redacted, is acceptable.
5. A copy of any other official documentation verifying vaccination with information on the vaccine name, date(s) of administration, and the name of health care professional or clinic site administering vaccine.
6. 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 attest 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 disciplinary action, including the possibility of termination, and criminal penalties.”*

An employee who attests to their vaccination status in this way must include 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.

The process to submit proof of vaccination will be issued in January.

**Section III – Schedule**

Vaccination Status	Instructions	Deadline
Employees who are fully vaccinated.	Submit proof of vaccination that indicates full vaccination.	February 28, 2022
Employees who are working toward full vaccination but are not able to complete the series, including the 2 week wait, by February 28, 2022.	Submit proof that first dose has been received and proof of the date that second dose is scheduled.	January 31, 2022
Employees who plan to request an exemption to the vaccine mandate or accommodation.	Submit request, including required verifications.	January 31, 2022
Employees who requested an exemption to the vaccine mandate that is denied.	Immediately take steps to become fully vaccinated. Show proof of appointments and progress.	February 14, 2022

**Section IV – Exemption and Accommodation Requests**

Employees may request:

1. An exemption if the vaccine is contraindicated for them due to medical- or disability-related reasons, or if medical necessity requires a delay in vaccination.
  - a. Complete and submit “Disability or Medical Exemption from COVID-19 Vaccine Mandate Employee Request Form”
  - b. Have health care provider complete “Heath Care Provider Form – Verification for Exemption”
2. A reasonable accommodation is needed due to extreme medical vulnerability of a household member.
  - a. Complete and submit “Accommodation Due to Household Member Highly Vulnerable to COVID-19 Employee Request Form”
  - b. Have health care provider of household member complete “Heath Care Provider Form – Verification for Vulnerability to Severe Effects of COVID-19 Infection”

3. An exemption if the provisions in this policy conflict with a sincerely held religious belief, practice, or observance.
  - a. Complete and submit “Religious Exemption from COVID-19 Vaccine Mandate Employee Request Form”

Requests for exemptions and reasonable accommodations are to be initiated by submission of completed forms to the employee’s supervisor. All such requests will be handled in accordance with applicable laws and regulations and with DRW COVID-19 vaccination policy.

## **Section V – New Employees and Job Applicants**

The career page on DRW’s website includes a statement about the vaccine mandate. All job postings will contain a reference to the mandate. Candidates who are interviewed will be verbally notified of the mandate during the first interview. Interviewers will ask for a verbal commitment of compliance before advancing the candidate to a second interview. Candidates will be offered the opportunity to request a medical or religious exemption.

Unvaccinated new employees will be provided an appropriate amount of time to achieve full vaccination. The Executive Director will set the deadline. Until fully vaccinated, the employee will either wait to begin or will work remotely and will not have in-person meetings with DRW employees, clients, vendors, or other DRW contacts. The supervisor will either set a delayed start or will have the employee begin remotely, with the understanding that the new employee will make progress toward full vaccination in a timely manner.

## **Section VI – Noncompliance**

Employees who do not comply with DRW’s COVID-19 vaccine mandate policy will face disciplinary action, up to and including placement on unpaid leave until compliance has been achieved or termination.

## **Section VII – Employees Who Have or Might Have COVID-19**

Employees are required to promptly notify their supervisor if any of the following occur.

1. They have [symptoms of COVID-19](#) (note that new variants are unlikely to cause a loss of taste and smell; more common symptoms are sore throat and other cold-like symptoms);
2. They have tested positive for COVID-19;
3. They have been diagnosed with COVID-19 by a licensed health care provider.

Employees who have or might have COVID-19 must immediately leave the office or other work-related setting or remain at home. No in-person work-related contacts are allowed. If the employee feels well enough and job responsibilities allow, the employee may work from home. Employees with undiagnosed symptoms should be directed by their supervisor to be tested or to self-quarantine. If

COVID-19 tests are negative or if symptoms disappear, the employee can return to in-person work activities, practicing strict adherence to mask protocols as a precaution. DRW does not provide or pay for COVID-19 tests. Employees who have contracted or been exposed to COVID-19 may return to work, following Section VIII.

## Section VIII – Return to In-Person Work Activities

Employees must self-quarantine in circumstances described below. In an abundance of caution, DRW is going beyond the [CDC guidelines](#) released on December 27, 2021, by adding time to self-quarantine periods. DRW's guidelines are outlined below.

1. Employees **diagnosed with COVID** must self-quarantine for 7 calendar days from onset of symptoms. If asymptomatic at that point, they may come to the office or conduct in-person work activities, practicing strict adherence to mask protocols. A test is not required to return to in-person work, as tests do not identify current transmissibility.
2. Employees who are not fully vaccinated or are more than 6 months after the 2<sup>nd</sup> dose of Pfizer or Moderna, or 2 months after J&J, and have not received a booster, and are **exposed to someone who has been diagnosed with COVID**, must self-quarantine for 7 calendar days. With a negative viral COVID test on day 7, they may come to the office if they have no symptoms, practicing strict adherence to mask protocols.
3. Employees who are fully vaccinated and have received a booster, or who are within 6 months after the 2<sup>nd</sup> dose of Pfizer or Moderna, or 2 months of J&J, and are **exposed to someone who has been diagnosed with COVID**, no self-quarantine is required if there are no symptoms.

## Section IX – 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. The Executive Director collects and stores vaccine verifications. Supervisors are involved and interacting with employees or applicants requesting exemptions or accommodations. The Executive Director is involved with decision-making, and therefore receives these requests.

## Section X – Questions

Direct any questions regarding this policy to the Executive Director.