

Admin Reg. 7.5		FEDERAL MANDATORY COVID-19 VACCINATION	
<u>Effective Date</u> 11/08/2021	<u>Applicable Program</u> None	<u>Source Doc/Dept.</u> Human Resources  <a href="#">President's Executive Order 14042</a>  <a href="#">President's Executive Order 14043</a>  <a href="#">Guidance for Federal Contractors and Subcontractors</a>  <a href="#">CDC COVID-19 Website</a>	<u>Authorizing GB Pol/Reg.</u> March 17, 2020 Governing Board Resolution Granting Authority to Interim Chancellor to Respond to the COVID 19 Pandemic

**A. PURPOSE.**

Maricopa County Community College District sets forth a mandatory COVID-19 Vaccination Administrative Regulation for its employees to serve as a public health measure consistent with its duty to provide and maintain a safe and healthy work environment. This requirement shall also apply to any subsequent booster vaccinations if they become required by the applicable government authorities.

This policy must be established to comply with provisions as stated in the President's Executive Order 14042 and Executive Order 14043 dated September 9, 2021 (the "Order"), and the Guidance for Federal Contractors and Subcontractors dated September 24, 2021, and supplemented by subsequent FAQs and guidance (collectively the "Guidance"), and remains in effect until such time the federal government removes the COVID-19 Vaccine mandate.

**B. APPLICABILITY.** All MCCCCD employees (full-time and part-time), contract staff, federal work study students, student workers, and volunteers.

**C. DEFINITIONS.**

- a. **Approved Accommodation.** An accommodation approved pursuant to Section F of this Administrative Regulation.
- b. **Contract Staff.** Individuals engaged or employed by third parties or under a contract for service arrangement that receives federal funding must be vaccinated against COVID-19.
- c. **Contractor or subcontractor workplace location –** means a location where covered contract employees work, including a covered contractor workplace or Federal workplace.

- d. Covered contract – means any contract or contract-like instrument that includes the clause described in Section 2(a) of the order.
- e. Covered contractor – means a prime contractor or subcontractor at any tier who is party to a covered contract.
- f. Covered contractor employee – means any full-time or part-time employee of a covered contractor working on or in connection with a covered contract or working at a covered contractor workplace. This includes employees of covered contractors who are not themselves working on or in connection with a covered contract.
- g. Covered contractor workplace – means a location controlled by a covered contractor at which any employee of a covered contractor working on or in connection with a covered contract is likely to be present during the period of performance for a covered contract. A covered contractor workplace does not include a covered contractor employee's residence.
- h. Employee - means any person working for MCCCCD for compensation who occupies a position subject to appointment, promotion, demotion, or removal by a competent authority. Employees include all Faculty, Staff, Part-time employees, Temporary workers, Federal Work Study, and Student Workers. An employee is considered to have been employed by MCCCCD for at least one day.
- i. Federal workplace – means any place, site, installation, building, room, or facility in which any Federal executive department or agency conducts official business, or is within an executive department or agency's jurisdiction, custody, or control.
- j. Federal Student Worker (FWS) - means a student employed under the federal work study program by the school in which the student is enrolled (on-campus).
- k. Fully vaccinated (or fully immunized) – people are considered fully vaccinated or fully immunized for COVID-19 two weeks after they have received the second dose in an FDA-approved two-dose series (such as the Pfizer or Moderna vaccines), or two weeks after they have received an FDA-approved single-dose vaccine (such as Johnson & Johnson's Janssen vaccine). There is currently no post-vaccination time limit on fully vaccinated status; should such a limit be determined by the Centers for Disease Control and Prevention, that limit will be considered, and the guidance updated. Proof of COVID-19 antibodies through test results cannot be used as an alternative to receipt of a COVID-19 Vaccination series. If a person does not meet these requirements, that person is NOT fully vaccinated in accordance with this Policy.
- l. Volunteer - means an individual who performs hours of service for MCCCCD for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered.

## **D. POLICY.**

1. Introduction. Consistent with the federal mandate, contract staff, employees, and volunteers will be required to provide documentation of complete vaccination (see section 3) or have submitted a request for an accommodation by January 7, 2022.
  - a. New employees hired after the effective date of this policy and prior to January 7, 2022, will be considered urgent, mission-critical, and required to provide documentation that they are fully immunized within 30 days of their start date unless otherwise exempted from this Policy by an approved accommodation pursuant to the interactive process.
  - b. New employees hired after January 7, 2022, will be required to provide documentation of full immunization (see section 3) prior to their start date as a condition of employment unless otherwise exempted from this Policy by an approved accommodation pursuant to the interactive process.
  - c. The District will assist employees who cannot obtain a vaccine in getting a vaccine locally.
  
2. Procedures. Employees, volunteers, and contract staff shall provide documentation that they are fully vaccinated or apply for an exemption pursuant to this policy.
  - a. Only vaccines that are FDA-approved at the time of vaccination will be accepted.
    - i. COVID-19 vaccines currently approved or authorized for emergency use by the U.S. Food and Drug Administration (Pfizer-BioNTech, Moderna, and Johnson & Johnson [J&J]/Janssen COVID-19 vaccines) or COVID-19 vaccines that have been listed for emergency use by the World Health Organization (PDF) (e.g., AstraZeneca/Oxford).
  - b. New employees will be informed of the vaccination requirement during the job offer and documented in the offer letter and will be required to be fully vaccinated as a condition of employment. The employee must show documentation that they are fully vaccinated or receive an approved accommodation prior to their first day of work.
  - c. All contract staff must confirm compliance with this policy through their hiring manager/agency or as otherwise directed. Such compliance will require confirmation of full vaccination or an approved accommodation.
  
3. Documentation of Vaccination.
  - a. Per the Guidance for Federal Contractors and Subcontracts, employees must show or provide MCCCCD with one of the following documents:
    - i. A copy of the record of immunization from a health care provider or pharmacy
    - ii. A copy of the COVID-19 Vaccination Record Card
    - iii. A copy of medical records documenting the vaccination
    - iv. A copy of immunization records from a public health or state immunization information system,

- v. A copy of any other official documentation verifying vaccination with information on the vaccine name, date(s) of administration, and the name of health care professional or clinic site administering the vaccine.
  - b. Employees may show or provide a digital copy of such records including, for example, a digital photograph, scanned image, or PDF of such record.
  - c. Documentation must be translated into English and both the original document and translated document must be provided for review.
- 4. Submitting Documentation of Vaccination.
  - a. Documentation must be submitted through the designated tracking tool by January 7, 2022, for the employee to be in compliance with this policy
- 5. Documentation Privacy and Security
  - a. Documentation will be housed in the designated tracking tool. The tracking tool and documentation file storage system must meet all MCCCCD privacy and security requirements.
  - b. Documentation and data will only be accessible to authorized users in the two departments responsible for the compliance of this policy, Risk Management and District Office Human Resources.

#### **E. GRACE PERIOD.**

Employees returning from an approved leave will be considered mission-critical and shall receive a grace period of no more than 30 days from the date that the employees are provided official notification to comply with the COVID-19 mandate by either:

1. Show proof they are fully vaccinated, provided, however, that this period does not include the two-week window after completion of the series needed for full immunity, or
2. Submit requests for an approved accommodation based on medical or religious grounds. As long as an employee request for an approved accommodation is received before the submission deadline imposed by a campus, where applicable, the 30-day grace period will extend through the review period of any such exemption request.
3. Upon expiration of this grace period, any employee who has not shown that they have completed an entire vaccine series or been granted an approved accommodation will be placed on an unpaid leave of absence pending a review of their employment status.

#### **F. REASONABLE ACCOMMODATION.**

Allowable Exemption Categories for this policy include requests for accommodation under the Americans with Disabilities Act and requests for religious accommodation under Title VII.

1. Medical Exemption.
  - a. Employees may be exempt from this vaccine requirement if a fully licensed health care provider certifies in writing that the COVID-19 vaccination may be detrimental to the employees' health or otherwise contraindicated for the

employee on medical grounds. The campus shall provide reasonable accommodations to employees whose medical condition(s) prevents them from receiving the COVID-19 vaccination.

- b. Any such requests will be reviewed and granted on a case-by-case basis by the Human Resource Solution Center.
2. Religious Exemption. Individuals who hold genuine and sincere religious beliefs which are contrary to COVID-19 vaccination may be exempt after submitting a written religious accommodation request, which shall:
    - a. Specify the policy, practice, or schedule for which the religious accommodation is sought (i.e., vaccine requirement policy);
    - b. Specify how such policy, practice, or schedule conflicts with the person's sincerely held religious belief(s);
    - c. Specify the accommodation or modification that is being requested;
    - d. List any other accommodations that would eliminate the conflict.
  3. General philosophical or moral objections to receiving a vaccine or being fully vaccinated shall not suffice as the basis for an approved accommodation.
  4. If an employee's request for an accommodation is approved, the employee must follow the designated accommodation.
    - a. If an employee does not follow the accommodation as outlined, the employee cannot report to work and may be disciplined, up to and including termination.
    - b. The accommodation must continue until MCCCCD notified the employee that the accommodation is no longer necessary. This date will be determined by the applicable federal government authorities.
  5. If an employee's request for an accommodation is denied, the employee must provide proof of the initial administration of a vaccine series (meaning that the employee has received at least one dose of either a single dose or two-dose vaccine series), within ten (10) days of such denial.
    - a. The Human Resources Solution Center will notify the employee in the denial notification of the official date by which the initial administration of a vaccine series must be completed.
    - b. If applicable, the employee must continue to complete the two-dose or single dose vaccine series on schedule; otherwise, the employee may be subject to progressive discipline up to or including termination of employment.

#### **G. COMPLIANCE.**

- a. The Division of Human Resources is responsible for ensuring compliance with this policy.
- b. Employees failing to comply with this policy will be placed on an unpaid leave of absence pending further review. Employees may be subject to progressive discipline up to and including termination.

#### **H. DESIGNATED COORDINATOR**

The Risk Management Director will serve as MCCCCD's designated coordinator for COVID-19 workplace safety in accordance with the Guidance for Federal Contractors and Subcontractors.