



Human Resources Department

COVID-19 Mandatory Vaccination Policy

Effective January 7, 2022
Updated January 12, 2022

Summary

The City of Takoma Park, in compliance with the Occupational Safety and Health Administration's COVID-19 Vaccination and Testing Emergency Temporary Standard ("OSHA ETS"), and in order to promote the health and safety of the City workforce, residents, and visitors, adopts this COVID-19 Mandatory Vaccination Policy (the "Policy").

The Policy requires that all City employees, independent contractors, interns, and temporary workers be fully vaccinated against COVID-19, subject to approved accommodations, including receipt of any additional doses of a COVID-19 vaccine (*i.e.*, booster) in a manner and schedule consistent with this Policy as informed by CDC guidelines. The Policy also requires that employees and other covered persons provide proof of vaccination and follow certain safety protocols as set forth more fully below.

Employees and other persons covered by this Policy may be entitled to a reasonable accommodation if they cannot be vaccinated or otherwise comply with this Policy (*i.e.*, wear a face covering or comply with required safety protocols) because of a medical reason (*i.e.*, those for whom a vaccine is medically contraindicated, those for whom medical necessity requires a delay in vaccination, or those entitled to a reasonable accommodation for disability) or sincerely held religious belief, practice, or observance of the employee. Individuals must contact Human Resources at humanresources@takomaparkmd.gov if they are seeking information regarding a potential reasonable accommodation. Requests for exceptions and reasonable accommodations must be initiated by January 12, 2022. All such requests will be handled in accordance with applicable laws and City policies and practices, including applicable collective bargaining agreements.

Employees and other covered individuals are required to complete the City's [COVID-19 Vaccination Attestation Form](#) and provide acceptable documentation regarding their vaccination status by January 7, 2022. Employees who provided the City with their vaccination status prior to November 5, 2021 need not resubmit proof of vaccination (single dose of single-vaccine regimen or both doses of two-vaccine regimen). However, employees and other covered individuals eligible to receive a booster must provide acceptable proof of receipt of a booster consistent with this Policy, even if they previously provided attestation or other documentation of vaccination status.

Failure to abide by the Policy may lead to disciplinary action, up to and including termination of employment, an internship, or independent contractor status.

This Policy is effective January 7, 2022. The City may modify this Policy based on the State of Maryland's adoption of the OSHA ETS, the outcome of pending court proceedings regarding the ETS, and updated guidance and information regarding COVID-19.

Purpose

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. The City has adopted this Policy to comply with OSHA's Emergency Temporary Standard on Vaccination and Testing, which encourages full vaccination of the workforce against COVID-19, and to promote the safety and wellbeing of others.



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This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

Scope

This Policy applies to all City employees, independent contractors, interns, and temporary workers. All covered persons must be fully vaccinated (subject to approved exceptions or reasonable accommodations), including receipt of an approved booster for eligible individuals.

Covered individuals must provide truthful and accurate information about their COVID-19 vaccination status. Individuals not in compliance with this Policy are subject to disciplinary action up to and including termination of employment, an internship, independent contractor relationship, or partaking in City-related business.

Definitions

Fully Vaccinated - An individual is considered "Fully vaccinated" two weeks after receiving the second dose of a two-dose regimen or two weeks after a single-dose regimen, with at least the minimum recommended interval between doses (if a two-dose regimen).

COVID-19 Test - Under the ETS, a "COVID-19 test" must be a test for SARS-CoV-2 that is:

1. cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the U.S. Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 virus (*i.e.*, a viral test);
2. administered in accordance with the authorized instructions; and
3. not both self-administered and self-read unless observed by the employer or an authorized telehealth proctor.

Examples of tests that satisfy this requirement **of the ETS** include tests with specimens that are processed by a laboratory (including home or on-site collected specimens which are processed either individually or as pooled specimens), proctored over-the-counter tests, point of care tests, and tests where specimen collection and processing is either done or observed by an employer.

COVID-19 tests can broadly be divided into two categories, diagnostic tests and antibody tests. Diagnostic tests detect parts of the SARS-CoV-2 virus and can be used to diagnose current infection. On the other hand, antibody tests look for antibodies in the immune system produced in response to SARS-CoV-2, and are not used to diagnose an active COVID-19 infection. Antibody tests do not meet the definition of COVID-19 test for the purposes of this ETS.

Diagnostic tests for current infection fall into two categories: nucleic acid amplification tests (NAATs) and antigen tests. NAATs are a type of molecular test that detect genetic material (nucleic acids); NAATs for COVID-19 identify the ribonucleic acid (RNA) sequences that comprise the genetic material of the virus. Most NAATs need to be processed in a laboratory with variable time to receive results (approximately 1–2 days), but some NAATs are point-of-care tests with results available in about 15–45 minutes.



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Antigen tests may also meet the definition of COVID-19 test under this standard. Antigen tests indicate current infection by detecting the presence of a specific viral antigen. Most can be processed at the point of care with results available in about 15-30 minutes. Antigen tests generally have similar specificity to, but are less sensitive than, NAATs.

Antigen tests are the only type of diagnostic tests that can be self-administered. To be a valid COVID-19 test under this standard, an antigen test may not be both self-administered and self-read unless observed by an authorized telehealth proctor or **an approved representative from Human Resources, if available**. If an over-the-counter (OTC) test is being used, it must be used in accordance with the authorized instructions and observed by an authorized telehealth proctor or **City Human Resources representative**.

Vaccination & Booster Requirement

All City employees, independent contractors, interns, and temporary workers must be fully vaccinated against COVID-19 no later than February 9, 2022.

To be fully vaccinated by February 9, 2022, an employee or other covered person must:

1. Obtain the first dose of a two-dose vaccine no later than January 19, 2022 (Pfizer) or January 12, 2022 (Moderna); and the second dose no later than February 9, 2022; or
2. Obtain one dose of a single dose vaccine no later than February 9, 2022.

Individuals will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine. An individual will be considered partially vaccinated if they have received only one dose of a two-dose vaccine. If an individual completes the entire primary vaccination series by February 9, 2022, that individual must comply with the testing requirements set forth in this Policy until the two-week post vaccination period is complete. Stated differently, partially vaccinated individuals must follow the requirements for unvaccinated persons (meaning, those with an approved exception/reasonable accommodation) until they become fully vaccinated. See the COVID-19 Testing section, below.

In addition, covered individuals who are eligible to receive a booster must obtain the booster as follows: (a) if currently eligible for an approved COVID-19 booster, you must obtain the booster by February 9, 2022; and (b) if not currently eligible for an approved COVID-19 booster, you must obtain the booster within 30 days of becoming eligible for a booster per CDC guidance, both subject to an approved exception/reasonable accommodation.

The CDC currently recommends that persons 18 years and older who: received the Pfizer vaccine, obtain a booster at least **five (5)** months after completing the primary vaccination series; received the Modern vaccine, obtain a booster at least **five (5)** months after completing the primary vaccination series; or received the Johnson & Johnson vaccine, at least two (2) months after completing the primary vaccination.

If your health care provider advises that you wait to receive vaccination or booster, you must inform Human Resources (humanresources@takomaparkmd.gov) regarding the health care provider's recommendation.



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Vaccination Status and Acceptable Forms of Proof of Vaccination

All employees and other covered individuals must provide to Human Resources (humanresources@takomaparkmd.gov) their vaccination status (*i.e.*, fully vaccinated, partially vaccinated, unvaccinated, requesting an exception/reasonable accommodation, approved exception/reasonable accommodation, booster receipt) by January 7, 2022. Employees who provided the City with their vaccination status prior to November 5, 2021 need not resubmit proof of vaccination (single dose of single-vaccine regimen or both doses of two-vaccine regimen). However, employees who previously provided vaccination status to the City must provide the City (humanresources@takomaparkmd.gov) proof of receipt of a booster by February 9, 2022, if currently eligible for a booster, and within 30 days of becoming eligible if not currently eligible for a booster. All other covered individuals must provide acceptable proof consistent with this Policy by January 7, 2022.

If an employee's or other covered persons' vaccination status changes after January 7, 2022, the person must promptly provide updated information to Human Resources at humanresources@takomaparkmd.gov.

The following are acceptable forms of proof:

1. The record of immunization from a healthcare 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 healthcare professional(s) or clinic site(s) administering the vaccine(s).

Proof of vaccination generally should include the person's name, the type of vaccine administered, the date(s) of administration, and the name of the healthcare 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 (*i.e.*, clinic site). In those circumstances, the City will accept the state immunization record as acceptable proof of vaccination.

If an individual is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (*i.e.*, by trying to contact the vaccine administrator or state health department), the individual 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:

"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 individual 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 healthcare professional(s) or clinic site(s) administering the vaccine.



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All covered persons must provide truthful and accurate information about their COVID-19 vaccination status, and, if not fully vaccinated, their testing results. Employees not in compliance with this Policy are subject to discipline, up to and including termination of employment. Other individuals not in compliance with this Policy are subject to disciplinary action up to and including termination of an internship, an independent contractor relationship, or partaking in City-related business.

Supporting COVID-19 Vaccination

All employees and other covered persons, both vaccinated (fully or partially) and unvaccinated, must inform the City of their vaccination status by January 7, 2022. The following table outlines the requirements for submitting vaccination status documentation.

| Vaccination Status | Instructions | Deadline(s) |
|---|---|---|
| Persons who are fully vaccinated. | Submit proof of vaccination that indicates full vaccination. | January 7, 2022 |
| Persons who are partially vaccinated (<i>i.e.</i> , one dose of a two dose vaccine regimen). | Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof that the second dose when it is obtained. | January 7, 2022 and continuing (if applicable) |
| Persons who are not vaccinated. | (1) Submit statement that you are unvaccinated, but are planning to receive a vaccination by the deadline; or (2) Submit statement that you are unvaccinated and not planning to receive a vaccination. | January 7, 2022 |
| Persons who have received a booster | Submit proof of receipt of a booster. | February 9, 2022, if currently eligible, or within 30 days of becoming eligible for a booster if not currently eligible |

Time to Receive Vaccination

Effective immediately, employees may take up to four (4) hours of work time during the work day per dose to receive vaccination and a booster. This time includes travel to and from the vaccination site and receipt of vaccination/booster. This means that the City will provide up to eight (8) hours of paid time during the workday for employees to be vaccinated with two (2) doses, up to four (4) hours for a single dose regimen, and an additional four (4) hours for a booster. If an employee spends less time getting the vaccine/booster, only the necessary amount of paid time will be granted.



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Employees who take longer than four (4) hours to get the vaccine/booster must send their supervisor an email documenting the reason for the additional time (*i.e.*, they may need to travel long distances to get the vaccine; unusual delays in getting to/from the vaccination site; long waiting time at the vaccination site). The City will treat additional time beyond four (4) hours per dose, if reasonable, as unpaid time, and employees may voluntarily choose to use available leave (*i.e.*, sick leave or annual leave) for that time.

If an employee is vaccinated outside of their approved working time they will not be compensated. **An employee who is requesting time during the workday to receive a vaccination must email their supervisor with the date and time of their vaccine appointment, with a copy to Human Resources at humanresources@takomaparkmd.gov.**

Time to Recover from Vaccination Side Effects

Effective immediately, employees may utilize up to two (2) workdays of sick leave, if needed, because of side effects from the COVID-19 vaccination/booster that prevent them from working. Employees must submit leave time per the normal leave request process via Kronos. Employees who have no sick leave will be granted up to two days of additional sick leave immediately following each dose (including booster), if necessary. Employees who have no sick leave must contact Human Resources (humanresources@takomaparkmd.gov) and will be granted up to two (2) additional sick leave days immediately following each dose, if necessary. Employees may also follow the process for using leave available in the sick leave bank, consistent with City policy and applicable collective bargaining agreement.

Employee Notification of COVID-19 Diagnosis, Test, or Symptoms

Effective immediately, employees must promptly notify Human Resources when they have tested positive for COVID-19, have been diagnosed with COVID-19 by a licensed healthcare provider, and/or are experiencing symptoms while at home or at work. Employees who receive a positive COVID-19 test while at work on City premises, must immediately leave City premises and contact Human Resources (humanresources@takomaparkmd.gov).


No covered individual who has tested positive for COVID-19, has been diagnosed with COVID-19 by a licensed healthcare provider, and/or is experiencing symptoms is permitted to enter City facilities or vehicles or interact in person with City employees.

Employees who test positive for COVID-19, **are diagnosed with COVID-19, or develop COVID-19 symptoms**, but are telework eligible and feel well, may work remotely during their isolation period. **Employees who are fully vaccinated or approved for an accommodation but who are required to isolate or quarantine are expected to telework if able during the quarantine/isolation period. Such employees who are not able to telework, either because of symptoms or because their job is not suitable for telework, will be provided paid administrative leave during the quarantine/isolation period. Paid administrative leave is not available for employees who are taking time to care for others who are in quarantine and/or isolation. All other employees** who are not telework eligible and/or are not feeling well, should utilize sick leave, annual leave, or personal leave during the isolation period.



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The City is monitoring guidance from the Centers for Disease Control (CDC), State of Maryland, and Montgomery County regarding quarantine and isolation procedures. Human Resources will work with impacted employees to determine their in-person return to work date. Because the guidance is periodically updated, the guidance is not recited here. Current CDC guidance is available at <https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html>.

The City is currently adhering to the 10 day isolation period for those who test positive for, are diagnosed with, or develop symptoms of COVID-19. Covered individuals can return to work in person after the 10 day isolation period has run so long as symptoms have improved, including resolution of fever without use of medication. 

Requirements for Employees Whose Exception/Accommodation Request Has Been Granted, Who Are Waiting for the Two-Week Post-Vaccination Period to Lapse, or Who Are In The Process of Becoming Vaccinated

Effective February 9, 2022, employees and other covered persons who: (1) are not fully vaccinated and who have been approved for an exception/reasonable accommodation; (2) are waiting for the two-week post-vaccination period to lapse; or (3) who are in the process of becoming vaccinated must comply with the procedures for weekly testing and wear a face covering while indoors at the workplace at all times and outdoors at the workplace when within six feet of another person. Such employees/individuals must also wear a face covering when in a vehicle with another person for work-related purposes.

Employees who choose to get tested during the workday must request time for testing, and the City will generally permit employees time during the workday for testing. To request time off during the workday for testing, email your supervisor with a copy to Human Resources (humanresources@takomaparkmd.gov).

If you are unable to schedule a remote test with a medical professional and want to schedule time with Human Resources for observation of an antigen test, contact Human Resources (humanresources@takomaparkmd.gov) at least 72 hours in advance to schedule a Zoom meeting. The City will not administer COVID-19 tests. In the event a Human Resources representative is not available to observe the test, the employee is expected to comply with this Policy through other means consistent with this Policy. This means that an employee may have to obtain testing through a testing site rather than through a test observed by Human Resources. If observing a test, Human Resources will record, at a minimum, the date and time of the observation, the employee's name, the result of the test, and the brand of the test. Tests must be used and administered in accordance with instructions. The City may request a copy of test instructions.

Vaccination and testing sites include:

- State Vaccination Site: <https://coronavirus.maryland.gov/pages/vaccine>
- Montgomery County Site (must live or work in Montgomery County): <https://www.montgomerycountymd.gov/covid19/vaccine/>
- Montgomery County Testing Clinic: <https://www.montgomerycountymd.gov/covid19/testing.html#clinics>
- Prince George's County Site (must work or live in Prince George's County): <https://www.princegeorgescountymd.gov/3730/COVID-19-Vaccination>



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Free testing is currently available at many locations, including those available through the above links and others. Should free testing no longer be available, the City may reassess this Policy as it pertains to the cost of testing. Individuals who are having difficulty obtaining testing, despite good faith efforts to obtain testing pursuant to this Policy, should contact Human Resources (humanresources@takomaparkmd.gov) regarding the efforts they have taken to receive testing and Human Resources will work with the individual to identify a path forward.

*Note: The City currently requires that all employees and visitors regardless of vaccination status wear an appropriate face covering while inside all City facilities and vehicles. This requirement remains in effect.

Testing in lieu of vaccination is not an option for employees other than those who have been approved for an exception/reasonable accommodation. Non-employees covered by this Policy who are not fully vaccinated (including booster, if eligible) by February 9, 2022, may not enter City facilities or vehicles or interact in person with City staff on City business.

The testing schedule for employees who: (1) are not fully vaccinated and who have been approved for an exception/reasonable accommodation; (2) are waiting for the two-week post-vaccination period to lapse; or (3) who are in the process of becoming fully vaccinated depends on how frequently the employee reports to the workplace.

1. Employees/other covered individuals 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 Human Resources (humanresources@takomaparkmd.gov) no later than the seventh day following the date on which the employee last provided a test result.

2. Any employee/other covered individual who does not report to the workplace during a period of seven or more days: (*i.e.*, if you are on vacation for a week) do not have to provide a test result during the week in which they are on vacation. These individual must:
 - (A) be tested for COVID-19 within seven days prior to returning to the workplace; and
 - (B) provide documentation of that test result to Human Resources (humanresources@takomaparkmd.gov) upon return to the workplace.

Covered individuals must submit their test results to Human Resources (humanresources@takomaparkmd.gov) before the start of their scheduled workday consistent with the applicable schedule. Generally, the test results should be sent every Monday beginning February 7, 2022.

Employees and other covered individuals who do not provide documentation of a COVID-19 test result as required by this Policy will be removed from the workplace until they provide a test result, and are subject to disciplinary action, up to and including termination. Each test is considered a separate event.



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Employees and other covered individuals who: (1) are not fully vaccinated; (2) have not been approved for an exception/reasonable accommodation; (3) are not waiting for the two-week post-vaccination period to lapse; or (4) who are not in the process of becoming fully vaccinated are not permitted in City facilities or vehicles after February 9, 2022 and are subject to discipline pursuant to this Policy. Employees who do not comply with this Policy, including applicable testing requirements, are not permitted to access City facilities and are subject to discipline, up to and including termination, subject to an approved accommodation.

Use of leave and/or telework is not generally an option for employees who are not fully vaccinated as required by this Policy.

Employees and other covered persons 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. Employees who fall into this category must contact Human Resources (humanresources@takomaparkmd.gov) and must continue to wear a face covering while on premises or in a vehicle for work purposes with another individual.

Face Coverings and Other Safety Protocols

Effective immediately, unless approved for an exception/reasonable accommodation, all employees and covered individuals, regardless of vaccination status, must properly wear a face covering indoors at the workplace (unless alone in an office with the door closed), outdoors at the workplace when within six feet of another person, and when occupying a vehicle with another person for work purposes. The covered individual is responsible for purchasing the appropriate face covering, however, the City has available N95 and KN95 masks for those who request them. Appropriate training will be provided where appropriate, according to applicable law and regulations. **This Policy supplements the City's existing COVID-19 protocols and, where there is inconsistency, the provisions of this Policy govern.**

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. Note: Gaiters are not permitted as an acceptable face covering;
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. Use of face coverings other than those permitted under this Policy is not acceptable and will result in disciplinary action in accordance with this Policy. **The City strongly encourages individuals to wear KN95 masks, at a minimum.**



Return to Work Criteria

For any employee or other covered person removed because they are COVID-19 positive, the City will keep them removed from the workplace/City facilities until the employee/covered individual receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing; meets the return to work criteria in this Policy; or receives a recommendation to return to work from a licensed healthcare provider.

The City at this time is following the CDC's "Isolation Guidance" as it existed immediately before the December 27, 2021 update. Asymptomatic individuals 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).

Employees who are fully vaccinated and exposed to COVID-19 are not required to quarantine unless symptoms develop. If symptoms develop, the employee must isolate and follow the procedures for isolation. Employees who are not fully vaccinated and exposed to COVID-19 must quarantine for 10 days and comply with the testing requirements for employees who are not fully vaccinated. If symptoms develop, the employee must isolate and follow the procedures for isolation.

If an employee has severe COVID-19 or an immune disease, the City will follow the guidance of a licensed healthcare provider regarding return to work. The City will continue to monitor applicable guidance and may revise return to work criteria in the future.

Additional Safety Protocols

The City may adopt additional safety protocols based on OSHA's COVID-19 Vaccination and Testing ETS, CDC guidance, and guidance from state and local officials, as part of a multi-layered infection control approach for unvaccinated workers.

Reasonable Accommodations

Employees or other covered individuals may be entitled to a reasonable accommodation if they cannot be vaccinated and/or otherwise comply with this Policy because of a [medical reason](#) (*i.e.*, contraindication of vaccination, underlying medical reason, disability) or [sincerely held religious belief, practice, or observance](#). Requests for exceptions and reasonable accommodations must be initiated by January 12, 2022. All such requests will be handled in accordance with applicable laws and the City's reasonable accommodation policy and procedure. The City's reasonable accommodation forms are available at the [City's HR website](#). Decisions regarding reasonable accommodations and exceptions are final absent changed circumstances.



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Schedule of Progressive Discipline

Progressive discipline, up to and including separation of employment, will begin at the first occurrence of non-compliance with this Policy. Minimally this includes:

1. Failing to report vaccination status by 5:00 p.m. on January 7, 2022, without an approved exception.
2. Providing inaccurate, untruthful, forged, or fraudulent documentation or information.
3. Failing to adhere to the testing requirements for employees who: (a) are not fully vaccinated and who have been approved for an exception/reasonable accommodation; (b) are waiting for the two-week post-vaccination period to lapse; or (c) who are in the process of becoming vaccinated by not submitting timely test results, as required by this Policy. Each required test is considered a separate event.
4. Failing to become fully vaccinated and obtaining a booster without an approved exception/reasonable accommodation.

Effective February 9, 2022, the following disciplinary process will be applied regarding this Policy. This disciplinary process applies to all employees who do not comply with this Policy.

1. **Stage One** - The first time an employee is in violation of this Policy will result in an unpaid suspension of 10 calendar days. During this 10 calendar day period, the employee has the opportunity to come into compliance with this Policy. If the employee comes into compliance (*i.e.*, proof of full vaccination or approved exception with required negative test) within the 10 day period or starts the vaccination process, the employee will be subject to the applicable provisions of this Policy based on that employee's status upon completion of the suspension. If the employee does not come into compliance or make efforts to become in compliance (*i.e.*, obtaining the first dose of a two-dose regimen or single dose vaccine, obtain an approved exception, obtain a booster) the employee will be subject to further discipline consistent with this Policy. However, employees who make efforts to come into compliance, but do not complete the requirements to become compliant will be subject to further discipline consistent with this Policy.
2. **Stage Two** – The second time an employee is in violation of this Policy will result in termination of employment. An employee terminated pursuant to this Policy will be considered as terminated for cause. Employees who are subject to termination pursuant to this Policy will be offered the option of resigning in good standing in lieu of termination.

Partially Vaccinated Persons & Persons Without a Booster On or After February 9, 2022

Employees and other covered individuals who are only partially vaccinated by **February 9, 2022** will be granted a 30-day allowance to complete their vaccination process during which they must adhere to the City's COVID-19 testing protocols. An individual becomes fully vaccinated when at least two (2) weeks have elapsed after the second dose in a two-dose COVID-19 series or at least two (2) weeks have elapsed after a single-dose COVID-19 vaccine.

Employees and other covered persons who are currently eligible for a booster must obtain the booster by February 9, 2022. Those who are not currently eligible for a booster must obtain the booster within 30 days of becoming eligible and submit acceptable proof of receipt of a booster to the City (humanresources@takomaparkmd.gov).



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The CDC currently recommends that persons 18 years and older who: received the Pfizer vaccine, obtain a booster at least **five (5)** months after completing the primary vaccination series; received the Moderna vaccine, obtain a booster at least **five (5)** months after completing the primary vaccination series; or received the Johnson & Johnson vaccine, at least two (2) months after completing the primary vaccination.

Employees and other covered persons who will be or are only partially vaccinated or eligible for a booster, but who have not received a booster, by **February 9, 2022** must: (1) notify Human Resources (humanresources@takomaparkmd.gov) by 5:00 p.m. on January 31, 2022 regarding their status, including the date of the first dose (Pfizer or Moderna) or single dose (Johnson & Johnson), and the date the person is scheduled to receive their second dose (if applicable) and/or booster (if applicable); and (2) adhere to the City's COVID-19 testing protocols until the person is fully vaccinated. Such persons must provide acceptable documentation consistent with this Policy.

Covered persons who are vaccinated after February 9, 2022 will be considered partially vaccinated as of the date of their first shot, and they must follow the other requirements of this Policy. Covered employees are subject to disciplinary action consistent with this Policy.

Covered persons who are not employees are subject to cessation of an internship, termination of independent contractor status, and/or prohibition on conducting City business, including, but not limited to, interacting in person with City staff for City business.

Employees falling under this section who do not complete the vaccination process after the allotted time to become fully vaccinated are subject to progressive discipline consistent with this Policy.

Restrictions for Non-Compliant Persons

Employees who are in violation of this Policy are not permitted to telework, may not engage in City-sponsored travel, activities, or training, and are ineligible for other discretionary programs.

Non-employees covered persons who are in violation of this Policy are not permitted to engage in face-to-face interaction with City staff when conducting City business.

Resources and Additional Information

Information regarding COVID-19 vaccination and OSHA's ETS is available at the following sites:

- COVID-19 vaccine efficacy, safety, and the benefits of being vaccinated-*Key Things to Know About COVID-19 Vaccines*," available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>);
- Emergency Temporary Standard Information: <https://www.osha.gov/coronavirus/ets2/faqs>
- [CDC information regarding contraindications and precautions to COVID-19 vaccines: https://www.cdc.gov/vaccines/covid-19/clinical-considerations/covid-19-vaccines-us.html#Contraindications](https://www.cdc.gov/vaccines/covid-19/clinical-considerations/covid-19-vaccines-us.html#Contraindications)
- [CDC information regarding underlying conditions and COVID-19 vaccines: https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/underlying-conditions.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/underlying-conditions.html)



COVID-19 Mandatory Vaccination Policy

- [CDC COVID-19 Frequently Asked Questions: https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html)
- [CDC COVID-19 and allergies: https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups/allergies.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups/allergies.html)
- [CDC information regarding the Pfizer-BioNTech, Johnson & Johnson, and Moderna COVID-19 vaccines:](#)
 - <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/Pfizer-BioNTech.html>
 - <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/janssen.html>
 - <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/Moderna.html>

Protection from Retaliation and Discrimination

Pursuant to 29 CFR 1904.35(b)(1)(iv), employers are prohibited from discharging or in any manner discriminating against an employee for reporting work-related injuries or illness. Section 11(c) of the OSH Act prohibits employers from discriminating against an employee for exercising rights under, or as a result of actions that are required by, the ETS. Section 11(c) also protects employees from retaliation for filing an occupational safety or health complaint, reporting a work-related injuries or illness, or otherwise exercising any rights afforded by the OSH Act. Please see the fact sheets, which are available at the following links in [English](#) and [Spanish](#).

18 U.S.C. § 1001 and Section 17(g) of the OSH Act provide for criminal penalties associated with knowingly supplying false statements or documentation. Please see the fact sheets, which are available at the following links in [English](#) and [Spanish](#).

New Hires

Effective immediately, all new employees, interns, temporary workers, and independent contractors are required to comply with this Policy. If a new employee/covered individual is fully vaccinated, then the provisions of this Policy and Procedure regarding fully vaccinated persons applies. If a new employee/other covered person is partially vaccinated, not vaccinated, or approved for an exception/reasonable accommodation, the relevant parts of this Policy apply. Potential candidates for employment will be notified of the requirements of this Policy prior to the start of employment.

Confidentiality and Privacy

All medical information collected from individuals, including vaccination information, test results, reasonable accommodation forms and information, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

Questions

Please direct any questions regarding this policy to Human Resources (humanresources@takomaparkmd.gov).