

Vaccine Compliance Guidance

1) Employees who refuse to be vaccinated:

Employees should be offered the chance to voluntarily resign. Employees taking this option should be placed on the appropriate recall list and, if vaccinated, may be recalled to employment.

Employees refusing to voluntarily resign should be suspended (first for five days & then for ten) and terminated if they continue to refuse to get vaccinated during the progressive discipline process. (A hearing will need to be scheduled before the ten day suspension and termination.) At any point before termination, the employee may elect to become compliant and get vaccinated or voluntarily resign and be included on the recall list (the discipline would also be removed from their file).

2) Employees who are suspended, but reconsider and get their first shot at any point during the disciplinary process:

The unpaid suspension should be lifted and the employee returned to work immediately upon becoming compliant with the Executive Order. The employee should be allowed to use their paid leave accruals (VAC, PER, Comp) while waiting for their second shot. Importantly, while the discipline should be removed from their file, the employee should not be reimbursed for the unpaid suspension days. The leave of absence would be limited to only the period between the date of their first dose and the pre-scheduled date of their second dose.

Employees who have not received a shot by October 17th, but indicate that they will comply should be suspended for five days for failing to follow the Executive Order. Like the scenario above, the unpaid suspension should be lifted and the employee returned to work immediately upon becoming compliant with the Executive Order. The employee should be allowed to use their paid leave accruals (VAC, PER, Comp) while waiting for their second shot.

3) Employees who are not vaccinated by October 17, 2021, but who have begun the vaccination process (i.e., received their first dose and have scheduled their second dose):

The employee should be placed on an approved unpaid leave, however, at the option of the employee, accrued leave time (VAC, PER, Comp) could be used.

4) An employees who filed for an exemption on or before October 8, 2021, but has not received a decision by October 17th:

Contingent on the employee providing all requested information/documentation in a timely fashion, the employee should be placed on a paid administrative leave until a decision has been rendered.

If the exemption is not approved, and the employee agrees to become vaccinated within an acceptable timeframe, the employee should be placed on an approved unpaid leave until he/she is in compliance. At the option of the employee, accrued leave time (VAC, PER, Comp) may be used. However, if the employee refuses to be vaccinated, please refer to scenario #1.

5) If an employee files for an exemption after October 8th, but before October 17th, but does not receive a decision by October 17th:

The employee should be placed on an approved unpaid leave, however, at the option of the employee, accrued leave time (VAC, PER, Comp) may be used. If the employee is ultimately approved for the exemption, the employee should be recredited with their time and/or made whole for their unpaid days.

If the exemption is not approved, and the employee agrees to become vaccinated within an acceptable timeframe, the employee may continue on the approved unpaid leave until he/she is in compliance. At the option of the employee, accrued leave time (VAC, PER, Comp) may be used. However, if the employee refuses to be vaccinated, please refer to scenario #1.

6) Employees who file for an exemption after October 17th:

Since the employee did not comply with the exemption deadline, he/she should receive a five day suspension. If a decision on the exemption has not been determined at the conclusion of the suspension, the employee should be placed on an approved unpaid leave, and at the option of the employee, may use accrued leave time (VAC, PER, Comp). If the employee is ultimately approved for the accommodation, however, the employee should NOT be made whole for any unpaid time during the waiting period.

If the exemption is not approved, and the employee agrees to become vaccinated within an acceptable timeframe, the employee may continue on the approved unpaid leave until he/she is in compliance. At the option of the employee, accrued leave time (VAC, PER, Comp) may be used. However, if the employee refuses to be vaccinated, please refer to scenario #1.
