**COVID-19 Vaccination, Testing and Face Covering Policy**

[PURPOSE: 1](#_Toc88486481)

[SCOPE: 2](#_Toc88486482)

[PROCEDURES: 2](#_Toc88486483)

[1. COVID 19-Vaccination; Vaccination Deadline 2](#_Toc88486484)

[2. Time Off for COVID-19 Vaccination and Side Effects 3](#_Toc88486485)

[3. Reporting Vaccination Status; Acceptable Forms of Proof of Vaccination 4](#_Toc88486486)

[4. Unvaccinated: Face Coverings and Regular COVID-19 Testing Required 6](#_Toc88486487)

[a. Face Coverings 6](#_Toc88486488)

[b. Regular COVID-19 Testing 7](#_Toc88486489)

[5. Employee Notification of COVID-19 and Removal from the Workplace 9](#_Toc88486490)

[a. Medical Removal from the Workplace 9](#_Toc88486491)

[b. Return to Work Criteria 10](#_Toc88486492)

[6. New Hires 12](#_Toc88486493)

[7. Confidentiality and Privacy 12](#_Toc88486494)

[8. Exemptions/Reasonable Accommodations 12](#_Toc88486495)

[9. Additional Information/Resources 13](#_Toc88486496)

[10. Availability of Records 13](#_Toc88486497)

[11. Prohibition of Retaliation and Discrimination 14](#_Toc88486498)

[12. OSHA Recordkeeping and Reporting 14](#_Toc88486499)

[13. Reporting Health and Safety Concerns; Questions 14](#_Toc88486500)

# PURPOSE:

Northwest Michigan Community Action Agency (“NMCAA” or “Employer”) acknowledges its duty and desire to provide and maintain a safe and healthy workplace. As a non-profit service provider helping individuals, families, and communities, NMCAA has been committed throughout this unprecedented COVID-19 pandemic to safeguarding the health of our employees and their families, the people we serve, and visitors, as well as other members of our community at large. We have implemented rigorous practices and procedures to prioritize safety and have implemented a COVID-19 Preparedness and Response Plan (the “COVID-19 Plan”) with numerous measures intended to mitigate the risk of exposure to COVID-19 in the workplace.

On or around September 9, 2021, President Biden announced a requirement that all Head Start employees must be vaccinated against COVID-19 given their interactions with infants, toddlers, preschool-aged children, and their families. On November 30, 2021, the Department of Health and Human Services issued its Interim Final Rule to implement this requirement (the “HHS Rule”).

Additionally, on November 4, 2021, OSHA announced its Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501) applicable to private employers with 100 or more employees (the “OSHA ETS”). Implementation of the OSHA ETS has been subject to legal challenge. However, recently on December 17, 2021, the applicable court removed the stay on enforcement of the OSHA ETS. As such, NMCAA fully intends to comply with the OSHA ETS requirements as well, so long as they remain effective.

Accordingly, NMCAA is adopting this COVID-19 Vaccination, Testing, and Face Covering Policy (the “Policy”).

This Policy supplements NMCAA’s COVID-19 Plan, and any related requirements and mitigation measures. To the extent that there is any inconsistency between this Policy and NMCAA’s COVID-19 Plan, the provisions of this Policy shall govern. To the extent that NMCAA’s COVID-19 Plan includes additional mitigation measures and requirements not specifically addressed in this Policy, such measures and requirements shall continue to apply.

# SCOPE:

Unless otherwise required by law, this Policy applies to all employees of NMCAA, except for: (i) employees who do not report to a workplace where other individuals (such as coworkers, clients, patients, or other visitors) are present; (ii) employees while working from home; and (iii) employees who work exclusively outdoors.

With respect to the Head Start program, all employees, contractors, and volunteers of NMCAA who work on Head Start programs in any capacity are subject to this Policy.

# PROCEDURES:

## COVID 19-Vaccination; Vaccination Deadline

All NMCAA employees and contractors who work on Head Start programs in any capacity, and all volunteers for Head Start programs who are in classrooms or working directly with children other than their own, are required to be fully vaccinated against COVID-19 as a term and condition of employment/providing services/volunteering in that capacity with NMCAA, unless an exemption/reasonable accommodation is requested and granted as discussed below. Under the OSHA ETS, all NMCAA employees (including all those who are not working on Head Start programs) must also be fully vaccinated against COVID-19, unless an exemption/reasonable accommodation is requested and granted as discussed below.

Employees are considered to be “fully vaccinated” two weeks after completing primary vaccination with a COVID-19 vaccine, with at least the minimum recommended interval between doses, if applicable. 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 Johnson & Johnson’s 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.

While the vaccination deadline under the HHS Rule is January 31, 2022 (the “Head Start Vaccination Deadline”), the deadline under the OSHA ETS is currently set for **January 10, 2022** (the “OSHA Vaccination Deadline”). Thus, unless an employee working on a Head Start program is expressly excluded from the OSHA ETS, the OSHA Vaccination Deadline shall govern for purposes of OSHA compliance.

To complete the vaccination series by January 10, 2022, an employee must:

* + For Johnson & Johnson: Obtain the single Janssen dose on or before January 10, 2022 (*by* J*anuary 31, 2022 if only subject to the HHS Rule*).
  + For Pfizer: Obtain the first dose of the two-doses on or before December 20, 2022, and the second dose 21 days later (*first dose by January 10, 2022 if only subject to the HHS Rule*).
  + For Moderna: Obtain the first dose of the two-doses on or before December 13, 2022, and the second dose 28 days later (*by* J*anuary 3, 2022 if only subject to the HHS Rule*).

Covered employees who have not completed a vaccination series by the OSHA Vaccination Deadline (or the Head Start Vaccination Deadline if that is the only applicable rule), and who have not been granted an exemption/reasonable accommodation as discussed below, will not be permitted to return to the workplace after that date and may be subject to immediate disciplinary action, up to and including termination of employment.

Notwithstanding the foregoing, NMCAA recognizes that the recent legal decision related to the OSHA ETS does not leave much time for employees to comply with the OSHA Vaccination Deadline. Thus, to the extent permitted, NMCAA reserves the right to consider an employee’s reasonable and good faith efforts to come into compliance (i.e. get fully vaccinated) when evaluating disciplinary action related to failure to meet the OSHA Vaccination Deadline. However, unless granted an exemption/reasonable accommodation, all employees must be fully vaccinated by the Head Start Vaccination Deadline.

Employees who have been granted an exemption from the vaccination requirement through the exemption/reasonable accommodation process discussed below, will be required to comply with the HHS Rule and OSHA ETS COVID-19 testing requirements detailed below.

## Time Off for COVID-19 Vaccination and Side Effects

To fully support COVID-19 vaccination, NMCAA will provide employees with reasonable time of up to four (4) hours of paid time off per dose to travel to the vaccination site, receive the vaccination, and return to work (“Vaccination Leave”). This would total a maximum of eight (8) hours of paid time for employees receiving two doses.  This paid Vaccination Leave is provided in addition to other paid leave already provided by NMCAA. If an employee spends less time getting the vaccine, only the necessary amount of Vaccination Leave will be granted.  Employees who need longer than four (4) hours to get the vaccine must notify their supervisor in writing of the reason for the additional time (e.g., they may need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable. However, in that situation, the employee may use any other available accrued paid leave to cover the additional time. Otherwise, the additional time will be unpaid. Further, if an employee is vaccinated outside of their scheduled work hours, the employee will not receive Vaccination Leave for that time.

Additionally, employees may utilize up to two (2) workdays of available sick/personal time immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working (“Side Effect Leave”). If an employee needs less than two (2) workdays of Side Effect Leave after the dose to recover, only the necessary amount of paid sick/personal time will be granted. Employees who do not have a sufficient amount of available sick/personal time to cover the needed Side Effect Leave after each dose, if any, will be granted paid leave to cover the balance, up to the two (2) workdays immediately following each dose if necessary. For instance, if the employee only has one (1) day of sick/personal time available, but needs the full two (2) workdays to recover as Side Effect Leave, the employee will first exhaust the one (1) day of available sick/personal time, and then will be given one (1) day of paid leave to cover the deficiency. Should the employee need longer than the two (2) workdays of Side Effect Leave to recover, the employee may use any available paid or unpaid leave provided the request is made and granted pursuant to NMCAA’s other applicable leave policies.

Employees should submit their requests for needed Vaccination Leave and/or Side Effect Leave, if any, to their supervisors in writing, if possible. Such requests should be submitted as far in advance as possible.

## Reporting Vaccination Status; Acceptable Forms of Proof of Vaccination

All NMCAA employees, both vaccinated and unvaccinated, are required to report their vaccination status to NMCAA’s designated COVID-19 Coordinator as soon as possible, but no later than **Monday, January 3, 2022**. If vaccinated, employees must provide proof of such vaccination (as described below) by this same date.

**Employees must provide truthful and accurate information about their COVID-19 vaccination status. Violations of this Policy will result in disciplinary action, up to and including termination of employment. Further, knowingly providing false information or documentation regarding vaccination status may subject an employee to criminal penalties pursuant to 18 USC 1001 and Section 17(g) of the OSH Act.**

As stated above, employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine.

The following table outlines the requirements for submitting vaccination status documentation:

| **Vaccination Status** | **Instructions** |
| --- | --- |
| Employees who are fully vaccinated. | [**Submit**](https://uconn.kualibuild.com/app/builder/#/app/6116a93470c971651c9d7187/run) proof of vaccination that indicates full vaccination. |
| Employees who are partially vaccinated  (i.e., one dose of a two-dose vaccine series). | [**Submit**](https://uconn.kualibuild.com/app/builder/#/app/6116a93470c971651c9d7187/run) proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose when it is obtained. |
| Employees who are not vaccinated. | Submit statement that you are unvaccinated AND state whether you are planning to receive a vaccination by the deadline. |

All fully and partially vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status must be submitted to the designated COVID-19 Coordinator via in-person delivery or secure email.

The following shall constitute acceptable proof of vaccination status:

1. The record of immunization from a health care provider or pharmacy;
2. A copy of the COVID-19 Vaccination Record Card;
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. (For those covered by the OSHA ETS only) 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).

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, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances NMCAA will still accept the state immunization record as acceptable proof of vaccination.

Attestation (For those covered by the OSHA ETS only, as attestation alone is not necessarily permissible proof under the HHS Rule): If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite good faith attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:

“I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties.”

An employee who attests to their vaccination status in this way should, to the best of their 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.

NMCAA will maintain records of each employee’s vaccination status and proof of vaccination as required by law. All such medical information will be treated as confidential to the extent required by law, and will only be shared with those who have a legitimate business need to know and as otherwise permitted by law.

## Face Coverings and Regular COVID-19 Testing Required

Under the HHS Rule, all children 2 years of age and older receiving Head Start services, and all staff, contractors, and volunteers working on Head Start programs, *regardless of vaccination status*, are required to be masked when there are two or more individuals in a vehicle owned, leased, or arranged by the Head Start program, and/or when indoors in a setting when Head Start services are provided. Such individuals must also mask *outdoors* if they are not fully vaccinated and are in a crowded setting or during activities that involve sustained close contact with other people.

When not otherwise covered by the HHS Rules notes above, pursuant to the OSHA ETS, all employees who are not fully vaccinated are required to wear a face covering when in the workplace.

**However, to the extent that NMCAA’s COVID-19 Plan has stricter masking requirements, employees are expected to comply with the stricter requirements in the COVID-19 Plan.**

Further, all employees who have not completed a vaccination series by the applicable deadline, and who have been granted an exemption/reasonable accommodation from the mandatory vaccination requirement, will be required to undergo regular COVID-19 testing so long as they remain unvaccinated. Policies and procedures for face coverings and COVID-19 testing are described below.

### Face Coverings

Pursuant to the OSHA ETS, 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.

NMCAA provides acceptable face coverings for all employees at no cost, if needed. Employees needing additional face coverings should notify their supervisors.

Unless otherwise required by law, the following are exceptions to NMCAA’s requirements for face coverings under this Policy:

1. For a limited time, while an employee is eating or drinking or for identification purposes in compliance with safety and security requirements.
2. When an employee is wearing a respirator or facemask.
3. Where NMCAA 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).

### Regular COVID-19 Testing

All NMCAA employees who have not completed a vaccination series by the applicable vaccination deadline, and who have been granted an exemption/reasonable accommodation from the mandatory vaccination requirement, will be required to comply with this policy for regular COVID-19 testing so long as they remain unvaccinated. This testing requirement shall start as of February 1, 2022.

All employees, contractors and volunteers subject to the HHS Rule and this testing requirement must:

(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 designated COVID-19 Coordinator (or their designee(s) as identified in writing) no later than the seventh day following the date on which the employee last provided a test result.

Under the OSHA ETS:

* Employees who report to the 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 designated COVID-19 Coordinator (or their designee(s) as identified in writing) no later than the seventh day following the date on which the employee last provided a test result.

* Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace, etc.):

(A) Must be tested for COVID-19 within seven days prior to returning to the workplace; and

(B) Must provide documentation of that test result to the designated COVID-19 Coordinator (or their designee(s) as identified in writing) upon return to the workplace.

If an employee does not provide documentation of a COVID-19 test result as required by this Policy, they will be removed from the workplace until they provide a test result. Additionally, continued failure to comply with this Policy may result in disciplinary action, up to and including termination of employment.

Employees who have received a positive COVID-19 test, or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis. Employees subject to the HHS Rule may be required to continue to test, unless otherwise exempted by law or HHS regulation.

Acceptable COVID-19 Tests:

A COVID-19 test satisfies this requirement if it is:

1. 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 virus (e.g., a viral test); and
2. Administered in accordance with the authorized instructions; and
3. Not both self-administered and self-read unless observed by NMCAA or an authorized telehealth proctor.

Examples of satisfactory tests include tests with specimens that are processed by a laboratory (including home or on-site collected specimens which are processed either individually or as pooled specimens), proctored over-the-counter tests, point of care tests, and test where specimen collection and processing is either done or observed by NMCAA. Point-of-care testing must be performed in accordance with the Clinical Laboratory Improvement Amendments Act of 1988 (CLIA); if such test is done at an employment facility, the facility must have a CLIA waiver from the Centers for Medicare and Medicaid Services.

Antibody tests do not meet the requirements of the OSHA ETS.

Availability and Cost of Testing:

For convenience, NMCAA intends on having a supply of certain acceptable tests available for use by employees at no cost to the employee, with proctoring by NMCAA or its designees.

However, should employees prefer to use a different acceptable test and/or coordinate their testing with and be tested by health care providers of their own choice, the costs of such tests will be the sole responsibility of the employee. In that event, employees are free to obtain acceptable testing from wherever they find most convenient and affordable.

NMCAA understands that availability of acceptable COVID-19 tests may vary based on numerous factors, including, but not limited to, supply chain and demand issues and community need. To assist our employees who are subject to this requirement, NMCAA intends to provide additional resources and guidance regarding test availability in our communities, when possible.

Scheduling Tests:

Employees who seek to utilize the acceptable tests provided by NMCAA should coordinate with NMCAA to set-up a time for a proctored test.

Employees utilizing other acceptable tests at their own expense are free to coordinate their testing with and be tested by health care providers of their choice, and provide the related and confirmed testing results to NMCAA. Employees who seek to satisfy the testing requirement with an over-the-counter test not provided by NMCAA must either arrange for a telehealth proctor who can certify the results or coordinate with NMCAA to set-up a time for a proctored test.

Such testing must be completed at times that will ensure the results will be available within the reporting window identified above.

Confidentiality

NMCAA will maintain records of such COVID-19 testing results as required by law. All such medical information will be treated as confidential to the extent required by law, and will only be shared with those who have a legitimate business need to know and as otherwise permitted by law.

## Employee Notification of COVID-19 and Removal from the Workplace

NMCAA requires employees to promptly notify their supervisors when they have a suspected case of COVID-19, have tested positive for COVID-19, or have been diagnosed with COVID-19 by a licensed healthcare provider.

Employees are encouraged to use all applicable leave (paid and unpaid) in accordance with NMCAA leave policies when unable to work due to illness or quarantine/isolation, including, but not limited to, Family and Medical Leave, sick/personal time, and vacation, if applicable.

### a. Medical Removal from the Workplace

Employees with an actual or suspected case of COVID-19 will not be permitted to report to or remain at the workplace. NMCAA will immediately remove an employee from the workplace if they have a suspected case of COVID-19, have received a positive COVID-19 test, or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate).

For purposes of this Policy, in accordance with Michigan law, a “suspected case of COVID-19” means a person who has symptoms of COVID-19 but has not been confirmed through diagnostic testing, or a unvaccinated person who has had close contact with a person who has been confirmed through diagnostic testing to have COVID-19; and “close contact” means close contact as defined by the latest CDC guidelines at the time of contact. Please see the Close Contact Exception noted below.

To the extent permitted by law, NMCAA reserves the right, in its sole discretion, to assign an employee to work at a remote isolated location (for example, the employee’s home), provided that the employee’s health allows.

### b. Return to Work Criteria

NMCAA will allow employees with an actual or suspected case of COVID-19 to return to the workplace only after they have satisfied all applicable legal requirements.

Pursuant to the OSHA ETS, such employees may not return to the workplace until the employee: (a) receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test, if the employee chooses to seek a NAAT test for confirmatory testing; (b) meets the return to work criteria in CDC’s “Isolation Guidance”; or (c) receives a recommendation to return to work from a licensed healthcare provider.

Under CDC’s “[Isolation Guidance](https://www.osha.gov/sites/default/files/CDC's_Isolation_Guidance.pdf),” 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, and
* 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).

Similarly, pursuant to Michigan Law (MCL 419.405), the following return-to-work restrictions apply:

* An employee who **tests positive for COVID-19** shall not report to work until the employee is advised by a health care provider or public health professional that the employee has completed the isolation period, or **ALL** of the following conditions are met:
  + If the employee has a fever, 24 hours have passed since the fever has stopped without the use of fever-reducing medications.
  + The isolation period has passed.
  + The employee’s principal symptoms of COVID-19 have improved.
  + If the employee has been advised by a health care provider or public health professional to remain isolated, the employee is no longer subject to such advisement.
* An employee who **displays the principal symptoms of COVID-19 but has not yet tested positive** shall not report to work until **ONE** of the following conditions is met:
  + A negative diagnostic test result has been received

OR

* + ALL of the following apply:
    - The isolation period has passed since the principal symptoms of COVID-19 stated;
    - The employee’s principal symptoms of COVID-19 have improved; and
    - If the employee has a fever, 24 hours have passed since the fever has stopped without the use of fever-reducing medications.
* An employee who has a **close contact** (as defined by the latest guidance of the CDC) with an individual who tests positive for COVID-19 shall not report to work until **ONE** of the following conditions is met:
  + The quarantine period has passed since the employee last had close contact with the individual.
  + The employee is advised by a health care provider or public health professional that the employee has completed the period of quarantine.
  + **Close Contact Exception** – To the extent that NMCAA employees work at a covered child care institution or as otherwise identified by HHS, such an employee who is a close contact, but who has not tested positive and is not experiencing any symptoms, may be allowed/required to return to work when strictly necessary to preserve the function of the facility where cessation of operation of the facility would cause serious harm or danger to public health or safety. NMCAA will inform such employees when this exception applies.

“Quarantine period” means the recommended number of days that an individual be in quarantine after the individual is in close contact as prescribed by CDC guidelines. According to the CDC’s latest guidance, a fully vaccinated person is not required to quarantine after a close contact provided he/she is not experiencing COVID-19 symptoms.

For purposes of these Michigan statutory restrictions, unless otherwise defined by order of the MDHHS, the term “principal symptoms of COVID-19” means either:

* **1 or more** of the following not explained by a known medical or physical condition:
  + Fever
  + Shortness of Breath
  + Uncontrolled Cough
* **2 or more** of the following not explained by a known medical or physical condition:
  + Abdominal Pain
  + Diarrhea
  + Loss of Taste or Smell
  + Muscle Aches
  + Severe Headache
  + Sore Throat
  + Vomiting

If an employee has severe COVID-19 or an immune disease, NMCAA will follow the guidance of a licensed healthcare provider regarding return to work.

## New Hires

All new hires must comply with the requirements outlined in this Policy as soon as practicable and as a condition of employment. New hires subject to the HHS Rule must be in compliance upon hire (i.e. they must be fully vaccinated or have received an exemption/reasonable accommodation). Potential candidates for employment will be notified of the requirements of this Policy prior to the start of employment.

## Confidentiality and Privacy

All medical information collected from individuals, including COVID-19 vaccination information, test results, and any other medical information obtained as a result of COVID-19 testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy, and kept in the employee’s separate and confidential medical file.

## Exemptions/Reasonable Accommodations

Employees and applicants may request exemptions/reasonable accommodations to this Policy if they are unable to receive the COVID-19 vaccination, complete COVID-19 testing, and/or wear a face covering as otherwise required under this Policy as a result of a disability or qualifying medical condition, or they object to such vaccination, testing, and/or face coverings on the basis of a sincerely held religious belief, practice, or observance.

Employees and applicants who believe that they require such an accommodation should notify the Human Resources Director in writing as soon as possible. The specific forms for such requests are attached to this Policy as **Exhibits A and B**. Employees and applicants must be truthful and accurate in the completion of the accommodation requests. Employees and applicants may utilize this procedure in good faith without fear of retaliation.

Once NMCAA is aware of the need for an accommodation, pursuant to applicable law, NMCAA will engage in an interactive process to determine whether it can provide a reasonable accommodation without undue hardship for NMCAA and/or direct threat to the health or safety of the employee/applicant or others in the workplace. NMCAA may ask the employee/applicant for relevant information that will enable NMCAA to make an informed decision about the request.

The exact nature of the dialogue may vary, as the analysis is individualized and conducted on a case-by-case basis. In some instances, both the reason for the exemption/accommodation and the type of exemption/accommodation required may be obvious, and there may be limited need to engage in a detailed discussion. In other situations, NMCAA may need to ask questions and/or seek documentation concerning the nature of the request and to verify the validity of the exemption/accommodation request.

Any medical information received through this process will be treated as confidential to the extent required by law, and kept in the employee’s separate and confidential medical file.

NMCAA will notify the employee/applicant regarding whether a request for an exemption/reasonable accommodation is granted or denied. If granted, NMCAA will notify the employee/applicant of any specific alternative protective measures required of the employee, if any. If denied, the reason for such denial will be provided. Such decisions may be reviewed for legal compliance.

All such requests will be handled and evaluated in accordance with applicable laws and regulations.

## Additional Information/Resources

The OSHA ETS requires NMCAA to provide all employees with information regarding the COVID-19 vaccine efficacy, safety, and benefits of being vaccinated via the document “Key Things to Know About COVID-19 Vaccines.” The document is available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html?s_cid=10493:covid%2019%20vaccines:sem.ga:p:RG:GM:gen:PTN:FY21>. It is also included with this Policy as **Exhibit C**.

## Availability of Records

Pursuant to the OSHA ETS, employees may request access (for examination or copying) to their individual COVID-19 vaccine documentation and any COVID-19 test results required by the OSHA ETS, and may authorize NMCAA via written consent to release such information to a third party.

Additionally, to the extent permitted under the OSHA ETS, upon request, NMCAA may provide to requesting employees or their representatives the aggregate number of fully vaccinated employees at the workplace along with the total number of employees at the workplace.

NMCAA will promptly respond to such requests by the end of the next business day following the request, if possible.

## Prohibition of Retaliation and Discrimination

Discharging or in any manner discriminating against an employee for reporting work-related injuries or illnesses in good faith is prohibited. Further, discriminating against an employee for exercising rights under, or as a result of actions that are required by, the OSHA ETS is also prohibited. NMCAA also prohibits unlawful retaliation against employees for filing an occupational safety or health complaint, reporting a work-related injury or illness, or otherwise exercising rights afforded by the OSH Act. Any such concerns should be reported to the Human Resources Director as soon as possible. If the Human Resources Director is the subject of the complaint, employees should contact NMCAA’s Executive Director.

## OSHA Recordkeeping and Reporting

Should an employee contract COVID-19, to the extent required by applicable law, NMCAA will conduct the analysis to determine whether “it is more likely than not that a factor or exposure in the workplace caused or contributed to the illness,” and NMCAA will comply with any related recordkeeping requirements, including, but not limited to, recording the illness on an OSHA work-related illness and injury log, if applicable.

Further, NMCAA will comply with all applicable OSHA reporting requirements as required in the OSHA ETS. NMCAA will report work-related COVID-19 fatalities within 8 hours and work-related COVID-19 in-patient hospitalizations within 24 hours.

## Reporting Health and Safety Concerns; Questions

Employees should immediately contact the designated COVID-19 Coordinator if they have any workplace safety or health concern, including any concern related to any perceived unsafe working condition.

Employees with questions regarding this Policy should contact the Human Resources Director.