

Administrative Protocol for COVID-19 Testing and Compliance

I. Purpose:

To support Albemarle County Public School's ("Division") goals to reduce transmission of COVID-19 among Division employees and the public, protect people who are at higher-risk for adverse health complications, and maintain essential services for the public.

Employers have a duty of care under the Occupational Safety and Health Act of 1970 and the Virginia Administrative Code 16VAC25-220-10 et. seq. to provide a safe workplace for employees. Accordingly, an employer may ask for proof of vaccination against COVID-19 subject to EEOC guidelines.

II. Applicability:

This protocol applies to all employees covered under Executive Order No. 21-3 (or any amendments) to include full-time, part-time, substitute, temporary, and certain contract employees of the Albemarle County School Board ("Board"), regardless of their work location or primary residence. The information contained herein is subject to change as circumstances dictate. Substantial changes will be shared through the Division's *Compass* newsletter.

III. Definitions:

1. "Division employee" - all full-time, part-time, substitute, temporary, and certain contract employees of the Board, regardless of their work location or primary residence.
2. "COVID-19 Screening Testing" - testing asymptomatic persons without recent known or suspected exposure to SARS-CoV-2 for early identification, isolation, and disease prevention.
3. "Fully Vaccinated" - employees are deemed to be fully vaccinated when they are two (2) weeks from their last shot of a two-shot vaccination regimen, or two (2) weeks from the only shot of a one-shot regimen.
4. "Vaccine" - product that stimulates a person's immune system to produce immunity to a specific disease, protecting the person from that disease.
5. "Weekly testing period" - seven (7)-day period during which an unvaccinated employee must be tested for COVID-19. The week shall begin on Monday and end on Sunday.
6. "Testing Entity" - agency designated by the Division to administer COVID-19 screening testing. No other testing agencies may be utilized without the express permission of the Division's designee or as noted in this protocol.
7. "Compliance Window" - is the 48-hour or two (2) business day period during which an employee must be tested if the employee missed being tested during the weekly testing period.

IV. Mandate:

All Division employees must verify their COVID-19 vaccination status. Employees who are not vaccinated must undergo weekly COVID-19 screening testing as follows:

1. Full vaccination status: To establish that they are fully vaccinated against COVID-19, employees must verify their vaccination status in accordance with Division protocol.
2. Any employees who are not fully vaccinated must undergo weekly COVID-19 screening testing and consent to disclosure by the designated testing entity of the results of those tests to the limited designated Division personnel.
3. The Division will pay for COVID-19 screening testing administered through the designated testing entity.
4. Screening testing will be conducted during the employee's workday or at another time when screening testing is made available by the Division. The time spent to be tested will be part of any regular non-exempt employee's compensated workday.
5. An employee must test at the closest testing entity to their work location if going to or from work, or home if testing on a non-workday.
6. An employee who tests positive must comply with the isolation, quarantine, reporting, and/or other procedures established by the Division.
7. Employees working any portion of the weekly testing period in-person are required to be tested for that week. Employees on leave or working virtually for the entire weekly testing period are not required to submit to screening testing for the week, but may choose to test at their discretion. Leave must be documented on the employee's timecard.

V. Implementation

Vaccinated Staff:

1. Employees who are fully vaccinated against COVID-19 must verify their vaccination status in accordance with Division protocol.
2. Employees hired prior to September 15, 2021, must verify their status through the staff vaccination survey by September 14, 2021.
3. Employees hired on or after September 15, 2021, must verify their status through the survey as a condition of employment. They may be required to complete the survey again once a Division email has been established to match records.
4. The Division requires the following information:
 - Employee Name
 - School/Department Name
 - Vaccine Type
 - Date(s) of Vaccine
5. Information provided by staff will be kept secure and shared only with limited Division staff on a need-to-know basis.

Unvaccinated staff:

1. Employees hired prior to September 15, 2021, must certify their status through the survey by September 14, 2021.

2. Employees hired on or after September 15, 2021, must verify their status through the survey as a condition of employment. They may be required to complete the survey again once a Division email has been established to match records.
3. Any employee who does not complete the survey will be considered unvaccinated and required to complete weekly screening testing. The employee may also be subject to disciplinary action, including a recommendation for termination.
4. Employees are responsible for scheduling their own COVID-19 weekly screening testing through the testing entity to take place at a Division approved testing site. A list of testing sites and times during which screening testing will be conducted will be provided to employees. Any changes to these sites or times will be communicated as soon as practicable. The Division will also communicate any changes to the screening testing schedule as a result of a Division closure. Employees should make every effort to schedule their COVID-19 screening testing appointments during scheduled working hours in consultation with their supervisors. However, if an appointment falls outside of a non-exempt employee's normal scheduled working hours, the employee must notify their supervisor in advance; this time is to be recorded as part of the employee's compensable workday.
5. All employees are encouraged to schedule their weekly screening testing as early in the week as possible to allow for unexpected delays including illness and travel-related events.
6. Employees will present their Division ID or other legal identification at the time of screening testing.
7. The employee will receive the COVID-19 test results by their stated preferred method of notification, which may take up to 48 hours. After the COVID-19 screening test, employees will return to their normally scheduled work hours while awaiting COVID-19 screening test results, as long as the employee does not meet criteria for work restrictions such as having any symptoms of COVID-19 and/or being under a quarantine/isolation recommendation due to exposure.
8. The Division designated personnel will also receive the test results and generate a report to the Superintendent/designee(s) who is/are accountable for monitoring compliance with this administrative protocol.
9. Employees who receive notification of a positive test will be referred to their school nurses or the Division Infection Control team for further instructions. They must immediately leave work and isolate in accordance with Division guidance and will not be allowed to work until cleared.

VI. Accountability for Compliance:

1. Superintendent/designee(s) and/or supervisors are accountable for implementation of the Division administrative protocol and applicable procedures related to Executive Order 21-3 within their schools/departments.
2. Employee Vaccination status:
Failure to complete the initial staff vaccination status form (survey):
 Upon notification from the Division designated personnel that an employee has failed to comply with the staff vaccination status form by 4:00pm September 14, 2021, the

Superintendent/designee and/or supervisor will immediately hold a discussion with the employee. The purpose of this discussion will be to determine:

- a. A plan of action to have the employee complete the survey, including placement on paid administrative leave up to September 17, 2021;
- b. Any disciplinary action that may be necessary, including recommendation for termination for failing to comply with the requirements of this mandate;
 - i. A recommendation for termination will be made for those individuals, regardless of vaccination status and/or weekly testing compliance, who do not complete the survey by 4:00pm on September 17, 2021, or state their intention not to complete the survey.
 - ii. Those individuals hired on or after September 15, 2021, who do not complete the survey as part of their required pre-employment paperwork may have their start date delayed by up to one (1) week or their offers rescinded, depending on individual circumstances.

3. Weekly COVID-19 screening testing:

Failure to undergo the weekly (7-day) COVID-19 screening testing:

Upon notification from the Division that an employee has failed to comply with the weekly COVID-19 testing in the assigned 7-day period, in consultation with Human Resources designees, the Superintendent/designee and/or supervisor will immediately hold a discussion with the employee. The purpose of this discussion will be to determine:

- a. The reason(s) for failing to comply with the mandate,
- b. The reason the employee failed to comply and appropriate disciplinary action,
- c. The best course of action to have the employee tested within the compliance window,
- d. Whether the employee should be placed on paid administrative leave until the screening testing requirement is fulfilled; and
- e. How to assist the employee in maintaining protocol compliance going forward.

4. The first failure to test within the weekly testing period will receive a documented warning that will be placed in the personnel file. The reason for the failure to comply with the mandate may be noted. The second violation will result in a written reprimand placed in the personnel file. The third violation will result in a recommendation for termination. Remedial action as stated in VI.3.c must still be taken within the compliance window.
5. If an employee was unable to comply with the weekly screening testing requirements, the Superintendent/designee(s) and/or supervisor will review the specific reasons to determine whether the failure to obtain a COVID-19 screening test was due to circumstances beyond the employee's own control. Documentation, which may be disciplinary, may be placed in the employee's personnel file. The employee is still expected to test within the compliance window.
6. Any employee who misses the weekly screening testing and the subsequent compliance window, will receive a written reprimand and will be placed on paid administrative leave for up to three (3) business days (testing must be completed by the end of the second week). The employee will be required to be tested during this period of paid administrative leave. Staff placed on administrative leave will also be encouraged to work through the Division's EAP system, Telemed resources, and other Infectious Control resources to address any

questions or concerns related to the Executive Order and protocol implementation. An employee on paid administrative for the reasons set forth above who complies with screening testing by the end of the second week will remain on paid administrative leave until a negative test result has been provided. If the result is positive, COVID leave procedures will apply. An employee who fails to obtain a COVID-19 screening test while on paid administrative leave or, otherwise violates this mandate a second time after receiving a written reprimand may be considered grounds for termination.

7. An employee who does not wish to be vaccinated or submit to weekly screening testing, may request an unpaid leave of absence, if eligible, in accordance with Board Policy GCC, Leave Program, or resign/retire. A leave of absence will not be granted in lieu of termination for failure to comply.

VII. Procedures for Temporary, Substitute Employees, Coaches, and Volunteers
This information is under development and will be updated when determined.

VIII. Virtual Staff

All fully virtual staff are required to complete the staff vaccination status survey. However, if a fully virtual employee is unvaccinated or declines to identify vaccination status, that employee will not be required to undergo the weekly tests provided there will be no in-person interaction with any student, staff member, or member of the public as an employee. An unvaccinated virtual employee who performs any in-person work during any week will be required to test for that weekly testing period.