

BCSD COVID-19 Vaccine Administrative Regulation

September 20, 2021

Overview:

To reduce the risk of COVID-19 transmission among our community, Bethlehem Central School District (District) is requiring all employees to be fully vaccinated with an authorized COVID-19 vaccine, unless they have an approved medical or religious exemption or have started the vaccination process. This Administrative Regulation should be considered in conjunction with the COVID-19 Layered Mitigation Protocols 2021-2022 and Frequently Asked Question -School Reopening 2021-2022 on the BCSD Website.

Proof of Vaccination with Authorized COVID-19 Vaccine

All unrepresented and represented employees must provide documentation that they are fully or partially vaccinated with an authorized COVID-19 vaccine no later than September 9, 2021.¹ An authorized COVID-19 vaccine is an FDA-approved vaccine or a vaccine authorized for emergency use by the FDA or World Health Organization.

Employees are considered fully vaccinated:

- Two weeks after second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or
- Two weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.

Documentation that proves an employee is fully or partially vaccinated must be provided to HR by September 9, 2021. Such documentation may be provided in person, by email or by fax.

No later than September 14th the first test result must be submitted by those partially vaccinated or those seeking an exemption from vaccination to HR.

Medical and Religious Exemptions

To be exempt from this COVID-19 vaccine requirement, employees must submit a written request for a medical or religious exemption on a school approved form with documentation, which must be approved by HR. Requests for medical exemption may be reviewed by the School Physician. The Director of HR will coordinate the medical and religious exemption review and approval process for employees.

To request a medical exemption, an employee must submit a written statement from a medical doctor or nurse practitioner:

- certifying that immunization may be detrimental to the employee's health or is otherwise medically contraindicated; and
- including the date the qualifying medical condition exemption ends if the contraindication is temporary.

¹ The Board of Education by Resolution dated September 1, 2021 mandated all employees would be required to be fully vaccinated as a term and condition of employment by September 9, 2021, subject to exemptions provided by state and federal law. The resolution further granted authority to the Superintendent to prepare an administrative regulation to implement such requirement and to enter into impact negotiations with the unions concerning terms and conditions of employment. A Memorandum of Agreement dated September 9, 2021 was agreed to by all three bargaining units which set forth certain requirements for compliance by September 14, 2021 and implementation. On September 2, 2021 the New York State Commissioner of Health mandated testing of all students and employees in K-12 schools who are not vaccinated and adopted emergency public health rules to implement these mandates. The Governor of New York previously mandated that all K-12 schools would require that students, employees and visitors would wear masks in schools.

To request a religious exemption, an employee must submit a written statement demonstrating that the employee holds a genuine and sincere religious belief which is contrary to immunization. BCSD reserves the right to request supporting documentation.

The written request for either a medical exemption or religious exemption must be dated within one calendar year of the date when it is received by BCSD, and must be addressed specifically to BCSD. All denials or approvals of exemptions will be in writing. The vaccination or exemption information will be kept confidentially with medical files.

Personal opposition to vaccination is not valid grounds for an exemption.

Accommodations for Those with Approved Medical and Religious Exemptions

BCSD shall provide reasonable accommodations to employees with approved medical or religious exemptions, provided they do not create an undue hardship for the District and/or do not pose a direct threat to the health or safety of others. As discussed below, remote work opportunities will not necessarily be available as an accommodation.

Employees with an approved medical or religious exemption need to be aware that:

- Depending on employment responsibilities, the ability to work remotely may not be possible.
- The District reserves the right to deny remote work as an accommodation, if other accommodations are available and effective.

Testing and Additional Health and Safety Precautions for Unvaccinated Employees

Employees who receive an approved medical or religious exemption or are not fully vaccinated may participate fully in District activities (i.e., classes, events), but must abide by the following additional health and safety precautions:

- submit a negative COVID-19 test result each week before arrival to School by Tuesday morning in compliance with DOH COVID-19 testing requirements for unvaccinated employees. This will be a continuing obligation until such time that the employee is fully vaccinated or the legal obligation is changed by federal or state law. Failure or refusal to comply with this District and State legal mandate may result in disciplinary action up to and including termination;
- wear masks both indoors and outdoors;
- quarantine if they test positive or become exposed to COVID-19; and
- leave School in the event of a COVID-19 outbreak, as defined by local Department of Health.

Employees must notify HR in the event that they test positive, or become exposed to COVID-19, and must leave school.

Test results shall not be retained in personnel files and shall be maintained in confidential medical files. Such information shall not otherwise be retained by the District any longer than is necessary to comply with public health requirements associated with the COVID-19 pandemic or used for any purpose other than compliance with such public health requirements or as otherwise required by law.

The District will not retaliate or discriminate against any employee based on vaccination status or COVID-19 test results.

Refusal to Comply

Employees who refuse to comply with this COVID-19 administrative regulation may be subject to disciplinary action consistent with any applicable law, CBA, individual employment contracts, if any.

Vaccination Leave

An employee who receives a COVID-19 vaccination shot during work hours will be entitled to paid leave for up to four hours under N.Y. Civil Service Law Section 159-c, unless a COVID-19 vaccine clinic is offered on the District premises.

This administrative regulation is subject to change in light of federal, state and local mandates as well as changing circumstances related to the public health crisis presented by COVID-19 and its variants. All changes will be promptly communicated to the BCSD community.