

Able2 Enhancing Potential, Inc.	Policies Manual
<u>Subject/Topic:</u> Covid-19 Vaccination with Accommodations	<u>Source/Reference:</u> CMS and Department of Health
<u>Written/Reviewed by:</u> Carole Berg <u>Date:</u> December 15, 2021	<u>Scope:</u> This policy applies to all employees regarding Covid-19 vaccination requirements.

Purpose:

Consistent with its duty to provide and maintain a workplace that is free of recognized hazards, Able2 Enhancing Potential, Inc. has adopted a COVID-19 Vaccination Policy for employees. This policy is intended to safeguard the health and well-being of employees and their families, visitors, and others, from COVID-19's infectious conditions that can be reduced through an effective employee vaccination program. This policy complies with all state and local laws and is based upon guidance provided by the Centers for Disease Control and Prevention (CDC) and public health and licensing authorities, as applicable.

Policy:

In accordance with Centers for Medicare & Medicaid Services (CMS), Able2 requires all employees to provide proof of having received at least one dose of COVID-19 vaccine by December 6, 2021 and a completed series no later than January 4, 2022.

Employees hired after January 4, 2022 will comply with this policy as an expectation of employment.

As additional orders/mandates are issued, Able2 may require employees to receive booster vaccines (and provide proof of such to Human Resources) as indicated by our governing bodies.

Who is Covered Under this Plan:

All employees at Able2 except:

- Employees who work in the Article 28 Clinic- the clinic is governed by the more restrictive New York State Department of Health Section 16 order); or
- Employees who do not report to a workplace where other individuals (such as coworkers and persons we support) are present for any portion of the day.

In addition, Consultants who have regular contact with or at sites operated by Able2 are covered under this policy.

Vaccine Options:

Currently there are three (3) vaccines currently available in the United States, manufactured by Pfizer, Moderna, and Johnson & Johnson. They have all undergone clinical trials by the manufacturer and an extensive review process by the Food and Drug Administration and the Centers for Disease Control. Available data clearly indicates that:

- COVID-19 vaccines are safe and effective at preventing COVID-19. COVID-19 has been shown to cause severe illness and death.
- COVID-19 vaccines are effective against severe disease and death from variants of the virus that causes COVID-19, including the Delta Variant.
- Infections happen in only a small portion of people who are fully vaccinated. When these

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infections do occur among vaccinated people, they tend to only experience mild symptoms.

Vaccination Requirements:

1. All employees and Consultants covered by this policy (regardless of position description or duties) are required to provide proof of having received at least one dose of COVID-19 vaccine by December 6, 2021 and a completed series no later than January 4, 2022.
2. Failure to provide proof of the COVID-19 vaccine by the above dates shall result in the acceptance of the voluntary resignation of the employee for failure to meet agency health requirements.
3. Individuals receiving offers of employment are required to timely comply with this policy prior to the commencement of employment by providing proof of a completed vaccination and/or have an approved accommodation. Individuals receiving offers of employment who do not timely comply with this policy will have their offer of employment rescinded.
4. To establish that they have been fully vaccinated, employees are required to provide vaccine documentation accurately and truthfully. Any falsification of vaccine information will subject an employee to potential disciplinary action up to and including termination of employment.
5. Paid time off (up to 4 hours) for receiving the COVID-19 vaccine (or boosters) will be provided to all employees. To receive paid time off the employee must submit a time off request (in advance) and will subsequently need to provide documentation of having received the vaccine or booster in order for this time to be paid.
6. The supervisor/manager will submit approved time off requests and associated documentation to the Human Resources Department, and obtain approval, prior to placing the paid time on the employee's time card.

Exemptions

Medical Exemption:

To assist any employee who has an underlying medical condition or disability that contraindicates administration of the COVID-19 vaccine, Able2 may provide exemption from the vaccination requirement.

Employees are encouraged to submit their requests as soon as possible. Employees may request an exemption and seek workplace accommodation without fear of retaliation.

Accommodations for medical exemptions will be assessed on a case-by-case basis and in compliance with applicable law.

Procedure:

1. Employee seeking a Medical exemption from the vaccine are required to submit a completed Medical Exemption Form to Human Resources. This information will be used by

Human Resources to engage in an interactive process to determine eligibility for and to identify possible accommodations. If an employee refuses to provide such information, the employee's refusal may impact Able2's ability to adequately understand the employee's request or effectively engage in the interactive process to identify possible accommodations.

2. Able2 will carefully review each request and determine if the request should be granted.
3. After the request has been reviewed and processed, the employee will be notified in writing if an exemption has been granted or denied.
4. All decisions are final and not subject to appeal.
5. If an approved exemption contains an expiration date, the employee will be expected to complete the vaccine requirement when the exemption expires. Should the condition continue, or a new vaccination contraindication occur, a new request with updated documentation is required.
6. Individuals with an approved exemption may be required to comply with COVID-19 testing and other preventive requirements as specified by Able2.
7. Accommodations will only be granted where they do not create an undue hardship for agency and/or do not pose a direct threat to the health or safety of others in the workplace and/or to the employee.
8. Individuals whose requests have been denied are permitted to reapply for an exemption if new information should become available.

Religious Exemption:

Employees who hold genuine and sincere religious beliefs that are contrary to COVID-19 vaccination may request a religious exemption from the COVID-19 vaccine mandate.

Employees are encouraged to submit their requests as soon as possible. Employees may request an exemption and seek workplace accommodation without fear of retaliation.

Accommodations for Religious exemptions will be assessed on a case-by-case basis and in compliance with applicable law.

Procedure:

1. Employee seeking a Religious exemption from the vaccine are required to submit a completed Religious Exemption Form to Human Resources. This information will be used by Human Resources to engage in an interactive process to determine eligibility for and to identify possible accommodations. If an employee refuses to provide such information, the employee's refusal may impact Able2's ability to adequately understand the employee's request or effectively engage in the interactive process to identify possible accommodations.
2. Able2 will carefully review each request and determine if the request should be granted.
3. After the request has been reviewed and processed, the employee will be notified in writing if an exemption has been granted or denied.
4. All decisions are final and not subject to appeal.
5. Individuals with an approved exemption may be required to comply with COVID-19 testing

and other preventive requirements as specified by Able2.

6. Accommodations will only be granted where they do not create an undue hardship for agency and/or do not pose a direct threat to the health or safety of others in the workplace and/or to the employee.

Procedure for Routine COVID-19 Testing, Daily Health Checks and Enhanced Personal Protective Equipment (PPE)

Routine C19 testing, daily health checks and enhanced PPE may be required as part of an agreed Religious or Medical accommodation and/or during the period when an employee is not yet considered “fully vaccinated”. Consistent with CDC guidance, “fully vaccinated” is 2 weeks following the second of a 2 series dose, or 2 weeks after a 1 series dose. If vaccine requirements evolve to requiring boosters to remain fully vaccinated, Able2 will follow CDC guidelines for when someone is considered “fully vaccinated”.

Routine Testing

When an employee has been identified as needing routine C19 testing (either as part of an accommodation and/or during the vaccination process) they must meet the requirements for testing at the frequency identified as part of the accommodation/vaccination process. Employees who fail to follow through with testing requirements will be subject to disciplinary action up to and including termination.

Minimally, employees who fail to submit to a C19 test within 3 days of the testing due date, will not be authorized to return to work until they have met the testing requirements. Depending on the reason for the missed test, employees may need to be placed on a short-term unpaid administrative leave and may be subject to disciplinary action up to and including termination.

If an employee is not able to attend, or does not wish to attend the free testing day/time set by Able2, they will be required to get a test at their own expense- but it must be a “proctored” test (no at home testing is allowed).

Employees are also able to use testing performed by other labs, clinics, doctors office or other proctored test location/services and/or testing done for other jobs to meet the above testing requirement.

In all cases of testing, the employee will need to provide copies of tests and/or give consent to have test results released to Able2 for the purpose of meeting this requirement. Only test results showing the employees name and date of the test will be accepted. All test results will be kept in a separate medical file in personnel.

Health Checks

When an employee has been identified as needing Daily Health Checks (either as part of an accommodation and/or during the vaccination process) they must meet the requirements for completing health checks at the frequency identified as part of the accommodation/vaccination process. Employees, who fail to follow through with health checks as required, will be subject to disciplinary action up to and including termination.

Minimally, upon discovery of an employee who failed to complete the required health check, immediate follow up with that employee will occur. If the employee is still at work, they should submit to the health check before resuming any further work. If the missed check is discovered after a person has left work, immediate follow up with the employee will be required prior to the employee returning to work. Additionally, the supervisor/manager should begin the process of determining why/how the check was missed and consult with Human Resources to determine if the situation warrants formal disciplinary action.

Enhanced PPE

When an employee has been identified as needing to wear enhanced PPE (either as part of an accommodation and/or during the vaccination process) they must meet the requirements for using the enhanced PPE identified, i.e. double surgical mask, face shield/surgical mask combination and/or KN95. Employees, who fail to follow through with the use of the enhanced PPE as described (at all times unless alone in an office or when actively eating), will be subject to disciplinary action up to and including termination.

Minimally, upon discovery of an employee who is not using the required PPE, immediate follow up with that employee will occur. If the employee is found without the correct PPE, or is wearing the PPE incorrectly, immediate follow up is required. At a minimum the employee must be outfitted with the correct PPE and/or given instructions as to the proper wearing of the PPE before resuming work. In addition, the supervisor/manager should begin the process of consulting with Human Resources to determine if the situation warrants formal disciplinary action.

Approved by:

Executive Director Signature

Effective Date