

# COVID-19 POLICY



## Vaccinations

**Department:** Office of the COO

**Approved by:** Marissa Madrigal, Chief Operating Officer

**Policy approval:**

A handwritten signature in cursive script, appearing to read 'M. Madrigal', written over a horizontal line.

Marissa Madrigal, Chief Operating Officer

9/8/2021

Date

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UPDATED Sept. 8, 2021 to include vaccination requirement for employees, paid and unpaid interns and volunteers. Guidelines for paid time to receive vaccinations remain and documentation requirements updated to reflect requirement.

### ABOUT THIS POLICY

To support efforts to reduce severe disease from COVID-19 among employees and the public, and to safely reopen or continue operations at venues and departments, Metro will require COVID-19 vaccines as a condition of employment. This policy outlines provisions for reasonable accommodations for medical conditions or disability, or sincerely held religious beliefs, paid time incentive for vaccinations and any post-vaccination recovery and timelines for implementation.

### APPLICABLE TO

All employees including regular status, and variable hour employees, paid and unpaid interns, and volunteers.

### DEFINITIONS

**COVID-19:** Coronavirus disease (COVID-19) is an infectious disease caused by the novel coronavirus, SARS-CoV-2 that appeared in late 2019. It is a predominantly respiratory illness that can affect other organs and can lead to severe illness, hospitalization or death.

**Fully vaccinated:** An individual is fully vaccinated two weeks after their last dose of a vaccine series, or current guidance from the U.S. Centers for Disease Control (CDC).

**Booster doses:** A supplementary dose of an immunizing agent, often a vaccine that “boosts” or increases the immune system response to a certain disease or virus.

## **GUIDELINES**

### **Vaccine safety education and access**

Metro will make every effort to provide employees culturally competent education and information on COVID-19 vaccine safety and effectiveness. Further, Metro shall support access to vaccines through paid time incentives outlined further in this policy and as established in any emergency paid leave policies.

### **Implementation timeline and failure to meet the requirements**

#### Requirement deadline: Oct. 17, 2021, unpaid status begins Oct. 18, 2021

Employees who fail to submit proof of vaccination or request accommodation based on a medical condition or disability or sincerely held religious belief by Oct. 17, 2021 will be put on unpaid status and not eligible to report to work or complete any job duties beginning Monday Oct. 18, 2021 through Nov. 14, 2021. Employees may submit documentation of full vaccination or request an accommodation to return to reporting to work through Nov. 14, 2021.

During this unpaid leave status, employees may use available accrued vacation, comp, administrative, personal, holiday or deferred leave to fulfill payment for normally worked hours through Nov. 14, 2021. Up to 40 hours of sick leave accrual may be used for this purpose. Paid leave provided under Metro's COVID-19 Emergency leave policy may not be used for this purpose.

#### Lay off beginning: Nov. 15, 2021

If no vaccine documentation or accommodation documentation is received by Nov. 14, 2021, the employee will be laid off effective Monday, Nov. 15, 2021 and any recall rights under the employee's collective bargaining agreement, if any, shall be in effect, subject to the limitations of this policy.

Within 6 months of laid off status, if an employee becomes fully vaccinated, they can inquire with Metro about the availability of their former position. For represented employees, should their former position be vacant at that time, and Metro has a business need to fill the vacancy, they may recall to their position. Recall and seniority rights under their current union collective bargaining agreement will be in effect. For non-represented employees, should their former position be vacant at that time, and Metro has a business need to fill the vacancy, Metro may rehire the employee according to its Recruitment and Selection Policy.

#### Recruitment of positions as of Oct. 18, 2021

In cases where the employee has not met documentation or accommodation requirements by October 18, 2021, Metro may open their position for recruitment. If the employee notifies Metro by October 29, 2021 that they intend to meet the requirement by November 14, 2021, the recruitment will be put on hold.

#### Extension for first dose received

Employees who submit documentation of their first dose of Moderna or Pfizer by Oct. 18, 2021 will be able to use available accrued vacation, comp, administrative, personal or holiday or deferred leave to fulfill payment for normally worked hours until fully vaccinated but no later than Nov. 21, 2021. This means that such persons will generally need to receive this first dose on or around Oct. 10, 2021.

### **Medical condition or disability and religious accommodation requests**

Employees may make requests for a reasonable accommodation based on a medical condition or disability or for sincerely held religious beliefs that prohibit them from receiving a COVID-19 vaccine(s). Philosophical, political, scientific, or sociological objections to vaccination shall not be considered as valid grounds for an accommodation. Proper documentation of the conditions or reasons for the accommodation request will be required.

Accommodation requests will be considered on a case-by-case basis and managed by the Human Resources department following requirements established under Metro policies, the Americans with Disabilities Act (ADA), Title VII and state law. Employees may access the accommodations process by contacting the Benefits division at [benefits.help@oregonmetro.gov](mailto:benefits.help@oregonmetro.gov). 503-797-1570 or accessing online forms and resources from Metro's website at [oregonmetro.gov/COVID-19](https://oregonmetro.gov/COVID-19).

Metro will make every effort to process accommodation requests in a timely manner. Interim accommodations such as a temporary remote work assignment or other accommodation may be provided to employees during the review process. Up to 40 hours of administrative leave will be available if an accommodation is delayed by Human Resources due to a lack of capacity. Otherwise, employees may use any accrued paid time off or may take unpaid leave until the request is resolved.

Employees may be put on unpaid leave status in instances where the employee has requested accommodation but has not provided proper documentation for the medical or religious accommodation following applicable policies and laws. In such instances, the employee will be provided a two-week notice before being placed into unpaid leave status or laid off status.

Possible accommodations from the vaccine requirement may include some or all of the following: regular COVID-19 testing, daily symptom screening and temperature checks, PPE requirements such as N95 or KN95 face masks, physical distancing and changes to work duties and assignments. An accommodation that is reasonable for one job/position, may not be reasonable for another. Consistent with federal and state law, Metro will provide reasonable accommodations so long as it does not create an undue burden to the agency and/or does not create a health and safety risk to others.

### **Recruitment and new employees**

Metro recruitment notices will include that COVID-19 vaccinations are a condition of employment and that applicants may request accommodations for medical condition or disability or for sincerely held religious beliefs.

### **Paid time for COVID-19 vaccination**

All Metro employees will be provided paid time to receive a COVID-19 vaccination dose or doses. This includes the time to travel to and from and while at the vaccination clinic. Paid time will generally be provided for 4 hours per dose. Circumstances in which the time to receive a vaccine exceeds 4 hours will be approved on a case-by-case basis by the employee's supervisor.

Supervisors will prioritize employee access to the vaccine. They shall provide time away from work duties for vaccination purposes including adjusting schedules. Supervisors will apply regular paid time for each vaccine dose.

Employees who are non-exempt and work hourly may be provided pay at their overtime rate in instances where schedules cannot be adjusted to accommodate time for vaccination within a 40-hour work week. Metro's current work week is Monday through Sunday. Supervisors should make an effort to schedule the employee for a 40-hour work week including the vaccine time.

In most instances an employee receiving the vaccine during their scheduled work hours should be able to get the vaccine appointment completed within 4 hours. If their vaccine appointment does not take a full 4 hours, but it is not feasible for them to return for the rest of their shift, then they should still be paid for the full 4 hours. For example: If an employee is scheduled for an 8-hour shift, works 4 hours and then leaves for their vaccine which takes 3 hours to complete, and it is deemed unnecessary for them to return to work for the remaining one hour, then the employee should be paid for their full, scheduled shift. If a vaccine appointment takes longer than 4 hours, the supervisor should consult with Human Resources.

Paid time and paid leave guidelines under this policy are not applicable to volunteers or unpaid interns.

Variable-hour status employees will have access to paid time for vaccination and vaccination education if they have been scheduled for work within an eight-week period before or after they get the vaccine.

### **Leave for post-vaccination symptoms or recovery**

Some employees may experience moderate symptoms after receiving a COVID-19 vaccine dose. Employees may use paid leave the day of and after receiving a vaccine dose. Effective Aug. 1, 2021, employees received an 80-hour bank of COVID-19 emergency leave, which is available for this purpose and outlined in the COVID-19 Emergency leave policy.

### **Booster doses**

To be considered fully vaccinated, employees will need to receive booster doses within 30 days of their eligibility as recommended by the CDC. Booster dose schedules may differ for each vaccine brand. The 30 day requirement may be extended if shortages occur, and vaccines are unavailable.

### **COVID-19 vaccine documentation**

All employees, volunteers, interns and unpaid interns who receive the vaccine must provide a photo or scan of new or updated COVID-19 vaccination card. Information can be sent to the secure file sharing link provided at [oregonmetro.gov/COVID-19](https://oregonmetro.gov/COVID-19), under "Vaccine Documentation" or by email to [covid.vaccine@oregonmetro.gov](mailto:covid.vaccine@oregonmetro.gov).

### **Records information**

Metro will manage employee vaccine information carefully. Any employees with access to the data must treat it as sensitive information and may not share vaccination information such as vaccine type or other details with other employees or persons.

Employee vaccination information, including the employee's name and vaccination dates, is maintained in Metro's HR software, PeopleSoft in a component with limited access reserved for medical information. Metro records retention schedule requires the records be kept until six years after employee separation or termination

Vaccination records are considered public records subject to Oregon Public Records Law. However, other laws prohibit public bodies like Metro from disclosing certain records or give discretion not to disclose. Metro will assert an exemption to prevent disclosure should a request be received.

## **RESPONSIBILITIES**

### **Employees**

- Follow procedures outlined in this policy.
- Respect other employees' privacy and beliefs. Do not engage in harassment or peer pressure around vaccination status.

### **Supervisors**

- Approve time away from work and adjust schedules to allow employees time to get vaccinated. Efforts should be made to accommodate vaccines in a 40-hour work week before approving overtime.
- Provide time within scheduled shifts, or schedule additional time, for variable hour employees to receive the vaccine, access resources and education,
- Follow timekeeping procedures for applying paid time for vaccinations and any needed paid leave for recovery.
- Forward any reports of or observed violations of this policy to direct supervisor or manager.
- Ensure employees understand whistleblower protections and Metro's commitment against retaliation for making a complaint or identifying concerns.
- As required, provide information on resources, supplies and other materials in alternate languages.

### **Incident management team**

- Develop resources, training and communication materials as required to support implementation and compliance with this policy.

### **Human Resources**

- Manage the medical and religious accommodation process.
- Secure and retain confidential medical records.

### **Department directors**

- Respond effectively to violations of this policy to reduce future risk and create a safer workplace.
- Ensure implementation, communication of and adherence to policy with all direct reports.

## REFERENCES

**Metro policies:** See [oregonmetro.gov/employee-policies](https://oregonmetro.gov/employee-policies)

ADA

Religious accommodation

Recruitment and selection policy

COVID-19 Emergency leave

### **American's with Disabilities Act and Equal Employment Opportunity Commission**

Technical Assistance Questions and Answers: What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws. U.S. EEOC May 28, 2021

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

### **U.S. Centers for Disease Control references**

CDC: Safety of COVID-19 vaccines. Aug. 30, 2021

<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/safety-of-vaccines.html>

CDC: Ensuring COVID-19 vaccine safety in the U.S. April 22, 2021

<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety.html>