

## COVID-19 Vaccination Requirement for Health Care Workers and School Staff

### PURPOSE

The purpose of this policy is to meet requirements of the Oregon Health Authority and to help protect employees and the community from significant health issues related to COVID-19. The Oregon Health Authority issued temporary Oregon Administrative Rules 333-019-1010 and 333-019-1030 that requires all Health Care Workers and School Staff to provide documentation of being fully vaccinated against COVID-19 or provide documentation of a medical or religious exception or exemption by October 18, 2021.

### DEFINITIONS:

**"Fully vaccinated"** means having received both doses of a two-dose COVID-19 vaccine or one dose of a single-dose COVID-19 vaccine and at least 14 days have passed since the individual's final dose of COVID-19 vaccine.

**"Health Care Worker"** means healthcare providers and healthcare staff as defined under OAR 333-019-1010(1)(d).

**"Medical exception"** means that an individual has a physical or mental impairment that prevents the individual from receiving a COVID-19 vaccination.

**"Proof of vaccination"** means documentation provided by a tribal, federal, state or local government, or a health care provider, that includes an individual's name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card or a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority's immunization registry.

**"Religious exception"** means that an individual has a sincerely held religious belief that prevents the individual from receiving a COVID-19 vaccination.

**"School Staff"** means educational program staff as defined under OAR 333-019-1030(2)(i).

### GENERAL POLICY:

1. All employees and on-site contractors who meet the definition of a Health Care Worker or School Staff are required to be fully vaccinated against COVID-19 or have a documented medical or religious exception or exemption on or before October 18, 2021.

2. Yamhill County will make reasonable accommodations in order to comply with Title VII of the Civil Rights Act, Americans with Disabilities Act, and state law for employees and contractors subject to OAR 333-019-1010 who are unable to be vaccinated due to qualifying medical reasons, disability, or a sincerely held religious belief.
3. New employees who fall under the definition of Health Care Worker or School Staff cannot begin employment with the County without providing proof of full COVID-19 vaccination or an accepted Medical or Religious Exception or exemption prior to or on their first day of work.
4. Employees who fall under the definition of Health Care Worker or School Staff that are not fully vaccinated or do not have an approved Medical or Religious Exception or exemption by October 18, 2021, will be deemed to be no longer able to perform the essential functions of their positions.

## **PROCEDURES:**

### **1. Vaccination Status**

- a. Employees who fall under the definition of Health Care Worker or School Staff are to submit Proof of Vaccination to Yamhill County Human Resources (YCHR). Employee Proof of Vaccination records will be kept in a confidential medical file in YCHR. These records will be maintained in accordance with OAR 333-019-1010 and treated by the County as a confidential medical record.
- b. Employees who fall under the definition of Health Care Worker or School Staff are encouraged to submit Proof of Vaccination to YCHR as soon as possible. Employees who fall under the definition of Health Care Worker or School Staff who do not submit the required Proof of Vaccination by October 18, 2021, will be considered unvaccinated and not able to perform the essential functions of their positions.
- c. Employees who fall under the definition of Health Care Worker or School Staff who report that they are not Fully vaccinated by October 18, 2021, will be allowed to take a leave of absence not to exceed 45 calendar days, but only if the employee plans to become Fully vaccinated or submit a request for a medical or religious exception or exemption. These employees will be required to use any accrued FET, sick leave, vacation, comp time, floating holidays, or go on unpaid leave (upon exhausting all accrued FET, sick, vacation, and comp time) during this leave of absence. Failure to immediately return to work once Fully vaccinated will be considered a voluntary termination of employment.

- i. If an employee is allowed a leave of absence under this subsection and decides not to become Fully vaccinated, the employee will need to immediately contact YCHR. If the employee decides to submit a Medical or Religious Exception or exemption statement, it must be approved, and the interactive resolution process completed within the same leave of absence period. No additional time will be granted.

## **2. Exceptions and Exemptions**

- a. Employees who fall under the definition of Health Care Worker or School Staff requesting a Medical or Religious Exception or exemption must submit either a completed Oregon Health Authority Medical Exception request form or a completed Oregon Health Authority Religious Exception request form, or a written exemption statement that contains all the information required under the Americans with Disabilities Act and Title VII of the Civil Rights Act and state law equivalents.
  - i. A Medical Exception request or exemption statement must be corroborated by a document signed by a medical provider, who is not the individual seeking the exception, certifying that the individual has a physical or mental impairment that limits the individual's ability to receive a COVID-19 vaccination based on a specified medical diagnosis, and that specifies whether the impairment is temporary in nature or permanent.
  - ii. A Religious Exception request or exemption statement must be signed by the individual stating that the individual is requesting an exception or exemption from the COVID-19 vaccination requirement on the basis of a sincerely held religious belief and must include a statement describing how the COVID-19 vaccination requirement conflicts with the individual's religious observance, practice, or belief.
  - iii. Exception request forms are available upon request from YCHR. All completed and processed forms and statements will be kept in a confidential medical file by YCHR. These records will be retained in accordance with OAR 333-019-1010. These records and any notes related to the interactive resolution process will be treated by the County as a confidential medical record.
- b. Employees who fall under the definition of Health Care Worker or School Staff intending to request exceptions or exemptions are encouraged to submit completed exception request forms or exemption statements to YCHR as soon as possible. Employees who fall under the definition of Health Care Worker or

School Staff who have not submitted completed exception request forms or exemption statements or who have not completed the interactive resolution process by October 18, 2021, will be considered not able to perform the essential functions of their position.

- c. Yamhill County will take reasonable steps and engage in an interactive resolution process to ensure that employees who fall under the definition of Health Care Worker or School Staff and who have an approved exception or exemption are protected from contracting and spreading COVID-19.
- d. Upon receipt of completed exception request forms or exemption statements, YCHR will review the requests and contact employees to initiate the interactive resolution process. The interactive resolution process will include the employee, the employee's supervisor or manager, and YCHR. The interactive process consists of a meeting or series of meetings to identify, discuss, and implement reasonable accommodations for employees unable to be vaccinated due to medical conditions or religious beliefs. Accommodations to be considered are dependent on the employee's position duties and work environment, and whether or not the accommodation poses an undue hardship to the County. Upon successful completion of the interactive process, employees are expected to comply with the agreed-upon accommodations. Any modifications to the agreed upon accommodations are subject to reengagement in the interactive resolution process. The costs of any reasonable accommodation resulting from the interactive resolution process, including testing requirements, will be paid by the County.
- e. If a completed exception request or exemption statement is denied, and an employee has additional or clarifying information to provide or they have had a change in circumstances, they may resubmit the exception request form or exemption statement.
- f. Employees who fall under the definition of Health Care Worker or School Staff who have requested an exception or exemption but have not completed the interactive resolution process, or the exception request or exemption statement has not been approved by October 18, 2021, will be allowed to take a leave of absence not to exceed 45 calendar days, provided the employee continues to engage in the interactive resolution process. Employees will be required to use any accrued FET, sick leave, vacation, comp time, floating holidays, or go on unpaid leave (upon exhausting all accrued FET, sick, vacation, and comp time) during this leave of absence. Failure to immediately return to work upon approval

of the exception request or exemption statement and completion of the interactive resolution process will be considered a voluntary termination of employment.

- g. Employees who fall under the definition of Health Care Worker or School Staff who are not approved for an exception or exemption and reasonable accommodation will be deemed to be no longer able to perform the essential functions of their positions.

### **3. General**

- a. Employees who fall under the definition of Health Care Worker or School Staff may qualify to use the Temporary COVID-19 Paid Administrative Leave Policy (subject to modification or revocation by the Board of Commissioners) if they experience an adverse reaction to the COVID-19 vaccine. Approval is subject to certification by a medical provider that the adverse reaction is due to receiving the COVID-19 vaccine and the terms and conditions of the Temporary COVID-19 Paid Administrative Leave Policy. Otherwise, all other policies and procedures regarding the use of sick leave or FET apply.
- b. Employees who fall under the definition of Health Care Worker or School Staff are permitted to use a reasonable amount of paid County time to receive the COVID-19 vaccination and to engage with YCHR on processing exception requests or exemption statements without loss of pay, except when out for approved leave of absence (as described above). Employees must notify and gain approval from their supervisor or manager before leaving their worksite.
- c. Costs incurred by an employee who falls under the definition of a Health Care Worker or School Staff to obtain a required COVID-19 vaccine, COVID-19 testing or personnel protective equipment (PPE) required as part of an accommodation may be reimbursed by the County. To receive reimbursement, employees are required to provide the County with proof of costs incurred, such as receipts, invoices, or credit card charges. Employees must discuss any planned COVID-19 testing or PPE purchases with their supervisor or manager and obtain approval prior to making any purchases.

### **POLICY ADMINISTRATION:**

#### **1. Enforcement:**

- a. Staff: Observance of this policy is mandatory for all County employees subject to OAR 333-019-1010 and OAR333-109-1030.

2. Implementation:

- a. Department heads and managers are expected to be knowledgeable of, and shall be responsible for, implementing this policy within their respective departments.

**MODIFICATION, RENEWAL, EXPIRATION OF POLICY:**

This policy will remain in effect until modified or revoked by the Board of Commissioners, with 14 days' notice to employees.

Accepted by Yamhill County  
Board of Commissioners on  
10/7/21 by Board Order  
# B.O. 21-410