

COVID-19 Vaccination Requirement for District Employees and Other Individuals Who Perform In-Person Work for the District

To establish rules consistent with its duty to provide and maintain a workplace that is free of recognized hazards, the Napa Unified School District has adopted this policy to require employees and all other individuals who perform in-person work for the district to be vaccinated against COVID-19. The Governing Board believes this is a necessary step based on the current COVID-19 global pandemic outbreak in order to safeguard the health and safety of employees and their families, students and their families, Board members, and members of the public who spend time in district facilities and the community from infectious conditions that may be mitigated through vaccines. This policy is intended to comply with all federal, state, and local laws. It is based upon guidance provided by the Centers for Disease Control and Prevention (CDC) and other federal, state, or local public health authorities, as applicable.

This policy applies to all full and part-time district employees, interns, volunteers, contractors, and all other individuals who perform in-person work for the district (hereinafter referred to as "Affected Parties").

Requirement to Obtain COVID-19 Vaccine

Considering the evidence established to date regarding the safety and effectiveness of available COVID-19 vaccines and based on the guidance from federal, state, and local public health authorities, the district requires that all Affected Parties performing in-person work for the district obtain all applicable doses of the COVID-19 vaccine. As of the effective date of this policy, the district will require all Affected Parties to begin obtaining a COVID-19 vaccine. Reasonable requests may be made to extend the timeline and must be approved by the Assistant Superintendent of Human Resources. Federally approved exemptions as an accommodation may be requested by employees from the Assistant Superintendent of Human Resources.

Affected Parties may obtain any of the COVID-19 vaccines that have received authorization for use by the FDA, including: (a) the two-dose series of Pfizer-BioNTech COVID-19 Vaccine ("Pfizer"); (b) the two-dose series of Moderna COVID-19 Vaccine ("Moderna"); or (3) the single-dose of Janssen ("Johnson & Johnson") COVID-19 Vaccine. Employees must receive all applicable doses of the chosen COVID-19 vaccine, and all booster shots based on eligibility, specifically five months for Pfizer and Moderna and two months for Johnson & Johnson for as long as the guidance differentiates between "vaccinated" or "vaccinated and boosted", in order to remain in compliance with this policy. Affected Parties will be considered unvaccinated if they obtain only one dose of either of the two-dose series COVID-19 vaccine currently authorized for use by the FDA.

Affected Parties may obtain the COVID-19 vaccine at any location of their choosing. Information on the COVID-19 vaccines and how to obtain vaccination is available at <https://covid19.sccgov.org/covid-19-vaccine-information>

I. Verification of Receipt of COVID-19 Vaccine

In order to comply with this policy, all Affected Parties must either (a) establish that they have received all applicable doses of the COVID-19 vaccine(s); or (b) obtain an approved exemption as an accommodation (employees only). The process for seeking an accommodation is explained in Section III below.

All proofs of vaccination must identify the name of the Affected Party who received the vaccine, the type of vaccine provided, and the date of all doses administered.

Affected Parties may choose from one of the following methods of proof to verify that they received all applicable doses of the COVID-19 vaccine with the information listed above:

- A. Upload a copy of the COVID-19 Vaccination Record Card (issued by the United States Department

of Health and Human Services for Disease Control & Prevention or World Health Organization Yellow Card);

B. Documentation from a healthcare provider reflecting that the employee received a COVID-19 vaccine; or

C. A legible copy of the Personal Digital COVID-19 vaccination record (QR code)

provided by the California Department of Public Health

(<https://myvaccinerecord.cdph.ca.gov/>).

Subject to the district's express authorization, Affected Parties must utilize one of these three methods to verify their vaccination status. The district will maintain the confidentiality of any vaccination records provided by Affected Parties, subject to the requirements of law. This information must be provided to the Assistant Director Human Resources: Covid-19 Risk and Mitigation Coordinator by March 31, 2022. Affected Parties who are not currently employed or are not currently under contract with the District as of the effective date of this policy (i.e., all new hires and new contractors who begin after the effective date of this policy) must provide vaccination records by February 1, 2022.

II. Requests for Exemptions as Accommodations

The district will provide employees with a qualified exemption to its COVID-19 vaccination requirement as a reasonable accommodation to assist any employee who has any qualified disability and/or medical conditions, and/or who objects based on sincerely held religious beliefs. The district is committed to providing equal employment opportunities without regard to any protected status and a work environment that is free of unlawful harassment, discrimination, and retaliation. As such, the district is committed to complying with all applicable federal and state laws protecting employees with qualified disabilities and/or medical conditions, and/or sincerely held religious beliefs.

The following procedure should be utilized when an employee requests an exemption from the district's COVID-19 vaccine requirement as a reasonable accommodation.

A. Requests for Exemption/Accommodation

To assist any employee who has qualified disabilities and/or medical conditions, and/or who objects to being vaccinated on the basis of sincerely held religious beliefs, the district will engage in an interactive process to determine on a case-by-case basis if a reasonable accommodation can be provided. The district has the final discretion to determine whether reasonable accommodations can be made, and if reasonable accommodations can be made, the type of effective accommodations to provide. The district will not provide accommodations that would pose an undue hardship upon the district's finances or operations, or that would endanger the health or safety of others and/or the requesting employee. An employee who desires a reasonable accommodation in order to perform essential job functions for one of the reasons above should make such a request in writing utilizing a district provided form to the Assistant Superintendent of Human Resources.

Once the district has received a written request for the need for an accommodation, the district will arrange for an interactive process discussion to work in good faith to fully discuss all feasible potential reasonable accommodations. If an employee believes that they have been treated in a manner not in accordance with this policy, they must contact the Assistant Superintendent Human Resources. Employees may request an accommodation without fear of retaliation.

B. Procedure for Requesting Exemption/Accommodation

1. Written Request for Exemption/Accommodation

The employee requesting an exemption from the vaccine policy as a reasonable accommodation will be provided with a form to complete and return to the Assistant Superintendent of Human Resources.

2. Provide Reasonable Documentation

Employees requesting exemption/accommodations for qualified disabilities and/or medical conditions will need

to provide medical certification and submit a form to the Assistant Superintendent of Human Resources. Medical exemptions and/or accommodations for the COVID-19 vaccine will be considered if the employee provides a written certification by a licensed, treating medical provider (a physician (MD or DO), nurse practitioner (NP), or physician's assistant (PA)), of one of the following:

1. The applicable CDC contraindication for the COVID-19 vaccine, or
2. The applicable contraindication found in the manufacturer's package insert for the COVID-19 vaccine, or
3. A statement that the physical condition of the person or medical circumstances relating to the person are such that vaccination is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances that contraindicate vaccination with the COVID-19 vaccine.

Ensuring the confidentiality of all medical information obtained in connection with a request for reasonable accommodation, as well as the confidentiality of all associated communications during the interactive process is required by federal law. All documentation will be kept in a file separate from an individual's personnel file. Non-medical information obtained during this process will only be shared on an "as needed" basis with those involved in providing a reasonable accommodation.

Following receipt of the request, the Assistant Superintendent of Human Resources or their designee may require additional information, such as reasonable documentation of the existence of any qualified disabilities and/or medical conditions. If an employee refuses to provide such information, the employee's refusal may adversely impact the district's ability to adequately understand the employee's request or to effectively engage in the interactive process to identify possible accommodations.

C. Interactive Process

The Assistant Superintendent of Human Resources or their designee will engage in the interactive process to determine whether an employee is eligible for such exemption/accommodation, and if so, to determine the reasonable accommodations which can be provided that would enable the employee to perform the essential functions of their position without endangering the health and safety of others and/or the requesting employee. Once a written request for the need for an accommodation has been received, the Assistant Superintendent of Human Resources or their designee will arrange for an interactive process discussion, in person or via telephonic or online conference call, with the employee, and his or her representatives, if any. The district reserves the right to maintain a record of each related conversation. The purpose of the discussion is to work in good faith to fully discuss the employee's request, and identify the appropriate exemption and all feasible potential reasonable accommodations. The Assistant Superintendent of Human Resources or their designee may ask the employee relevant questions in order to make an informed decision about the request. In the case of a request for a religious exemption from district's vaccination requirement, the Assistant Superintendent of Human Resources or their designee may need to discuss the nature of an employee's religious belief, practice, and/or accommodation with the religion's local spiritual leader (if applicable) to address the employee's request.

The nature of the dialogue will vary. In some instances, both the reason for the exemption/accommodation and the type of exemption/accommodation required will be obvious, and thus the dialogue may be brief. In other instances, the dialogue may be extensive because the Assistant Superintendent of Human Resources or their designee may need to ask questions and/or require documentation concerning the nature of the request in order to verify the validity of the exemption/accommodation request.

D. Determination of Request for Exemption/Accommodation

After all necessary information has been obtained and reviewed, the Assistant Superintendent of Human Resources will determine if the workplace accommodation sought will be granted, whether an alternative accommodation is appropriate, or whether a reasonable accommodation is not possible. The determination will then be communicated to the employee and further discussion will take place if needed. Additionally, the Assistant Superintendent of Human Resources will indicate the determination in writing to the employee.

In the event that a request is denied because the district cannot provide a reasonable accommodation, the

Assistant Superintendent of Human Resources will communicate the reason(s) for denial in writing.

An employee whose request for an exemption is approved will be required to test for COVID-19 at a frequency to be determined by the district, which shall be a minimum of one test per week, up to testing every workday. The employee shall make their test result available to the Assistant Superintendent of Human Resources or other designee, as specified by the District.

III. Consequences for Non-Compliance

The district will evaluate unique circumstances of an employee and will respond to the employee's failure to comply in accordance with board policies and the discipline articles outlined in the collective bargaining agreements with our labor unions, which may include but is not limited to placement on unpaid leave and/or separation from service.

Policy NAPA VALLEY UNIFIED SCHOOL DISTRICT

Adopted: _____ Napa, California
