

COVID-19 Vaccination Policy – A SAMPLE

Foraker continues to monitor the impact of COVID-19 on the nonprofit sector. This resource was drafted taking into account three key elements: 1) staff and public safety, 2) employment laws and 3) organizational culture. This sample policy is provided in accord with current law, which is still in flux and subject to change with modification of federal mandate and required compliance. It is provided as a foundation for nonprofit employers to use in developing a policy that encourages safety and meets legal requirements. Organizations should customize the policy to align with their organizational culture and values.

Employers should remember that guidance from public health authorities is likely to change as the COVID-19 pandemic evolves. Therefore, employers should continue to follow the most current information on maintaining workplace safety.

(Please note: The Americans with Disability Act and Title VII of the Civil Rights Act of 1964 applies to employers with 15 or more employees).

Vaccination requirements

Organization name is committed to the safety and wellness of our staff and the communities, organizations, and individuals that we serve. In response to the shifting landscape of the COVID-19 virus, we continue to assess three key factors as it relates to employment:

- The safety of staff and the general public
- Anti-discrimination employment laws (i.e., Title VII of the Civil Rights of 1964 and the Americans with Disabilities ACT)
- Our organizational culture

As of **insert date, organization name** adopted a policy requiring that until further notice all newly hired employees be fully vaccinated before employment begins. For purposes of this policy, an employee is considered fully vaccinated two weeks after receiving the second dose of a two-dose vaccine (Pfizer or Moderna) or one dose of a single-dose vaccination. New employees will be asked to show proof of vaccination.

Employees are expected to receive booster vaccinations as needed and recommended by the CDC. **Organization name** will provide up to **16 hours** of paid administrative leave while an existing employee recovers from their vaccination or booster.

Employees not in compliance with this policy will be placed on unpaid leave until their employment status is determined by the **President/CEO/Executive Director or Human Resources**.

Employees will be notified by the **President/CEO/Executive Director or Human Resources** as to the type of vaccination(s) covered by this policy and the timeframe(s) for having the vaccine(s) administered.

Accommodation requests

Organization name intends to comply with Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964 for employees with a disability requiring an accommodation and employees with a strongly held religious belief or practice that precludes them from being vaccinated. ⁱ Employees and potential employees seeking an accommodation should speak with the **President/CEO/Executive Director or Human Resources of organization name** to engage in the interactive process to determine if an accommodation is warranted.ⁱⁱ **Organization name** will treat the request for accommodation as confidential.

Employees who are unable to receive the vaccination will be required to regularly test for COVID-19 including variants. They will also be required to observe face covering and social distancing practices as recommended and/or required by federal, state, and local officials.

Record retention

To establish that they are fully vaccinated, employees may present a completed COVID-19 Vaccination Record Card for inspection by an authorized **Organization name** representative.

Human Resources for organization name will maintain confidential records of employees' vaccination-related information including documentation for any ADA or religious accommodations.

Concerns

If any employee has a concern regarding this policy, or they reasonably believe there is an action of another employee that is in violation of this policy, the employee is encouraged to express that concern to the **President/CEO/Executive Director** unless it is about that person and then they should report to the **Chair/President** of the Board of Directors directly in person, or by phone. If the employee wishes to remain anonymous, they can contact the **President/CEO/Executive Director** or the **Chair/President** of the Board of Directors via postal mail at: **insert mailing address**.

Organization name reserves the right to amend or end this policy with or without notice.

ⁱ Accommodation:

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- Required to obtain a medical exemption: Medical exemptions/accommodations for the COVID-19 vaccine should be considered if the employee provides a written certification by a licensed, treating medical provider [a physician (MD or DO), nurse practitioner (NP), or physician's assistant (PA)], of one of the following: 1) The applicable CDC contraindication for the COVID-19 vaccine, or 2) the applicable contraindication found in the manufacturer's package insert for the COVID-19 vaccine, or 3) a statement that the physical condition of the person or medical circumstances relating to the person are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization with the COVID-19 vaccine.
 - Required to obtain religious exemption: In some cases, the employer will need to obtain additional information and/or documentation about the employee's religious practice(s) or belief(s). Employers may need to discuss the nature of the religious belief(s), practice(s) and accommodation with the employer's religion's spiritual leader (if applicable) or religious scholars to address the employee's request for an exception.

ii If an employee with a disability (here by Medical necessity or Religious belief), with or without reasonable accommodation, cannot perform the essential functions of the position or poses a direct threat in the absence of vaccination then they may be unqualified for application of the ADA or accommodation and the organization should contact legal counsel for assistance.