

LEGISLATIVE VACCINATION-OR-TEST POLICY

DRAFT: FOR JOINT RULES COMMITTEE DISCUSSION

(a) **Generally.** All legislators and legislative staff entering legislative spaces in the Capitol Complex, including the State House, 1 Baldwin St., 2 Aiken Ave., 4 Aiken Ave., 133 State St., 109 State St., and other locations being used for legislative purposes (including study committees, task forces, and panels composed of at least one member of the General Assembly) shall, as a condition of entry into the legislative space:

(1) demonstrate full vaccination against COVID-19 as set forth in subsection (b) of this policy; or

(2) on a weekly basis provide proof of a negative COVID-19 test taken within the last 96 hours as set forth in subsection (c) of this policy.

(b) **Fully vaccinated.**

(1)(A) Each legislator and legislative staff member who is fully vaccinated shall provide to the Office of Legislative Human Resources proof of that full vaccination or, if unable to provide that proof, shall attest that they are fully vaccinated on a form provided by the Office.

(B) The Office of Legislative Human Resources shall maintain copies of the proof of full vaccination and the attestations provided to it in the manner set forth in subsection (d) of this policy.

(2)(A) As used in this policy, “fully vaccinated” means that it has been at least two weeks since the individual has received their:

(i) second dose of COVID-19 vaccination for a two-dose series vaccine, such as the Pfizer or Moderna vaccines; or

(ii) one dose of COVID-19 vaccination for a single-dose vaccine, such as the Johnson & Johnson vaccine.

(B) COVID-19 vaccination boosters are encouraged but are not required under this policy.

(c) **Testing.**

(1) *Required; exemptions.*

(A) Unless exempted under subdivision (B) or (C) of this subdivision (1), a legislator or legislative staff member who is not in compliance with the full vaccination requirements of subsection (b) of this policy shall provide, as a condition of entry to legislative spaces, on each first weekday that the individual returns to a legislative space, proof of a negative COVID-19 test taken within the last 96 hours.

(B)(i) An individual may be granted a medical exemption from COVID-19 testing and, if appropriate, a reasonable accommodation, if the individual provides to the Office of Legislative Human Resources a signed statement from a licensed health care provider certifying that the testing is or may be detrimental to the individual's health.

(ii) An individual may be granted a religious exemption from COVID-19 testing and, if appropriate, a reasonable accommodation, if the individual provides to the Office of Legislative Human Resources an attestation that the individual is prevented from undergoing such testing based on a sincerely held religious belief, practice, or observance.

(iii) The Office of Legislative Human Resources shall prepare forms for requesting exemptions and, if appropriate, reasonable accommodations and may consult with the Office of Legislative Counsel and the individual's supervisor prior to granting an exemption and, if appropriate, a reasonable accommodation under this subdivision (B).

(C) An individual who has received a positive COVID-19 test, or who has been diagnosed with COVID-19 by a licensed healthcare provider,

shall not be required to undergo COVID-19 testing for 90 days following the date of the individual's positive test or diagnosis.

(2) *Method of testing.*

(A) The Office of Sergeant at Arms shall provide for the weekly testing required under this policy and shall arrange one or more areas within the Capitol Complex to provide this testing.

(B) The Office of Sergeant at Arms shall provide:

(i) nucleic acid amplification tests (NAATs) on Fridays so that those results are available at the beginning of the following week;¹ and

(ii) antigen (rapid) testing.

(C)(i) Individuals required to test under this policy shall, on a weekly basis, submit to:

(I) a NAAT on a Friday if they are returning to the Capitol Complex on the following Monday or Tuesday; or

(II) a rapid test on the first day of the week that they return to the Capitol Complex.

(ii) Individuals may self-administer their tests but shall have their results read by or in the presence of the Office of Sergeant at Arms.

(iii) Individuals may obtain tests from outside entities at their own expense in order to comply with this policy, so long as those tests otherwise conform to the provisions of this policy.

(3) *Test results.*

(A) The Office of Sergeant at Arms shall send to each individual by legislative email notice of each individual's test results, in addition to any in-

¹ NAATs include PCR and LAMP testing. See [this CDC summary](#).

person notification, and shall submit all test results to the Office of Legislative Human Resources as soon as practicable on the day a result is received.

(B) An individual who tests positive for COVID-19 shall not enter any legislative meeting spaces until it can be demonstrated that the individual is safe to return to those spaces in accordance with Centers for Disease Control and Prevention or Vermont Department of Health guidelines, or other policies that may apply to the individual.

(4) *Optional testing encouraged.* Legislators and legislative staff who have demonstrated that they are fully vaccinated against COVID-19 are encouraged to be tested for COVID-19 regardless of their vaccination status, and those individuals shall be afforded the same opportunity to be tested for COVID-19 as are the legislators and legislative staff who are required to be tested under this subsection (c).

(d) Maintenance of records and information.

(1) The Office of Legislative Human Resources shall maintain all records submitted to it in a secure location.

(2) The Office of Legislative Human Resources shall maintain a roster of the legislators and legislative staff who have demonstrated that they are fully vaccinated and of those who are required to be tested under this policy, and shall provide the roster of individuals required to be tested and notice of any positive COVID-19 tests to:

(A) the chair of the chamber's committee on rules in the case of a member of that chamber or that chamber's staff, or to the vice chair of that committee in the case of the committee chair;

(B) the chair of the appropriate oversight committee in the case of a department head; or

(C) the head of the appropriate legislative department, in the case of any other legislative staff member.

(3) The entity receiving the roster of individuals required to be tested and notice of any positive COVID-19 tests under subdivision (2) of this subsection (d) shall ensure that individual's compliance with this policy.

(4) Any individual receiving information under this policy shall keep confidential any personally identifying information, except to the extent necessary to implement this policy.

(e) Recommendation; implementation; effective date.

(1) *Recommendation.* The Committee on Joint Rules recommends this policy as a matter of common concern to both chambers.

(2) *Implementation.*

(A) Each chamber shall be responsible for implementing this policy for the members of its chamber and its chamber staff, and the Joint Legislative Management Committee shall be responsible for implementing this policy for all other legislative staff.

(B) This policy is in addition to the requirements of [the Legislative Face Mask Policy](#).

(3) *Effective date.* This policy shall take effect on Monday, January 3, 2022 and shall remain in effect until the date determined by the implementing entity described in subdivision (2) of this subsection (e).