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<b>Subject:</b> COVID-19 Vaccination and Testing	<b>Policy/Procedure Number:</b> 00006
<b>Effective Date:</b> January 3, 2022	<b>Review Date:</b>
<b>Applicable To:</b> VT State Legislative Employees	<b>Revision Date:</b>
<b>Issued By:</b> Office of Legislative Human Resources	<b>Approved By:</b> Human Resources; Joint Legislative Management Committee

## PURPOSE AND POLICY STATEMENT

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the State House and throughout Vermont. The General Assembly encourages all employees to be vaccinated against COVID-19 to protect themselves, their fellow employees, legislators, and members of the public who enter the State House. Employees who elect not to be vaccinated are required to undergo weekly testing for COVID-19 as set forth in this policy. All employees, regardless of vaccination status and COVID-19 test results, are required to comply with the Legislative Face Mask Policy.

## DEFINITIONS

**Employee**—An individual who holds a permanent or temporary position and currently receives wages from the Vermont General Assembly. The term employee does not include employees of the Speaker of the House, the President Pro Tempore of the Senate, the House Clerk, the Senate Secretary, or independent contractors.

**Antigen Test**—A test that has been cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the U.S. Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 (COVID-19) virus by detecting the presence of a specific viral antigen.

**Approved COVID-19 Vaccine**—A COVID-19 vaccine that is:

- approved or authorized for emergency use by the FDA;
- listed for emergency use by the World Health Organization (WHO); or
- administered as part of a clinical trial at a U.S. site for which vaccine efficacy has been independently confirmed (for example, by a data and safety monitoring board).



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**Legislative Workplace**—Any legislative space, including the State House, 1 Baldwin Street, 2 Aiken Avenue, 4 Aiken Avenue, 109 State Street, 133 State Street, and any other location being used for legislative purposes.

**PCR Test**—Includes nucleic acid amplification tests that have been cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the U.S. Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 (COVID-19) virus by identifying the ribonucleic acid (RNA) sequences that comprise the genetic material of the virus. This term includes LAMP tests and other nucleic acid amplification tests.

**Fully Protected Vaccinated**—Has the same meaning as defined by the Vermont Department of Health. As of December 15, 2021, the Vermont Department of Health defines it as having been at least two weeks since an individual has received their 1) second dose of COVID-19 vaccination for a two-dose series vaccine; or 2) one dose of COVID-19 vaccination for a single-dose vaccine. If the Vermont Department of Health amends the definition for fully protected vaccinated to include a COVID-19 “booster” shot, staff will be notified by their Director of the need to obtain a booster shot and provided a reasonable period of time to obtain a booster shot and provide proof to the Office of Legislative Human Resources.

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## **VACCINATION STATUS AND ACCEPTABLE PROOF OF VACCINATION**

### **Vaccination Against COVID-19**

All employees are encouraged to become fully protected vaccinated against COVID-19, as defined by the Vermont Department of Health. Employees who are not fully protected vaccinated are required to undergo weekly COVID-19 testing as set forth in this policy.

To be fully protected vaccinated by January 3, 2022, an employee must:

- obtain the first dose of an approved two-dose COVID-19 vaccine not later than November 22, 2021, or November 29, 2021, depending on the vaccine, and the second dose not later than December 20, 2021; or
- obtain one dose of an approved single dose COVID-19 vaccine not later than December 20, 2021.

An employee who has received only one dose of a two-dose vaccine is considered partially vaccinated and required to participate in weekly COVID-19 testing.



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Employees may schedule a vaccine appointment online at the [Vermont Department of Health](#) or by calling the Vermont Department of Health at (855)-722-7878. Employees may also be able to schedule a vaccine appointment through a local pharmacy.

### **Notification of Vaccination Status**

All employees should report their vaccination status on the *Vaccination Status and Attestation Form* provided by the Office of Legislative Human Resources and, if vaccinated, provide proof of vaccination to the Office of Legislative Human Resources on or before January 3, 2022. If an employee becomes fully protected vaccinated after January 3, 2022, the employee should update the employee's vaccination status and provide proof of vaccination to the Office of Legislative Human Resources as soon as practicable. **Employees who do not provide acceptable proof of vaccination or provide their attestation are required to undergo weekly COVID-19 testing until they become fully protected vaccinated and provide acceptable proof of vaccination.**

The *Vaccination Status and Attestation Form* and proof of vaccination can be submitted via e-mail to the Office of Legislative Human Resources at [HRC19@leg.state.vt.us](mailto:HRC19@leg.state.vt.us) or **can be put in a sealed envelope and placed in the lockbox located in the Sergeant at Arms' office.** Proof of vaccination submitted electronically may be submitted as a PDF or a JPEG.

Employees must provide truthful and accurate information to the Office of Legislative Human Resources regarding their COVID-19 vaccination status and, if not fully protected vaccinated, their testing results. Employees who provide false information will be subject to discipline, up to and including termination, and could also be subject to criminal penalties.

The following documents are acceptable proof of vaccination status:

- 1. a copy of the COVID-19 Vaccination Record Card;**
2. a record of immunization from a health care provider or pharmacy;
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 health care professional(s) or clinic site(s) administering the vaccine(s).



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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 health care professional(s) or clinic site(s) that administered the vaccine. In some cases, immunization records may not include one or more of these data fields, such as clinic site. In those circumstances, the General Assembly will still accept the immunization record as acceptable proof of vaccination.

If an employee is unable to provide acceptable proof of vaccination, despite reasonable attempts to do so (for example, by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement on the *Vaccination Status and Attestation Form* provided by the Office of Legislative Human Resources attesting to the employee's vaccination status (fully protected vaccinated or partially vaccinated) and that the employee has lost or is otherwise unable to produce one of the other forms of acceptable proof. An employee who attests to their vaccination status should, to the best of the employee's recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine. An employee who knowingly provides false information on an attestation will be subject to discipline, up to and including termination, and may be subject to criminal penalties.

### **Vaccine Boosters**

The General Assembly encourages all employees to obtain a COVID-19 vaccine booster when it is medically appropriate to do so. Employees are not required to submit any information regarding whether they have received a booster dose of a COVID-19 vaccine. However, if the Vermont Department of Health amends the definition of fully protected vaccinated to include a booster, then employees will be required to submit proof of their booster dose or to undergo weekly testing as required by this policy.

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### **PAID TIME OFF FOR COVID-19 VACCINATION**

An employee may take up to four hours of regular work time during work hours per dose to travel to a COVID-19 vaccination site, receive a COVID-19 vaccination, and return to work, up to a maximum of eight hours of paid time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of time will be granted. Employees who take longer than four hours to get a vaccine must send their supervisor an e-mail documenting the reason for the additional time. In that situation, any additional time requested will be granted, if reasonable, but it will not be paid unless the



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employee elects to use accrued paid leave to cover the additional time. If an employee elects to be vaccinated outside of regular work hours, the employee will not be compensated for the time required for the vaccination.

Employees may utilize up to two workdays' worth of sick leave immediately following each dose if they have adverse side effects from the COVID-19 vaccination that prevent them from working. Employees who have no accrued sick leave will be granted up to two days of additional sick leave immediately following each dose if necessary.

An employee shall submit any request for time to receive or recover from a dose of a COVID-19 vaccine to the employee's supervisor. Requests for time off to receive a dose should be submitted at least seven days in advance, if possible. Requests for time off to recover from a dose of a COVID-19 vaccine should be submitted as soon as practicable.

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## **COVID-19 TESTING REQUIREMENT**

### **Weekly Testing Requirement**

Beginning on January 3, 2022, employees who are not fully protected vaccinated are required to undergo regular COVID-19 testing as set forth in this section.

Unless the employee has received an exemption as set forth in this section, an employee who is not fully protected vaccinated and reports to the legislative 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 Office of Legislative Human Resources, not later than the seventh day following the date on which the employee last provided a test result.

An employee who is not fully protected vaccinated and who does not report to the legislative workplace during a period of seven or more days:

- a. must be tested for COVID-19 within three days prior to returning to the legislative workplace; and
- b. must provide documentation of that test result to the Office of Legislative Human Resources upon return to the legislative workplace.



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Employees will be required to provide the Office of Legislative Human Resources with documentation of each week's test result. If an employee does not provide documentation of a COVID-19 test result as required by this policy, the employee will be removed from the legislative workplace until the employee is able to provide documentation of a negative test result to the Office of Legislative Human Resources.

### **Requirements for Tests**

A test shall not be both self-administered and self-read unless observed by an individual designated by the Office of the Sergeant at Arms or an authorized telehealth proctor. A test can be self-administered if the results are read by an authorized individual, such as an individual designated by the Office of the Sergeant at Arms, a health care provider, or a pharmacist.

Examples of tests that satisfy the weekly testing requirement include tests with specimens that are processed by a laboratory (including at-home, Department of Health, and on-site collected specimens that are processed either individually or as pooled specimens), proctored over-the-counter tests, point of care tests, and tests where specimen collection and processing is either done or observed by an individual designated by the Office of the Sergeant at Arms.

Documentation of the test result must include a statement certifying the result from a laboratory, a telehealth proctor, or another appropriate entity that observed or processed the test.

A test used to comply with this section must be a PCR test that has been cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the FDA to detect current infection with the SARS-CoV-2 virus.

### **COVID-19 Testing Provided by the Sergeant at Arms**

The Office of the Sergeant at Arms will provide weekly PCR testing to all employees that may be used to satisfy the requirements of this policy. The Office of the Sergeant at Arms will also provide Antigen test kits to legislative staff who wish to use them. The Office of the Sergeant at Arms will provide employees with information regarding on-site testing procedures and availability.

### **Cost of Tests**

On-site testing provided by the Office of the Sergeant at Arms is offered at no cost to employees. Employees are responsible for any costs incurred in relation to a test that is not provided by the Office of the Sergeant at Arms.



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## **Exemptions from Testing Requirement**

Employees may be legally entitled to an exemption from one or more requirements of this policy and a reasonable accommodation if they cannot undergo testing because of a medical condition; a sincerely held religious belief, practice, or observance; or because they recently tested positive for or were diagnosed with COVID-19. Requests for exemptions and reasonable accommodations must be initiated through a written request submitted to the Office of Legislative Human Resources and the employee's supervisor. All requests will be handled in accordance with applicable laws.

### **Medical Exemption:**

An employee 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 employee's health because of an underlying health condition. The Office of Legislative Human Resources will determine if a medical exemption is warranted and, if applicable, the appropriate reasonable accommodation on a case-by-case basis.

### **Religious Exemption:**

An employee may be granted a religious exemption from COVID-19 testing and, if appropriate, a reasonable accommodation if the employee provides to the Office of Legislative Human Resources a signed attestation that the employee is prevented from undergoing such testing because of a sincerely held religious belief, practice, or observance. The Office of Legislative Human Resources will determine if a religious exemption is warranted and, if applicable, the appropriate reasonable accommodation on a case-by-case basis.

### **Recent COVID-19 Positive Test or Diagnosis:**

Employees who have received a positive COVID-19 test, or who have been diagnosed with COVID-19 by a licensed health care provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis. Employees who received a positive test or diagnosis before this policy was adopted should provide documentation of the positive test or diagnosis, including its date, to the Office of Legislative Human Resources when they request an exemption from the weekly testing requirements of this policy.

## **Testing for Fully Protected Vaccinated Employees**



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Fully protected vaccinated employees are strongly encouraged, but not required, to participate in testing provided by the Office of the Sergeant at Arms.

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## **EMPLOYEE NOTIFICATION OF COVID-19 AND REMOVAL FROM THE WORKPLACE**

### **Notification of COVID-19 Positive Test or Diagnosis**

All employees of the General Assembly are required to promptly notify their supervisor, the Office of the Sergeant at Arms, and the Office of Legislative Human Resources when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed health care provider. An employee who is sick or experiencing symptoms of COVID-19 at work should immediately notify the employee's supervisor and leave work to go home or seek medical care, as appropriate. The employee should follow Vermont Department of Health isolation guidelines and is encouraged to get tested for COVID-19 and should notify the employee's supervisor and the Office of Legislative Human Resources of the results of the test.

An employee may use earned sick time for time missed due to illness or because of symptoms related to COVID-19. More information regarding time off due to illness can be found in the Earned Sick Time Policy (#00002), the Parental and Medical Leaves of Absence Policy (#00001), and the Pre-Eligibility Leave Policy (#00003).

If an employee's health and job permit, an employee may elect to work remotely until the employee is sufficiently recovered to return to the legislative workplace.

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

It is the policy of the General Assembly to immediately remove an employee from the legislative workplace if the employee has received a positive COVID-19 test or been diagnosed with COVID-19 by a licensed health care provider. An employee who receives a positive COVID-19 test or is diagnosed with COVID-19 shall be sent home or directed to seek medical care, as appropriate.

Following a positive COVID-19 test or COVID-19 diagnosis, an employee will not be permitted to return to the legislative workplace until the employee has satisfied the applicable return to work criteria set forth in this policy. If an





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employee's health and job permit, the employee may elect to work remotely until the employee is sufficiently recovered to return to the legislative workplace.

### **Return to Work Criteria**

For any employee who has been removed from the legislative workplace because the employee has tested positive for COVID-19 or been diagnosed with COVID-19, the employee will not be permitted to return to the legislative workplace until the following conditions have been met.

For an employee who has received a positive result on a COVID-19 antigen test and elects to seek a PCR test for confirmatory testing, the employee will be permitted to return to the legislative workplace if the employee receives a negative result on the PCR test. If the PCR test is also positive, the employee will be required to follow the Vermont Department of Health's isolation guidelines as set forth below.

All other employees who have tested positive for or been diagnosed with COVID-19 will be required to follow the Vermont Department of Health's isolation guidelines. Under the Vermont Department of Health's isolation guidelines, asymptomatic employees may return to work once 10 days have passed since the positive test, and symptomatic employees may return to work after all the following are true:

- at least 10 days have passed since symptoms first appeared;
- at least 24 hours have passed with no fever without fever-reducing medication; and
- other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).

If an employee has severe COVID-19 or an immune disease, the General Assembly will follow the guidance of the employee's licensed health care provider regarding when the employee may return to work.

An employee who requires an accommodation such as remote work or a reduced work schedule because of complications due to COVID-19, long-term effects of COVID-19, or another COVID-19-related reason should submit a written request for an accommodation to the Office of Legislative Human Resources and the employee's supervisor. Employees requesting a reduced work schedule or intermittent leave due to COVID-19 complications will be subject to the rights and requirements of the Parental and Medical Leaves of Absence Policy.



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## **NEW EMPLOYEES**

All new employees are required to submit proof of vaccination, if applicable, and should submit the *Vaccination Status and Attestation Form* to the Office of Legislative Human Resources within three working days after commencing employment with the General Assembly. If a new employee or returning session-only employee becomes fully protected vaccinated after commencing work with the General Assembly, the employee should update the employee's vaccination status and provide proof of vaccination to the Office of Legislative Human Resources as soon as practicable. New employees will be required to comply with the weekly testing requirements of this policy until the employee has submitted proof of vaccination, including providing an antigen test on the first day of employment.

Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment.

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## **CONFIDENTIALITY AND PRIVACY**

All medical information collected from employees, including vaccination information, test results, and any other information obtained as a result of testing, will be kept confidential in accordance with applicable laws and rules.

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This document is subject to change and is not intended to establish a contract of employment or any contractual rights.

Employees with questions, concerns, or disputes with the content of this policy must notify their direct supervisor/director or the Office of Legislative Human Resources at the Vermont General Assembly, Montpelier, VT, in writing.