Legal Update: Vaccination Hot Topics

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Today’s Presenters

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Overview

- Vaccine Verification Order
- Testing Unvaccinated Workers
- Records Storage
- Negotiations Impacts
- Exemptions and Protocols
Vaccination Verification
LEAs must be in full compliance with the Vaccination Order by October 15, 2021.

The Order applies to public and private schools serving students in transitional kindergarten through grade 12, inclusive, but does not apply to home school, childcare or to higher education.

The Order applies to all workers, defined as “all paid and unpaid adults serving in the school settings.”

FAQ recently clarified applies to all workers even if they don’t work at school or interact with students.

Contractors?

Volunteers?
All schools identified in the Order must verify vaccine status of all workers.

Verification methods (may only use the following methods):

1. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services, Centers for Disease Control & Prevention or WHO Yellow Card), which includes name of person vaccinated, type of vaccine provided and date last dose administered); OR

2. a photo of a Vaccination Record Card as a separate document; OR

3. a photo of the client's Vaccination Record Card stored on a phone or electronic device; OR
Vaccine Verification (continued)

4. documentation of COVID-19 vaccination from a health care provider; OR
5. digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type; OR
6. documentation of vaccination from other contracted employers who follow these vaccination records guidelines and standards.

- In the absence of knowledge to the contrary, a school may accept the documentation presented as valid.
- Schools must have a plan in place for tracking verified worker vaccination status and must be provided to local public health departments upon request.
Testing Unvaccinated Employees
Testing Requirements (for Unvaccinated or Unverified Workers)

- Workers/adults not fully vaccinated, of unknown status, or who have not provided verification documentation must be considered unvaccinated and are required to undergo diagnostic screening testing (at least one time/week).
- Any PCR (molecular) or antigen test with Emergency Use Authorization may be used.
- Must have a plan in place for tracking test results, conducting workplace contact tracing, and must report results to local public health departments.
- Testing shortages?
- Handling substitutes and volunteers.
Storing Vaccination and Testing Records
Storing Vaccination and Testing Records

- Confidentiality versus Tracking Requirements
  Documentation about employee vaccination status is considered medical information and must be kept confidential.

- Schools must have a plan in place for tracking verified worker vaccination status. Records of vaccination verification must be made available, upon request, to the local health jurisdiction for purposes of case investigation.

- Schools with workers required to undergo workplace diagnostic screening testing should have a plan in place for tracking test results and conducting workplace contact tracing, and must report results to local public health departments.
Negotiations
Impacts
Negotiation Impacts

- Decision to implement vaccine verification is not negotiable (mandatory requirement/order).
- Potential negotiable impacts.
  - Paid time for vaccines?
  - When/where tests are conducted?
  - Discipline/consequences for failure to test?
  - Quarantine?
  - Other impacts?
Exemptions and Protocols
Medical and Religious Exemptions to Vaccine Order Requirements

- How do you handle employee submitting doctor’s note exempting from vaccine and testing?

- What about a note regarding their *bona fide* religious beliefs?
Questions?
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Thank You!

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