

# COVID-19 Vaccination Policy & Procedure

Department:	Submitted By:
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Effective Date: 8.23.21	Revised Date: 8.23.21
CEO Approval:	Policy Number:

## Policy

The Centers for Medicare & Medicaid Services (CMS), in collaboration with the Centers for Disease Control and Prevention (CDC), developed an emergency regulation requiring staff vaccinations within the nation's more than 15,000 Medicare and Medicaid-participating nursing homes.

This new requirement is a key component of protecting the health and safety of nursing home residents and staff by ensuring that all nursing home staff receive COVID-19 vaccinations. Vaccines have shown to help prevent COVID-19 and have proven to be effective against the Delta variant.

**[Company Name]** is subject to this regulation and will comply with it.

## Procedure

**Effective October 18, 2021**, all employees must be fully vaccinated against COVID-19 as a condition of employment, unless they have been granted an exemption from this requirement.

Additionally, all contractors, and other individuals providing health care services in one of our communities must be fully vaccinated against COVID-19.

Similarly, all employees hired, and all contractors and health care providers entering one of our communities on or after October 18, 2021, must be fully vaccinated **prior to their first day** at the facility, **unless they have been granted an exemption**.

**"Fully vaccinated"** means two weeks have passed since obtaining the second dose in a two-dose series of the COVID-19 vaccine (for example, two weeks have passed since receiving the second dose of the Pfizer or Moderna vaccine), or two weeks after receiving a single dose of the COVID-19 vaccine (for example, two weeks after receiving the single dose of the Johnson and Johnson vaccine).

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## Proof of Vaccination

As of **October 18, 2021**, employees and contractors must provide proof that they are fully vaccinated against COVID-19 or receive an exemption from this policy as a reasonable accommodation.

All individuals must demonstrate and show proof of verification via **1 of the below 3 documents** for proof of vaccination.

1. Copy or photo of **CDC vaccination card**.
2. Documentation from a **health care provider** or **electronic health record**.
3. Documentation from the **state immunization information** system.

**Employees** can provide proof of vaccination by presenting to **[NAME/TITLE/DEPARTMENT]** a COVID-19 Vaccination Record Card or photo of the card, documentation of vaccination from a health care provider or electronic health record, or documentation from the state immunization information system. Personal attestation is not an acceptable form of COVID-19 vaccination verification.

**Contracting agencies** must provide proof of vaccination to **[NAME/TITLE/DEPARTMENT]** for any contractor assigned to the facility prior to the date of service. OR Contractors must show proof of vaccination to [Insert Process for Contractors] prior to beginning any work onsite.

**Other health care providers**, such as compassionate care providers or essential support providers who are providing more than personal care services, must show proof of vaccination to **[NAME/TITLE/DEPARTMENT]** prior to beginning any work onsite.

To request a **reasonable accommodation** for medical or religious reasons, employees may contact **[NAME/TITLE/DEPARTMENT]**. Contractors should contact their contracting agency.

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### Proof of Vaccination

Persons	Verification Process
Employees	<ul style="list-style-type: none"> <li>• Employee provides copy before defined <b>DATE</b>.</li> <li>• Reasonable accommodations must be provided.</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>• Contracting entity provides <b>proof before visit</b>.</li> <li>• Check-ins point for all others.</li> <li>• Reasonable accommodations should be handled by contractor, may require community participation for health care professional from staffing agency.</li> </ul>
Volunteers	<ul style="list-style-type: none"> <li>• Volunteer agencies provide <b>proof before visit</b>.</li> <li>• Volunteer schedules time to provide verification.</li> <li>• Check-ins point for all others.</li> <li>• Reasonable accommodations must be provided.</li> </ul>
Other Health Care Providers	<ul style="list-style-type: none"> <li>• Health care professional schedules time to provide, when possible.</li> <li>• Check-ins point for all others.</li> <li>• Reasonable accommodations must be provided.</li> </ul>

All vaccination records will be maintained in a **confidential manner** and will only be accessible to individuals who have a need to know an individual's vaccination status.

Providing a **false vaccination record** is a serious matter, and will be grounds for immediate termination of employment, and/or reporting the incident to the proper authorities, including, but not limited to, the company or agency for whom a contractor, volunteer, or other health care provider works. (The FBI has also stated that providing a false vaccine record is a punishable crime.)

Because some vaccinations require two shots at least three to four weeks apart, employees are **encouraged to schedule their vaccination appointments as soon as possible**. If you need assistance identifying locations where you can obtain a vaccination, please contact **[Insert Name and Contact Information]**.

Regardless of vaccination status, all employees and contractors must adhere to our COVID-19 safety protocols.

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### Pay and Paid Time Off Related to Vaccinations

The U.S. Department of Labor (DOL) and Occupational Safety and Health Administration (OSHA) require health care providers to provide reasonable time and paid leave for employees to get vaccinated during work hours and to recover from any side effects.

Recommended **time off hours** for each COVID-19 shot:

- **4 hours per COVID-19 shot** to schedule, travel to and from, and receive vaccination.
- **8 hours per COVID-19 shot** for time off due to **side effects** from vaccination.
- These times should **not be included** in **overtime** calculations.

Employees should **record all time related to**:

- **Scheduling** a vaccination appointment,
- **Traveling** to and from a vaccination appointment, and
- **Attending** the appointment.

Communicate with direct supervisor for scheduling or vaccine.

Additionally, **[Company Name]** is providing up to 16 hours of COVID Leave to employees for absences due to any **side effects** caused by receiving the vaccine shot. Employees may use up **to eight hours of COVID Leave per vaccination shot**. Employees should report use of COVID Leave with direct supervisor.

### Unvaccinated Employees

For any employees that is not COVID-19 vaccinated and does not have a medical or religious exemption, the **employee will be either: Placed on leave, or terminated**.

**Leave of Absence:** For those employees who are **not yet vaccinated** and do not have a medical or religious exemption, employers should engage in a conversation to explore the rationale for non-vaccination. The employer may find many contributing factors such as, scheduling issues, recent COVID diagnoses (thus too soon to obtain vaccination), no access to an appointment, or even minimal to no access to a physician.

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In these instances, in which employees are actively demonstrating an effort to obtain vaccination, the employer can place the employee on leave while the process evolves.

**Termination or Leave:** For those employees who are **not yet vaccinated**, who do not have a medical or religious exemption, and who are not demonstrating any attempt to discuss, resolve or obtain a vaccination, the employer can **place the employee on leave or terminate** the employee.

## Reasonable Accommodations for Employees

Employers must provide reasonable accommodations to employees who cannot be vaccinated for medical or religious reasons. The process for managing reasonable accommodations, including when to deny requests and what accommodations to offer, is likely the largest source of legal risk related to mandatory vaccination policies.

## Reasonable Accommodations for Contractors

Providers have an obligation to provide reasonable accommodations to contractors who are referred to their community by staffing agencies for consideration. An employer that rejects a staffing agency candidate for discriminatory reasons (e.g., tells the contracting agency not to send over anyone unvaccinated, period), or fails to engage in the reasonable accommodation process for an otherwise qualified candidate who is unvaccinated for medical or religious reasons, can be liable under the ADA either as a joint employer or third-party interferer.

Similarly, a community that qualifies as a joint employer with a staffing agency (e.g., has staffing agency employees working at their community) may still violate the ADA if it knows or has reason to know the staffing agency does not provide reasonable accommodations and continues to obtain workers through that staffing agency.

## Requests for Reasonable Accommodations

Employees who have a disability that contraindicates the receipt of a COVID-19 vaccination, are unable to receive a COVID-19 vaccination due to pregnancy or are unable to receive or object to receiving a COVID-19 vaccination based on a sincerely held religious belief or practice, may request a reasonable accommodation.

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Upon receiving such a request, the organization will engage in an interactive process with the individual to determine if a reasonable accommodation to the COVID-19 vaccination requirement exists.

Reasonable accommodations will be provided, so long as they do not create an undue hardship for the organization, and do not pose a direct threat to the health or safety of residents, other individuals in the workplace, or the employee requesting the accommodation.

To request an accommodation for medical or religious reasons, please submit a reasonable accommodation form to **[Insert Name Here]**. Employees may request an accommodation without fear of retaliation. Employees who believe that they are being treated differently because they have requested or received a reasonable accommodation, should notify **[Compliance Officer / Human Resources/Position Title]** immediately.

This policy is intended to comply with the Federal and State Regulations, all applicable laws, and is based on guidance from OSHA, CDC, CMS and state and local public health authorities applicable at the time the policy was adopted. If for any reason this policy conflicts with current law or applicable public health authority guidance, this organization will follow the law and the most recent guidance.

As with all our employment policies, this policy does **not modify the at-will nature** of employment at **[Company Name]**, or create an employment contract, warranty of benefits, or promise of specific treatment in any given situation. We may change, suspend, or terminate this policy at any time, with or without notice. We also maintain the right to interpret this policy and to deviate from it when we determine it is appropriate to do so.

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