

Opportunities for Otsego Inc.
COVID-19 Vaccination, Testing and Face Covering Policy

Purpose and Scope

Vaccinations are vital tools to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. COVID-19 vaccines are readily available, highly effective at preventing hospitalization, and even more effective at preventing death. OFO encourages all employees, and requires some depending on position, to receive a COVID-19 vaccination to protect themselves, other employees, and the clients we serve. However, should an employee choose not to be vaccinated, this policy's sections on testing and face coverings will apply, unless they work in a program that has stricter requirements.

Employees should note that there may be other policies in effect that require face coverings (e.g., NY HERO ACT Model Airborne Infectious Disease Exposure Prevention Plan) in circumstances where this policy does not. This policy does not supersede any state or local laws, orders or ordinances that may be put in place. This policy complies with OSHA's Emergency Temporary Standard (ETS) on Vaccination and Testing ([29 CFR 1910.501](#)), and a portion complies with the Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs. Should OSHA's ETS expire or be rescinded, OFO may modify all or part of this policy at that time.

This policy applies to all OFO employees, including part-time employees, seasonal employees, and employees hired on or after the effective date of the policy. Unless otherwise indicated, this policy does not apply to employees contracted from employment agencies, volunteers, or independent contractors.

Employees may request an exception from vaccination requirements (if applicable) if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by the employee impacted by the vaccine, testing, and/or face covering requirement. All such requests will be handled in accordance with applicable laws and regulations and pursuant to OFO's Employee Accommodations policy.

Employees not in compliance with this policy will be subject to discipline under OFO's Discipline Regarding Performance Issues and Policy Infractions policy.

Vaccination Mandates, Options, and Exceptions

Mandatory Vaccination

The following employees are required to have or obtain a COVID-19 vaccination as a term and condition of employment at OFO, due to their specific job duties: all Head Start/Early Head Start program employees. **Employees subject to this vaccination mandate must comply with the vaccination procedures of this policy, and may not elect the testing and masking procedures in lieu of vaccination.** Other than the sections entitled "COVID-19 Testing" and "Face Coverings", all other sections of this policy apply to the employees specified below.

This applies to all employees who are subject to the Head Start mandate. **Covered Individuals must be fully vaccinated against COVID-19 by January 31, 2022.** As defined by the CDC, full vaccination requires a 14-day waiting period after the first or second

Opportunities for Otsego Inc.
COVID-19 Vaccination, Testing and Face Covering Policy

dose, as applicable. Under the Rule, however, Covered Individuals who have received the final dose of a primary vaccination series by January 31, 2022 will be considered to have met the vaccination requirement.

Covered Individuals include:

- All staff who work with enrolled Head Start children and families in any capacity regardless of funding source.
- Contractors whose activities involve being in contact with or providing direct services to children and families.
- Volunteers in classrooms or working directly with children other than their own.

While there is no test-out option, vaccination is not required for Covered Individuals (1) for whom a vaccine is medically contraindicated; (2) for whom medical necessity requires a delay in vaccination; or (3) who are legally entitled to an accommodation with regard to the COVID-19 vaccination requirements based on applicable federal law.

Covered Individuals granted an exemption from the vaccine requirement must undergo COVID-19 testing at least weekly and provide negative test results to remain in the classroom or work directly with children.

Effective **November 30, 2021**, masks are required for all individuals, vaccinated and unvaccinated, while indoors in a setting when Head Start services are provided and when in a vehicle owned, leased, or arranged by the Head Start program. If outdoors in crowded settings or during activities that involve sustained close contact with other people, unvaccinated individuals must continue to wear a mask. Masks are not required to be worn by children or adults when they are eating or drinking; by children when they are napping; if the person cannot safely wear a mask because of a disability under the Americans with Disabilities Act; or when a child's health care provider advises an alternative face covering to accommodate the child's special health care needs.

Vaccination or Testing and Face Covering Option

Employees other than those specified under "Mandatory Vaccination" above may elect to follow either the vaccination procedures or the testing and face covering procedures of this policy.

Exceptions

The employees specified below do not need to comply with either the mandatory vaccination or testing and face covering procedures, unless the circumstances of their employment change such that they no longer fall into one of the following categories:

1. Who do not report to a workplace where other individuals (such as coworkers or clients) are present;
2. Who work exclusively outdoors; or
3. While working entirely from home.

Vaccination Procedures

An employee who chooses to be vaccinated against COVID-19 in lieu of weekly testing must be fully vaccinated no later than **February 9, 2022**. An employee 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.

Opportunities for Otsego Inc.
COVID-19 Vaccination, Testing and Face Covering Policy

Any employee not fully vaccinated by **January 10, 2022**, will be subject to the face covering requirements of this policy until they are fully vaccinated. Any employee not fully vaccinated by **February 9, 2022**, will be subject to the testing and face covering procedures of this policy.

An employee who has received the second dose of a two-dose vaccine (or the first dose of a single-dose vaccine) by February 9, 2022, will be deemed to meet these vaccination procedures, but must wear a face covering during the two-week period following the final dose.

An employee who has contracted COVID-19 in the past but has not been vaccinated is not considered to be partially or fully vaccinated.

Vaccination Status and Acceptable Forms of Proof of Vaccination

All employees must provide OFO documentation of their vaccination status by **January 10, 2022**. Employees shall also provide OFO with documentation of any change in their vaccination status (e.g., when they become fully vaccinated after being partially vaccinated).

Any employee who fails to inform OFO of their vaccination status by the required deadline will be considered unvaccinated for purposes of this policy.

Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if applicable, their testing results.

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 via email to OFOHR@ofoinc.org or in-person at the HR office.

Acceptable proof of vaccination status is:

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. 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, OFO will still accept the state immunization record as acceptable proof of vaccination.

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:

Opportunities for Otsego Inc.
COVID-19 Vaccination, Testing and Face Covering Policy

“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.

Any employee who knowingly supplies false statements or documentation for purposes of complying with this policy may be subject to the criminal penalties of 18 USC 1001 and/or section 17(g) of the OSH Act.

Supporting COVID-19 Vaccinations

An employee may take up to four hours of paid time, at the employee’s regular rate of pay, per dose, to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of paid time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of paid time will be granted. Employees who take longer than four hours to get the vaccine must notify their supervisor and Human Resources as well as document 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, but will not be paid; in that situation, the employee can elect to use accrued leave (e.g., Sick Leave) to cover the additional time.

Employees may utilize up to two workdays of paid Sick Leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to two days of additional paid Sick Leave immediately following each dose, if necessary to recover from vaccine side effects.

Employee will follow OFO’s Sick Leave policies and procedures to request and obtain necessary approvals for time off under this section.

Notification of COVID-19 and Removal from the Workplace

Employees who are sick or experience COVID-19 symptoms while at home or at work should communicate those to OFO pursuant to OFO’s NY HERO ACT Model Airborne Infectious Disease Exposure Prevention Plan.

Employees must promptly notify the Human Resources Director when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

In the event an Employee must be removed from the workplace due to COVID-19, leave may be administered according to OFO’s leave policies (e.g., Sick Leave, Family Medical Leave).

Removal from the Workplace

OFO will immediately remove an employee from the workplace if they 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).

Opportunities for Otsego Inc.
COVID-19 Vaccination, Testing and Face Covering Policy

An employee who has been removed from the workplace because of a positive COVID-19 test may be eligible to work remotely or in isolation. These eligibility determinations shall be made in accordance with OFO's Temporary Telecommuting Policy and Non-Exempt Employees – Remote Work Guidance.

Return to Work Criteria

For any employee removed because they are COVID-19 positive, OFO will keep them removed from the workplace until they meet one of the following criteria:

- The employee receives a negative result on a COVID-19 nucleic acid amplification test (NAAT)¹ following a positive result on a COVID-19 antigen test;
- Meets the return to work criteria in CDC's "Isolation Guidance"; or
- Submits a written recommendation to return to work from a licensed healthcare provider.

Under CDC's "[Isolation Guidance](#)," 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).

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

To return to work, an employee removed because they had a positive COVID-19 test shall submit documentation meeting the criteria of this policy to the Human Resources Director.

COVID-19 Testing

Beginning **February 9, 2022**, all employees who are not fully vaccinated will be required to comply with this policy for testing.

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 Human Resources Director no later than the seventh day following the date on which the employee last provided a test result.²

OFO's testing reporting schedule requires results to be provided to the Human Resources Director weekly by Close of Business on Tuesdays.

¹ NAAT tests include PCR tests.

² In its explanation of the ETS, OSHA recognizes that there may be delays in receiving test results from laboratories that are beyond employee and employer control. In the event that such a delay occurs, OFO may allow an employee to return to work depending on the individual circumstances, where the facts show good faith in attempting to comply with the standard.

Opportunities for Otsego Inc.
COVID-19 Vaccination, Testing and Face Covering Policy

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

- 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 Human Resources Director 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.

An employee subject to these testing requirements may not self-administer **and** self-read their test unless observed by a representative of OFO or an authorized telehealth proctor.

An antibody test does not satisfy the requirements of this section.

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.

Testing will be conducted by employees independently scheduling tests at point-of-care locations.

The costs associated with required COVID-19 testing shall be covered by the employee.

Face Coverings

Beginning **January 10, 2022**, OFO requires all employees who are not fully vaccinated to wear a face covering. Face coverings must:

1. Completely cover the nose and mouth;
2. 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);
3. 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;
4. Fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and
5. 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.

Employees who are not fully vaccinated shall obtain face coverings that comply with the above requirements by using those purchased by OFO or self-provided, and shall wear them at all times while in the workplace, with limited exceptions.

Opportunities for Otsego Inc.
COVID-19 Vaccination, Testing and Face Covering Policy

The following are exceptions to OFO'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 OFO 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).

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.

Records Requests

By the end of the next business day after a request, OFO shall make available for examination and copying an individual employee's vaccination and testing records to that employee or to anyone having the written authorized consent of that employee. By the end of the next business day after a request of an employee or employee representative, OFO shall make available to a requesting employee or employee representative the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace. Employee requests for these records should be directed to Lydia Bell, Human Resources Director.

Within 4 business hours of a request, OFO will provide OSHA with a copy of this policy, the aggregate number of fully vaccinated employees at its workplace(s), and/or the total number of employees at such workplace(s). Further, OSHA shall be provided with all other documentation and records required by the OSHA ETS by the end of the next business day after the request.

Questions

Please direct any questions regarding this policy to Human Resources.

For additional information about COVID-19 vaccines, employees should consult the CDC's "Key Things to Know About COVID-19 Vaccines," at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>.