
Subject/Title: Mandatory COVID-19 Vaccinations for Healthcare Workers

Policy: Oneida Health shall continuously require personnel to be fully vaccinated against COVID-19. Healthcare workers in New York must be vaccinated against COVID-19 and receive their first dose by **Monday, September 27, 2021** for general hospital and nursing home personnel.

This policy is established by order of the New York State Department of Health and is therefore not considered a part of any Collective Bargaining Agreement of any of its procedures or provisions. This Policy may be added to; deleted from or amended at any time at the sole and exclusive discretion of the Employer.

Documentation of such vaccination shall be maintained in personnel records or other appropriate records in accordance with applicable privacy laws.

Employee Health shall maintain all applicable vaccination records, as well as all requested medical exemptions.

Purpose: To ensure compliance with referenced NYSDOH regulation. To protect patients, residents and personnel.

Scope: This policy applies to all of Oneida Health (OH) including the hospital and all of its departments and health centers, the Extended Care Facility, Members of the Medical Staff and any other department or entity which is part of OH as appropriate.

“Covered Entities” include (but are not limited to) the following facilities and providers: staff at hospitals, diagnostic centers, hospices, Treatment, Rehabilitation and Diagnostic Centers and nursing homes, adult care, and other congregate care settings.

“Covered Personnel” means any person that is employed by or affiliated with Oneida Health and Oneida Medical Staff who engages in activities such that, if they were infected with COVID-19, they could potentially expose patients, residents, or personnel to COVID-19, including but not limited to:

- Employees
- Members of the medical staff (Employed by Oneida Health Hospital as well as independent members of the organization Medical Staff)
- Contract staff
- Students
- Volunteers

Definitions:

Medical Exemptions: Any licensed physician or certified nurse practitioner that certifies that, based upon a pre-existing health condition, COVID-19 immunization is detrimental to the health of a specific personnel member. *A physician assistant cannot provide this certification. Specific medical conditions that trigger a medical exemption have not been outlined in the regulation, but rather will be based on provider certification.

Contraindications: CDC Guidance recommends against getting the Pfizer or Moderna vaccine for individuals that have had either a severe allergic reaction or an immediate allergic reaction to any of the ingredients found in the mRNA vaccines, including polyethylene glycol. Similarly, the CDC recommends against getting the J&J vaccine if an individual has had either a severe allergic reaction or an immediate allergic reaction to any of the ingredients found in the J&J vaccine, including polysorbate.

Religious Exemptions: Covered personnel may at this time submit for review, a religious exemption. If granted, that individual will be allowed to continue to work until such time that the exemption is no longer allowed by the courts. At that time, the individual who is working due to this exemption, will be informed of any decision to disallow this exemption.

Documentation Required: Oneida Health must maintain documentation of employee vaccinations, as well as the nature and duration of the medical exemption in accordance with generally accepted medical standards and the details of the reasonable accommodations that have been granted. Documentation of vaccination includes:

- CDC COVID-19 Vaccine Card
- An official record from CDMS, NYSIIS, a foreign nation, CIR, Immunization registry of another state or electronic health record system.

Oneida Health must maintain documentation of any religious exemption granted.

Procedure:

- Healthcare workers in New York must be vaccinated against COVID-19 and receive their first dose by **Monday, September 27, 2021**, for general hospital and nursing home personnel. As a result, all employees must provide: (1) proof of full vaccination (which may be on file with Employee Health); or (2) proof of scheduled appointments to receive full vaccination, with the first appointment occurring prior to September 27, 2021; or (3) submit a request for accommodation as detailed below. Acceptable proof of vaccination must show the date(s) an employee received the dose(s) of the vaccine and the type of vaccine received. Alternatively, employees may demonstrate proof of vaccination using the Excelsior Pass. Employees may get any of the COVID-19 vaccines that are approved in New York at the time of vaccination. As of the date of this policy, the available vaccines in New York are Pfizer, Moderna and Johnson & Johnson.

Employees will be paid up to four (4) hours, without charge to any paid leave accruals otherwise provided, for time taken to receive vaccinations and the cost of the vaccine if it is not covered by Employee's insurance. Employees must work with their department heads to schedule the appropriate time to comply with this policy.

- Employees who do not produce proof of vaccination or vaccination appointments within the time required under this policy will be subject to suspension without pay and/or termination of employment through the following steps:
 - a. **Step 1:** Any employee who has not provided (a) proof of full vaccination, (2) proof of scheduled appointments for vaccination, or (c) a written request for an accommodation prior to September 27, 2021, shall be issued a written notice requiring them to come into compliance by taking one of the aforementioned actions within thirty (30) days of receiving such notice. The employee shall be placed on **voluntary unpaid leave of absence** without pay at this time. The duration of each **voluntary unpaid leave of absence** shall be determined at the sole and exclusive discretion of the Employer. All employees who are serving a probationary period will have his/her probationary period automatically extended on a day for day basis while on the **voluntary unpaid leave** status.
 - b. **Step 2:** Any employee who is not in compliance with this policy at the conclusion of thirty (30) days of their written notification to do so shall be subject to:

- i. continuation of the employee's unpaid leave until such time as the employee comes into compliance with this policy, the policy is rescinded or the employee resigns his or her position;
 - ii. termination of employment; or
 - iii. pursuit of termination of employment under the process required by applicable law or collective bargaining agreement
- c. Since the employee has voluntarily rendered him or herself legally unqualified for active employment status they will not be considered eligible for any and all unemployment insurances or any Employer compensation.
- d. During the **voluntary unpaid leave of absence** the employee will be responsible for the payment of the employee share of all applicable Health Insurance premiums, he/she will not accrue additional Paid leave time nor be eligible to use such leave. Additionally, the employee will not receive seniority credit for the time while on the **voluntary unpaid leave**.
- e. An employee who submits proof that they are qualified to return to active employment prior to the end of their **voluntary unpaid leave** will be recalled if a vacancy exists using the following procedure; by Seniority and job title provided the employee has the ability, skill and qualifications to perform the available work. An employee who is directed back to work will be notified by Human Resources and must report for full duty at the date, time and work location provided by the Employer. Should the employee not return as directed by the Employer or remains unqualified for full employment at the expiration of his/her approved **voluntary unpaid leave** he/she may be considered by the Employer to have voluntarily resigned his/her employment.
- f. When an employee returns to duty from this **voluntary unpaid leave** they will be credited with all previously earned and accrued Paid Leave, retain his/her pre-leave seniority, pre-leave hourly rate and pre-leave Health Insurance and Retirement status. The employee is not guaranteed pre-leave work location, shift assignment, pass days or number of hours of work per week.

Oneida Health and its administration may apply any of the remedies available under Step 2 as it deems necessary and prudent in the discretion of its Chief Executive Officer.

- This policy will also apply to any booster COVID vaccination(s) that may be recommended or required by local, state or federal officials to maintain vaccination efficiency, or annual COVID vaccinations that may become recommended or required by local, state or federal officials after the adoption of this policy.

Reasonable Accommodation

Oneida Health recognizes that employees may be entitled to exemption from the requirements of this policy to accommodate a medical condition. Such requests should fully and completely state the ground for and expected duration of the requested exemption. Oneida Health will examine the stated basis for the requested accommodation and where appropriate, will engage in an interactive process to determine if a reasonable accommodation can be provided that does not create an undue hardship for Oneida Health and/or does not pose a direct threat to the health or safety of patients, others in the workplace, and/or to the employee.

Requests for accommodations must be submitted in writing to Employee Health. If you believe that you have been treated in a manner not in accordance with this policy, please notify Employee Health. All such exemption requests will be handled without retaliation.

If a medical exemption is warranted, the requirements of the vaccine mandate shall be subject to a **reasonable accommodation** that shall last until the vaccine is found to be **no longer detrimental to the individual's health**. The details of the reasonable accommodation that has been granted must also be documented in the employee's health record.

Applicants for Employment

Hiring managers shall inform each candidate at the time of interview that all employees of Oneida Health must be vaccinated per New York State mandate unless an approved medical exemption can be provided. If the applicant agrees, they must provide proof of vaccination prior to their start date. Proof of vaccination as required by this policy is a condition of employment for all positions with Oneida Health, so any applicant who cannot or will not provide such proof of vaccination will not be considered for employment. Any offers of employment made prior to an applicant providing proof of vaccination shall be contingent upon submission of such proof within 5 days of being notified of this need and shall be rescinded if the candidate fails to produce the required proof of vaccination.

Other related Policies/Procedures:

Previous Policy #: NA - New

References: NYSDOH Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, Part 2 is amended to add a new section 2.61, as follows:

“2.61(c) Prevention of COVID-19 transmission by covered entities

Standards:

Forms:

Approved By: Administration, Christopher Militello, Esq Costello, Cooney, Fearon