



HISTORIC  
NEW ENGLAND

## MANDATORY COVID-19 VACCINATION POLICY

### **POLICY: 3.9 - Mandatory COVID-19 Vaccination**

**Effective:** January 31, 2022

#### **3.9 – COVID-19 Vaccination Policy**

Historic New England is committed to a policy of protection for the health of all employees and visitors from the hazard of COVID-19. Effective January 31, 2022 it is Historic New England’s policy to:

##### **3.9.1. Mandated Employees**

- Require all employees, other than non-mandated employees as identified below, to disclose their COVID-19 vaccination status. All employees other than non-mandated employees are referred to as “mandated employees.”
- Require all mandated employees, other than those who qualify for an exemption from vaccination as a reasonable accommodation as set forth below, to be fully vaccinated against COVID-19 and to provide proof of being fully vaccinated against COVID-19 as a term and condition of employment. The standard for being “fully vaccinated” is the same standard as established in Centers for Disease Control and Prevention (CDC) guidance.
- Permit exemptions from COVID-19 vaccination for employees and job applicants who qualify for exemption as a reasonable accommodation under the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), or applicable state and local laws (together, EEO Laws). Such employees are referred to below as “exempted employees.”

##### **3.9.2. Non-Mandated Employees**

- those who do not report to a workplace where other individuals are present (lone workers);
- employees who work 100% remotely;
- employees who work exclusively outdoors.

##### **3.9.3. Employee Attestation of COVID-19 Vaccination Status**

Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if applicable, their testing results. Any employee not in compliance with this policy will be placed on appropriate leave will be subject to discipline up to and including termination of employment.

##### **3.9.4. Confidentiality and Privacy**

All medical information collected from employees and job applicants, 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.

### **3.9.5. Reasonable Accommodation under EEO Laws**

Human resources staff is responsible for implementing this policy, including resolution of reasonable accommodation requests. An individual who seeks an accommodation under this policy should make a request to human resources staff, including an explanation of the disability and/or sincerely held religious belief, practice, or observance that requires an accommodation. The individual may be required to provide medical information to support an accommodation request based on a disability.

In assessing reasonable accommodation requests, Historic New England will be guided by the standards established under EEO Laws.

For these purposes, a “disability” includes any condition that results in the vaccine being medically contraindicated for them or that requires a delay in vaccination for medical reasons. Employees also may be legally entitled to a reasonable accommodation if they otherwise 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 the employee in accordance with procedural guidance as advised by human resources. All such requests will be handled in accordance with applicable laws and regulations.

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

All vaccinated employees are required to submit proof of COVID-19 vaccination electronically by means of a secure procedural method as advised by human resources. Employee proof of vaccination will be kept strictly confidential with access limited to the human resources manager, the director of finance, any other employee with a need to know, and appropriate governmental officials upon request.

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;
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 Historic New England will still accept the state immunization record as acceptable proof of vaccination.

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

Historic New England will require employees to promptly notify their supervisor by the most efficient means possible (e.g. text, email, phone call) when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

Use of accrued sick time by an employee testing positive for COVID-19 follows that of the Historic New England Personnel Policies Manual. (9.4-Sick Time and 10.1-Family and Medical Leaves)

### **Medical Removal from the Workplace**

Historic New England has also implemented a policy for keeping COVID-19 positive employees from the workplace in certain circumstances. Historic New England 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 (i.e., immediately send them home or to seek medical care, as appropriate).

#### Return to Work Criteria

For any employee removed because they are COVID-19 positive, Historic New England will keep them removed from the workplace until the employee meets the current 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, Historic New England will follow the guidance of a licensed healthcare provider regarding return to work.

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

A mandated employee who is not fully vaccinated who has been granted an exemption from the mandatory vaccination requirement by human resources as a reasonable accommodation 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 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):

- (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. They shall also be subject to possible discipline up to and including termination of employment.

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.

#### **\* Face Coverings**

If a mandated employee is not fully vaccinated (i.e., if the employee is an exempted employee), Historic New England will require the employee to wear a face covering. Face coverings must meet current criteria in CDC's "Guidance for Wearing Masks". 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 as part of a multi-layered infection control approach for unvaccinated workers.

The following are exceptions to Historic New England'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.

Where Historic New England 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).