



Kanabec County Board of Commissioners

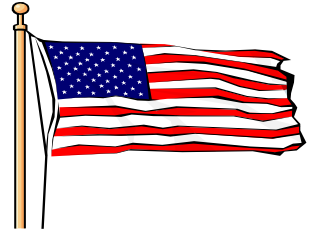
Special Meeting Agenda NOVEMBER 23, 2021 9AM

- The meeting will be in-person and via WebEx (video / phone conference)
- The public may join the meeting via WebEx or in person at the meeting room.
- If joining the meeting in person, the total number of persons (including commissioners) may be limited and social distancing/safety protocol may be in effect.

To be held via WebEx telephone call or video meeting:

Telephone call-in number for public access: 1-408-418-9388

Access Code: 2482 901 8046



Video Meeting link:

<https://kanabecounty.webex.com/kanabeccounty/j.php?MTID=mc0bcadcde9310bd64c2ca18ce9a0c747>

Meeting number: 2482 901 8046

Password: BvMmHS9HP36

To be held at: **County Board Room**
(Room 164 at the main courthouse lobby)
Kanabec County Courthouse
18 North Vine St
Mora, MN 55051

The audience is invited to join the board in pledging allegiance:

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands: one nation under God, indivisible, with Liberty and Justice for all

Please use the Maple Ave Entrance.

Scheduled Appointments: **Times are approximate and time allotted to each subject will vary. Appointment times may be changed at the discretion of the board.**

- 9:00am a. Call the Meeting to Order
 b. Pledge of Allegiance
 c. Agenda approval

9:05am Barbara McFadden, County Attorney – Information on the U.S. Department of Health and Human Service's Interim Final Rule with Comment Period on Omnibus COVID-19 Health Care Staff Vaccination (42 CFR 484.70(d)) and its application to Kanabec County Public Health Department's Mandatory COVID-19 Vaccination Policy

9:15am Discuss the U.S. Department of Health and Human Service's Interim Final Rule with Comment Period on Omnibus COVID-19 Health Care Staff Vaccination (42 CFR 484.70(d)), Home Health Care services and consider alternative options and accommodations

9:30am Review, consider and adopt revisions to Kanabec County Public Health Department's Mandatory COVID-19 Vaccination Policy

Adjourn

9:05am Appointment

November 23, 2021

REQUEST FOR BOARD ACTION

a. Subject: Information on the U.S. Department of Health and Human Service's Interim Final Rule with Comment Period on Omnibus COVID-19 Health Care Staff Vaccination (42 CFR 484.70(d)) and its application to Kanabec County Public Health Department's Mandatory COVID-19 Vaccination Policy	b. Origination: County Attorney's Office
c. Estimated time: 10 minutes	d. Presenter(s): Barbara McFadden

e. Board action requested: Information only

f. Background:

Supporting Documents: None Attached: ☒

Date received in County Coordinators Office:	11/19/21
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Coordinators Comments:

MEMORANDUM

TO: Kanabec County Board of Commissioners
FROM: Barbara McFadden, Kanabec County Attorney
DATE: November 19, 2021
RE: DHHS Centers for Medicare and Medicaid Services Interim Final Rule with Comment Period (IFC)

BACKGROUND AND LEGAL ANALYSIS

Purpose

The Centers for Medicare and Medicaid Services (CMS) establishes health and safety standards for participation for 21 types of providers and suppliers. These were published on November 5, 2021.

Applicability

The CMS IFC applies only to the Medicare and Medicaid-certified providers identified in the rule, which includes Home Health Agencies. Kanabec County Community Health is a CMS certified Home Health Agency (Provider Number: 247126; Medicare Certified: 1983).

The staff vaccination requirements apply to Medicare and Medicaid-certified provider and supplier types (collectively, “facilities”) that are regulated under the Medicare health and safety standards known as Conditions of Participation (CoPs), Conditions for Coverage (CfCs), or Requirements. Facilities are required to have a process or policy in place ensuring that all applicable staff are vaccinated against COVID-19.

This vaccination requirement generally applies to eligible staff working at a CMS-certified facility that participates in the Medicare and Medicaid programs, regardless of clinical responsibility or patient contact, with a couple of exceptions discussed below.

These regulations only apply to those Medicare and Medicaid-certified provider and supplier types that are subject to CMS health and safety regulations. CMS’s health and safety regulations do not cover providers of Home and Community-based Services.

Requirements

The IFC mandates a policy that addresses two primary areas: vaccination and documentation/tracking of vaccinations.

The IFC requires health care providers to establish a process or policy to fulfill the staff vaccination requirements over two phases.

For Phase 1, within **30 days** after the regulation is published, staff at all health care facilities included within the regulation must have received, at a minimum, the first dose of a primary series

or a single dose COVID-19 vaccine prior to staff providing any care, treatment, or other services for the facility and/or its patients.

For Phase 2, within **60 days** after the regulation is published, staff at all health care provider and supplier types included in the regulation must complete the primary vaccination series (except for those who have been granted exemptions from the COVID-19 vaccine or those staff for whom COVID-19 vaccination must be temporarily delayed, as recommended by CDC).

Importantly, the IFC does not require masking, testing or any measures beyond staff vaccination; although the policy must address precautions, even if the agency determines not to implement any.

With respect to recordkeeping, policies regarding documentation and tracking of vaccinations will not be covered here; there are no new reporting requirements as a result of the IFC.

FDA Approval Issues

Pfizer developed a COVID-19 vaccine, for which the FDA issued an Emergency Use Authorization ("EUA"). This allowed Pfizer to distribute the vaccine starting in December 2020. ECF No. 1-6 at 2-3. An EUA is not a full FDA license; it instead represents the FDA's conclusion that a product may be effective against a disease in a public health emergency where there is no "adequate, approved, and available alternative." *See generally* 21 U.S.C. § 360bbb-3(a)-(c). EUA drugs must include labeling and package inserts telling patients "of the option to accept or refuse administration of the product." *Id.* §360bbb-3 (e)(1)(A)(ii)(III).

EUA products are experimental under U.S. law. Both the Nuremburg Code and federal regulations provide that no one can force a human being to participate in an experiment. Under 21 U.S. Code Sec. 360bbb-3C(1)(A)(ii)(III), "authorization for medical products for use in emergencies," it is unlawful to deny someone a job or an education because they refuse to be an experimental subject. Instead, potential recipients have an absolute right to refuse EUA vaccines.

On August 23, 2021, the FDA approved a Biologics License Application ("BLA") and issued a full FDA license to produce and distribute the vaccine and label it with its proprietary name, "Comirnaty." ECF No. 1-4 at 2-3. The BLA approval requires that Pfizer produce Comirnaty only at approved locations, subject to specific manufacturing, packaging, and labeling requirements. *Id.* at 2.

Pfizer continues to produce and distribute vials of vaccine that are labeled as the EUA drug with packaging material saying, "This product has not been approved or licensed by the FDA" *Id.* at 12-13. And there "remains . . . a significant amount of [Pfizer COVID-19 vaccine] that was manufactured and labeled in accordance with [the EUA]." *Id.* at 12.

If someone is subject to a vaccine mandate, the individual should be permitted to verify if the vaccine he or she is about to receive is labeled the Pfizer Comirnaty vaccine, as that is the only one fully approved and licensed. Questions remain regarding whether if only EUA vaccines are offered, if that person has the legal right to refuse the vaccine without being denied employment.

While the FDA posits that the EUA and the biologics licensed vaccines are medically interchangeable (provided that the EUA vaccine was produced under the conditions and licensing requirements issued by the FDA for its BLA), the two vaccines are *legally* distinguishable. John Doe #1-#14 and Jane Doe #1-#2 v. Lloyd Austin III, in his official capacity as Secretary of Defense et. al., Case No. 3:21-cv-1211-AW-HTC (11th Dist.)

Exemptions and Reasonable Accommodation

Individuals who provide services 100 percent remotely and who do not have any direct contact with patients and other staff, such as fully remote telehealth or payroll services, are not subject to the vaccination requirements outlined in this regulation.

The CMS IFC **requires** facilities to allow for exemptions to staff as a reasonable accommodation for a disability or a sincerely held religious belief, observance, or practice and for medical reasons. Providers and suppliers should establish exceptions as a part of its policies and procedures and in alignment with federal law.

Facilities have discretion to establish their own processes that permit staff to request a medical or religious exemption from the COVID-19 vaccination requirements.

Medical Exemption

Facilities must ensure that all documentation confirming recognized clinical contraindications to COVID-19 vaccinations for staff seeking a medical exemption are signed and dated by a licensed practitioner, who is not the individual requesting the exemption and is acting within their respective scope of practice based on applicable state and local laws. This documentation must contain all information specifying which of the authorized COVID-19 vaccines are clinically contraindicated for the staff member to receive and the recognized clinical reasons for the contraindications. Reasonable accommodation analysis must be applied.

Religious Exemption

Title VII of the Civil Rights Act of 1964 and similar state statutes prohibit employment discrimination based on religion, which includes all aspects of religious beliefs, practices, or observances. These statutes require an employer to consider an employee's or applicant's request for an exception, called a religious or reasonable accommodation, from an employer requirement that conflicts with their sincerely held religious beliefs, practices, or observances. Employers must

reasonably accommodate employees' sincerely held religious beliefs, practices, or observances unless providing the accommodation would cause an undue hardship.

Religious beliefs typically concern the ultimate ideas about life, purpose, and death, humanity's place in the universe, or right and wrong, and reflect a moral or ethical belief system. Religion includes not only traditional, organized religions, but also religious beliefs that are not part of a formal church or sect or are new or uncommon. An employee's belief, observance, or practice can be religious under Title VII even if no other person adheres to it (a religion of one person) and even if it seems illogical or unreasonable to others. Employers should therefore not assume a belief is not religious in nature because they are unfamiliar with the religion or believe it to be illogical.

Ultimately the standard of review for a religious exemption should presume that the request is valid unless you have proof that it is not.

Federal Guidance by the EEOC

On October 25, 2021, the EEOC issued updated and expanded technical guidance (the "EEOC Guidance") concerning how Title VII of the Civil Rights Act of 1964, as amended, applies when an employee requests a religious exemption to employer COVID-19 vaccination requirements. The EEOC Guidance highlights several key points:

- **Notice to Employer:** Employees must inform their employer if they are requesting an exception to a COVID-19 vaccination requirement because of a conflict between that requirement and their sincerely-held religious beliefs, practices or observations. Employees do not, however, need to use "magic words" to so inform their employer.
- **Employer Response:** Employers generally should assume that a religious exemption request is based on a sincerely-held belief; however, if an employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief, the employer would be justified in making a limited factual inquiry (including how the employee's religious belief conflicts with the employer's COVID-19 vaccine requirement) and seeking additional supporting information. An employee who fails to cooperate with a reasonable request for verification risks losing any subsequent claim that the employer improperly denied an accommodation.
- **Undue Hardship:** Pursuant to the EEOC Guidance, an employer should thoroughly consider all possible reasonable accommodations, including telework and job reassignments. If an employer demonstrates that it is unable to reasonably accommodate an employee's religious beliefs relating to a vaccine mandate without posing an undue hardship on its operations, then Title VII does not require the employer to provide the accommodation.
- **Courts** have found undue hardship where, for example, the religious accommodation, if granted, would impair workplace safety, diminish efficiency in other jobs, or cause co-workers to carry

the accommodated employee's share of potentially hazardous or burdensome work. When considering workplace safety, an employer may consider such factors including the nature of the employee's duties, the number of employees who are vaccinated, how many employees and non-employees enter the workplace and the number of employees who will need a particular accommodation.

- Case-by-Case Assessment: An employer needs to assess undue hardship on a case-by-case basis by considering the specific facts of each situation.
- An employer can later reconsider an accommodation based on changing circumstances.

Minnesota Constitution

Article I of the Bill of Rights, Sec. 16. Freedom of conscience; no preference to be given to any religious establishment or mode of worship.

The enumeration of rights in this constitution shall not deny or impair others retained by and inherent in the people. **The right of every man to worship God according to the dictates of his own conscience shall never be infringed;** nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any religious or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state, nor shall any money be drawn from the treasury for the benefit of any religious societies or religious or theological seminaries.

Conclusions

- Until the courts bring further clarity to this issue, it would be a potential legal risk for most employers to deny requests for medical or religious exemptions to mandatory COVID-19 vaccines.
- It is critical when a medical or religious accommodation request has been received to review each situation on a case-by-case basis in view of any specific governmental rules applicable to an employer and its employees. Most employers should follow the updated EEOC guidance when evaluating, on a case-by-case basis, each request. Given that the EEOC continues to view an employee's sincerely-held religious beliefs broadly, it may be safer for an employer to focus on whether an employee's request for a religious exemption from the vaccination mandate would pose an undue hardship on the employer's operations, based on the EEOC Guidance (which does allow for consideration of safety, employee vaccination rates, the number of requests, etc., as part of the "undue hardship" analysis)
- Employers should inform employees and applicants that they will make reasonable efforts to accommodate religious practices and beliefs
- Employers should consider developing internal procedures for processing religious accommodation requests

- Employers should individually assess each request and avoid assumptions or stereotypes about what constitutes a religious belief or practice or what type of accommodation is appropriate
- Employers and employees should confer fully and promptly to the extent needed to share any necessary information about the employee's religious needs and the available accommodation options
- Ultimately, any policy adopted should carefully balance public safety with individual medical and religious freedom, along with the competing risks of fines for noncompliance, and lawsuits for overreach

RECOMMENDATIONS

- Rescind policy adopted on 11/16/21
- Accommodations such as moving work spaces or shared equipment (i.e. vaccine refrigerator) to reduce contact between CMS direct providers and support staff or other employees
- There are several vaccines that are "acceptable" for purposes of satisfaction of the CMS mandate; three are EUA vaccines, and there is one fully FDA approved covid biologic. According to FDA regulations, the EUA must be accompanied by a notice of the individual's right to reject or refuse the vaccination. Offer a fully approved **and** labeled vaccine (currently Pfizer Comirnaty is the only fully approved Covid biologic). Do not discount the liability provisions of each class of drug.
- Develop a process for implementing any additional precautions for any staff who are not vaccinated, in order to mitigate the transmission and spread of COVID-19. Under federal law, including the ADA and Title VII of the Civil Rights Act of 1964, individuals who cannot be vaccinated because of medical conditions or sincerely held religious beliefs, practice, or observance may be entitled to an accommodation.
- Any policy adopted should specifically outline an employee's due process with regard to the exemption application process
 - Provide form
 - Describe procedure, timelines for application and determination
 - Employee's presence at the review
 - Standard of review (presumption of validity)
 - Written findings
 - Reconsideration or appeal process
 - Employee status during exemption process
 - Number of votes required
- Elimination of home health care services which subject the County to CMS mandates
 - Not statutorily required to provide these services
 - Operates at a net loss (costs taxpayers money)
 - Competes with private businesses providing this service.
 - The vast majority of HHA are for-profit, privately owned agencies; only four counties in Minnesota continue to provide these services

9:15am Appointment

November 23, 2021

REQUEST FOR BOARD ACTION

a. Subject: Discuss the U.S. Department of Health and Human Service's Interim Final Rule with Comment Period on Omnibus COVID-19 Health Care Staff Vaccination (42 CFR 484.70(d)), Home Health Care services and consider alternative options and accommodations	b. Origination:
c. Estimated time: 15 minutes	d. Presenter(s): None

e. Board action requested: Discussion only

f. Background:

Supporting Documents: None ☒

Attached:

Date received in County Coordinators Office:

Coordinators Comments:

9:30am Appointment

November 23, 2021

REQUEST FOR BOARD ACTION

a. Subject: Review, consider and adopt revisions to Kanabec County Public Health Department's Mandatory COVID-19 Vaccination Policy	b. Origination: County Coordinator's Office
c. Estimated time: 20 minutes	d. Presenter(s): Kris McNally

e. Board action requested:

Review, consider and adopt revisions to Kanabec County Public Health Department's Mandatory COVID-19 Vaccination Policy

f. Background:

Supporting Documents: None Attached: ☒

Date received in County Coordinators Office:

Coordinators Comments:

Kanabec County Public Health Department's Mandatory COVID-19 Vaccination Policy

Purpose:

According to the U.S. Department of Health and Human Services vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation. Kanabec County Public Health Department ("Department") has adopted this policy on mandatory vaccination to safeguard the health of our employees and patients from the hazard of COVID-19. This policy complies with the U.S. Department of Health and Human Service's Interim Final Rule with Comment Period on Omnibus COVID-19 Health Care Staff Vaccination (42 CFR 484.70(d)).

Scope:

This Mandatory COVID-19 Vaccination Policy applies to all employees of the Department, with two exceptions provided below. For purposes of this policy, the following individuals are considered "employees of the Department:"

1. Department employees;
2. Licensed practitioners;
3. Students, trainees, and volunteers; and
4. Individuals who provide care, treatment, or other services for the Department and/or its patients, under contract or by other arrangement.

This Mandatory COVID-19 Vaccination Policy does not apply to employees who:

1. exclusively provide telehealth or telemedicine services outside of the settings where home health services are directly provided to patients, families, and caregivers, or other staff within the scope of this policy; or
2. provide support services for the Department that are performed exclusively outside of the settings where home health services are directly provided to patients and who do not have any direct contact with patients, families, and caregivers, or other staff within the scope of this policy.

All employees covered by this policy are required to be fully vaccinated as a term and condition of employment at Kanabec County Public Health Department. Employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine, with, if applicable, at least the minimum recommended interval between doses. For example, this includes two weeks after a second dose in a two-dose series, such as the Pfizer or Moderna vaccines, two weeks after a single-dose vaccine,

such as the Johnson & Johnson vaccine, or two weeks after the second dose of any combination of two doses of different COVID-19 vaccines as part of one primary vaccination series. All employees are required to report their vaccination status and to provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status. Employees must also report and provide evidence of any booster vaccination doses, although these doses are not currently required under this policy. Employees not in compliance with this policy may be subject to discipline.

Public Health employees who fail to provide proof of **completed primary** vaccination status to Human Resources by November 29, 2021 will be subject to a mandatory leave of absence effective **November 30, 2021** **December 6, 2021** for up to 30 calendar days or until the exhaustion of their accrued PTO and/or vacation time, whichever comes first. In this circumstance, public health employees are not eligible for the PTO donation program. Employees may submit proof of **completed primary** vaccination status to Human Resources within the mandatory leave of absence period to be eligible for reinstatement. Failure to provide proof of vaccination status at the time of the exhaustion of the accrued PTO/vacation time or by **December 30, 2021** **January 4, 2022** will result in termination of employment.

Commented [KM1]: How do we address those who provide their proof Nov 30-Dec 3?

Commented [KM2]: Can they be on unpaid leave status for the 30 days if they don't have 30 days of PTO?

Procedures:

Overview and General Information

All Department employees must receive their vaccinations no later than the following schedule:

- Obtain the first dose of a two-dose vaccine no later than December 5, 2021; and the second dose no later than January 4, 2022
- OR
- Obtain one dose of a single-dose vaccine no later than December 5, 2021.

An employee who fails to complete these scheduled vaccination requirements (except for employees who have pending requests for, or who have been granted, exemptions or accommodations to the vaccination requirements of this section, or those staff for whom COVID-19 vaccination must be temporarily delayed, as recommended by the CDC, due to clinical precautions and considerations) are prohibited from providing any care, treatment, or other services for the Department and/or its patients, and may be subject to other discipline.

Vaccination Status and Acceptable Forms of Proof of Vaccination

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted in person to the HR Specialist located in the Coordinator's Office at 18 North Vine Street, Suite 181, Mora, MN 55051 or via email at kim.christenson@co.kanabec.mn.us, or via fax at (320)679-6441.

Examples of an acceptable forms of proof of vaccination include:

1. CDC COVID-19 vaccination record card (or a legible photo of the card);
2. Documentation of vaccination from a health care provider or electronic health record; or
3. State immunization information system record.

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 Human Resources will still accept the state immunization record as acceptable proof of vaccination.

If an employee received the vaccination outside of the U.S., a reasonable equivalent to any of the examples of acceptable proof above is sufficient.

All employees must inform Human Resources of their vaccination status by November 29, 2021. The following table outlines the requirements for submitting vaccination status documentation.

Vaccination Status	Instructions	Deadline
Employees who are fully vaccinated.	Submit proof of vaccination that indicates full vaccination to Human Resources.	November 29, 2021, or as soon as possible after receiving a vaccination.
Employees who are partially vaccinated (i.e., one dose of a two dose vaccine series).	Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose when it is obtained, to Human Resources.	November 29, 2021, or as soon as possible after receiving a vaccination.
Employees who have not yet been vaccinated.	Submit statement that you are unvaccinated to Human Resources.	November 29, 2021.

Accommodations

Employees may request an exemption from this mandatory vaccination policy if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated because of a disability, or if the provisions in this policy for vaccination conflict with a sincerely held religious belief, practice, or observance.

Requests for exemptions and reasonable accommodations must be submitted in writing and initiated by November 29, 2021. All such requests will be handled in accordance with applicable laws and regulations and Kanabec County's applicable policies and procedures. Exemption request forms are available in the Human Resources Department.

All requests for medical exemptions must be accompanied by documentation that is signed and dated by a licensed medical practitioner, who is not the individual requesting the exemption, and who is acting within their respective scope of practice as defined by, and in accordance with, all applicable State and local laws, and further ensuring that such documentation contains

1. All information specifying which of the authorized COVID-19 vaccines are clinically contraindicated for the staff member to receive and the recognized clinical reasons for the contraindications; and
2. A statement by the authenticating practitioner recommending that the staff member be exempted from the Department's COVID-19 vaccination requirements for staff based on the recognized clinical contraindications.

Requests for exemptions to this mandatory vaccination policy will be reviewed by a committee including, but not limited to, the HR Specialist, County Coordinator, Public Health Director, and one Commissioner and the County Attorney.

The Exemption Review Committee will review the request for exemption within 5 business days, make a determination of whether it appears to be consistent with the legally allowable reasons for exemption, and notify the requestor. If the request is denied, the requestor has up to 5 calendar days to appeal the decision by providing additional information.

Commented [KM3]: Need to have an odd number for this committee for tie breaking purposes. Added County Attorney.

Face Coverings

If an employee covered by this policy is not fully vaccinated (e.g., if they are granted a medical or religious accommodation or if they are in the process of getting vaccinated but are not yet fully vaccinated), the Department will require the employee to wear a face covering. Face coverings must: (i) completely cover the nose and mouth; (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do

not let light pass through when held up to a light source); (iii) be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers; (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings. 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 an infection control approach for unvaccinated workers. It is the employee's responsibility to obtain a face covering: Face coverings will not be provided by the Department.

The following are exceptions to the Department'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.
4. Where the Department 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).

New Hires:

All new employees are required to comply with the vaccination requirements outlined in this policy as soon as practicable and as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment. All new hires must be fully vaccinated before doing any work covered by this policy.

Contingency Plan:

The Department reserves the right to bypass this rule in the event of an emergency or unforeseen change in circumstance that necessitates the Department's temporary use of unvaccinated workers.

Confidentiality and Privacy:

All medical information collected from individuals, 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.

Questions:

Please direct any questions regarding this policy to the Human Resources Department.