

## Warner Pacific University

### OSHA COVID-19 ETS Vaccination/Testing Policy

#### **Purpose:**

*Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. Warner Pacific University encourages all employees to be fully vaccinated for COVID-19 to protect themselves and other employees. However, should an employee choose not to be vaccinated, this policy's sections on weekly testing will apply. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).*

*The Occupational Safety and Health Act of 1970, inflation-adjusted for 2021, determines a maximum penalty for repeated and willful violations of OSHA rules at \$136,532, with a minimum penalty of \$9,753. The legislation sets a maximum penalty of \$13,653 for any single serious violation, and a further penalty of not more than \$13,563 per day for a failure to abate the violation (though the maximum penalty for this abatement failure is capped at 30 times the daily penalty).*

#### **Scope:**

*This COVID-19 Policy on vaccination, testing, and face covering use applies to all employees (including seasonal and student employees) of Warner Pacific University, except for employees who do not report to a workplace where other individuals (such as coworkers or customers) are present; employees while working from home (such as adjunct instructors teaching only online); and employees who work exclusively outdoors.*

*All employees are encouraged to be fully vaccinated. Per OSHA employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses. For example, this includes two weeks after a second dose in a two-dose series, such as the Pfizer or Moderna vaccines, two weeks after a single-dose vaccine, such as Johnson & Johnson's vaccine, or two weeks after the second dose of any combination of two doses of different COVID-19 vaccines as part of one primary vaccination series. Employees who are not fully vaccinated will be required to provide proof of weekly COVID-19 testing. **Note: Due to Oregon state law, both vaccinated and unvaccinated employees are required to wear face masks indoors.***

*Some employees may be required to have or obtain a COVID-19 vaccination as a term and condition of employment or attendance at Warner Pacific University due to their specific job duties (e.g., public facing positions). **See Vaccination Requirements for Specific Programs below.** Employees and Students subject to mandatory vaccination requirements should follow all relevant vaccination procedures in this policy and are not given the choice to choose testing and face covering use in lieu of vaccination.*

**Vaccination Requirements for Specific Programs:** *While Warner Pacific is not mandating vaccinations for all students, vaccinations are required for Nursing students in clinical placements and Education Students in school settings in accordance with partner guidelines. Vaccinations may be required to meet educational objectives for other programs (Social Work) in which external placement settings (clinicals, fieldwork, student teaching) mandate proof of vaccination.*

*All employees are required to report their vaccination status and, if vaccinated, provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if not fully vaccinated, their testing results-weekly. Given this is a Federal mandate, employees not in compliance with this policy will be subject to corrective action.*

*Corrective Action Guidelines: Failing to upload vaccination documents or submit weekly test results will result in the following:*

- *First occurrence will be forgiven.*
- *A second occurrence will result in a documented verbal warning given to the employee.*
- *A third occurrence will result in a documented written warning being given.*
- *Termination may result if there are further occurrences.*

*Employees may request an exemption from vaccination requirements (if applicable) if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exemptions and reasonable accommodations must be initiated by the employee via the COVID-19 Updates page. All such requests will be handled in accordance with applicable laws and regulations, as well as WPU's Preparedness plan and this policy.*

## **Procedures:**

### **Overview and General Information**

#### **Vaccination**

*Any Warner Pacific University Employee that chooses to or is required to be vaccinated against COVID-19 must be fully vaccinated no later than February 9, 2022. Any employee not fully vaccinated by February 9, 2022, will be subject to the regular weekly testing.*

*To be fully vaccinated by February 9, 2022, an employee must:*

- *Obtain the first dose of a two-dose vaccine no later than January 5, 2022; and the second dose no later than January 26, 2022; or*
- *Obtain one dose of a single dose vaccine no later than January 26, 2022.*

*Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine as stated above. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine.*

*Employees may schedule their vaccination appointments through a clinic, pharmacy, medical provider, or a mass vaccination clinic. Warner Pacific University Human Resources will maintain and update this policy as needed.*

*Note: The Booster vaccines are not part of the OSHA mandate reporting at this time.*

## **Testing and Face Coverings - OSHA 29 CFR 1910.501(e)**

*Since the stay was lifted on the Biden Administration's ETS current mandate, all employees who are not fully vaccinated as of February 9, 2022 will be required to undergo regular weekly COVID-19 testing. Policies and procedures for testing and face coverings are described in the relevant sections of this policy.*

### **Vaccination Status and Acceptable Forms of Proof of Vaccination:**

#### **Fully Vaccinated Employees**

*All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted via COVID-19 Employee Updates page located at <https://www.warnerpacific.edu/resources/covid-19/>*

*Acceptable proof of vaccination status is:*

- 1. The record of immunization from a health care provider or pharmacy;*
- 2. A copy of the COVID-19 Vaccination Record Card;*
- 3. A copy of medical records documenting the vaccination;*
- 4. A copy of immunization records from a public health, state, or tribal immunization information system; or*
- 5. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).*

*Proof of vaccination generally should include the employee's name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances Warner Pacific University will still accept the state immunization record as acceptable proof of vaccination.*

*If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:*

*"I declare that this statement about my vaccination status is true and accurate.  
I understand that knowingly providing false information regarding my  
vaccination status on this form may subject me to criminal penalties."*

*An employee who attests to their vaccination status in this way should to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine.*

**All Employees**

All employees, both vaccinated and unvaccinated, must inform Warner Pacific University Human Resources of their vaccination status through submission on the COVID-19 Updates page. The following table outlines the requirements for submitting vaccination status documentation.

Vaccination Status	Instructions	Deadline(s)
Employees who are fully vaccinated.	Submit proof of vaccination that indicates full vaccination.	January 31, 2022
Employees who are partially vaccinated (i.e., one dose of a two dose vaccine series).	Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose when it is obtained.	January 31, 2022
Employees who are not vaccinated.	Submit statement that you are unvaccinated, but are planning to receive a vaccination by the deadline.	January 31, 2022
	Submit statement that you are unvaccinated and not planning to receive a vaccination. <b>**Employees not planning to vaccinate must submit an official exemption request through the COVID-19 Updates page.**</b>	January 31, 2022

**Supporting COVID-19 Vaccination:**

An employee may take up to four hours of duty time per vaccine dose to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of duty time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of duty time will be granted. Employees who take longer than four hours to get the vaccine must send **their supervisor and WPU Human Resources** an email documenting the reason for the additional time (e.g., they may need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated. Employees need to give advance notice to their supervisor that they will be gone via email and cc Human Resources at [wpuhr@warnerpacific.edu](mailto:wpuhr@warnerpacific.edu). The employee will also need to put the hours used for obtaining a COVID-19 vaccine in the "Other" column on their timesheet as well as describing in the note section of their timesheet that the hours taken were for obtaining a COVID-19 vaccination.

Employees may utilize up to two workdays of sick leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be allowed up to two days of advanced sick leave immediately following each dose if necessary.

*The following procedures apply for requesting and granting duty time to obtain the COVID-19 vaccine or sick leave to recover from side effects:*

### **Employee Notification of COVID-19 and Removal from the Workplace:**

*Warner Pacific University will require employees to promptly notify HR through the WPU self-reporting form located at: <https://www.warnerpacific.edu/resources/covid-19/> that they are exposed, diagnosed, or experiencing symptoms of COVID-19. The employee should email their supervisor letting them know they are out due to illness. (The employee can share with the supervisor if they choose to. However, it is not mandatory to share with the supervisor the type of illness. But, the employee does need to share that information on the reporting form.)*

*Employees may use sick time and/or vacation time, in accordance with WPU's leave policy, to cover any quarantine time they need to be off of work. With supervisor approval, the employee may work from home if their position allows and if they are well enough. Any questions about working from home during quarantine should be addressed through Human Resources.*

### Medical Removal from the Workplace

*Warner Pacific University will immediately remove an employee from the workplace if they have been diagnosed with COVID-19 or their symptoms indicate a possible case of COVID-19 (The employee should immediately seek medical care, as appropriate)*

*The employee must submit the COVID-19 reporting form at:  
<https://www.warnerpacific.edu/resources/covid-19/>*

### Return to Work Criteria

*Warner Pacific University will follow the CDC quarantine guidelines found in WPU's Preparedness Plan and this policy. Note: The Preparedness Plan may be found by scrolling to the bottom of the COVID-19 Updates page.*

*Under CDC's "[Isolation Guidance](#)," asymptomatic employees may return to work once 5 days have passed since the positive test, and symptomatic employees may return to work after all the following are true:*

- *At least 5 days have passed since symptoms first appeared, and*
- *At least 24 hours have passed with no fever without fever-reducing medication, and*
- *Other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).*

*(Note: These criteria may change based on updates from the CDC.)*

*If an employee has severe COVID-19 or an immune disease, Warner Pacific University will follow the guidance of a licensed healthcare provider regarding return to work.*

### **COVID-19 Testing:**

*All employees who are not fully vaccinated will be required to comply with this policy for testing. Employees who report to the workplace at least once every seven days:*

*(A) must be tested for COVID-19 at least once every seven days; and*

*(B) must provide documentation of the most recent COVID-19 test result via the COVID-19 Updates page no later than the seventh day following the date on which the employee last provided a test result.*

*Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were on vacation for two weeks prior to reporting to the workplace):*

*(A) must be tested for COVID-19 within seven days prior to returning to the workplace; and*

*(B) must provide documentation of that test result via the COVID-19 Updates page in order to return to the workplace.*

*If an employee does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result.*

*Employees who have received a positive COVID-19 test, or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis. Note: Employees must supply official documentation from a healthcare provider, pharmacy or testing facility of a positive test result.*

*To fulfill the weekly testing requirement, employees will need to arrange for their own testing. Warner Pacific University will not cover the cost of testing. The employee cannot administer their own test and also read the result. Employees will be required to submit their test result via upload to the COVID-19 Updates page. Employees that are unvaccinated and have filed for an exemption will receive a weekly email on Thursday mornings reminding them to submit their test result on Sunday in the same week. This notification will continue while they are unvaccinated. Note: Acceptable testing venues are; Healthcare provider, Pharmacy, Testing Facility, etc.*

#### **Face Coverings:**

*Due to Oregon State Law, Warner Pacific University requires all employees, (fully vaccinated and unvaccinated) to wear a face covering indoors. Face coverings must:*

- (i) completely cover the nose and mouth;*
- (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source);*
- (iii) be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers;*
- (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and*
- (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings. Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.*

*All employees must wear face coverings over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes. Policies and procedures for face coverings will be policy implemented, along with the other provisions required by OSHA's COVID-19 ETS Vaccination/Testing, as part of a multi-layered infection control approach for unvaccinated workers.*

*The following are exceptions to Warner Pacific University's requirements for face coverings:*

- 1. Employees must provide their own face coverings.*
- 2. When an employee is alone in a room with floor to ceiling walls and a closed door.*
- 3. For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.*
- 4. When an employee is wearing a respirator or facemask.*
- 5. Where Campus Safety has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee's mouth for reasons related to their job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).*

**New Hires:**

*All new employees are required to comply with the vaccination, testing, and face covering requirements outlined in this policy as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment.*

*Newly hired employees must either upload their COVID-19 vaccination record or exemption request up to 7 days prior to their first day of employment but no later than 2 days prior to their first day of employment.*

*If the new employee is not vaccinated, likewise, they must submit a negative test up to 7 days prior to their first day of employment but no later than 2 days prior to their first day of employment. Then, while unvaccinated they will need to submit a negative weekly test each Sunday night for the coming week.*

**Confidentiality and Privacy:**

*All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy. Human Resources will be responsible for accessing the data.*

*Note: The implementation date is subject to change based on an anticipated Supreme Court ruling.*

**Questions:**

*Please direct any questions regarding this policy to [WPUHR@warnerpacific.edu](mailto:WPUHR@warnerpacific.edu)*

This model plan is intended to provide information about OSHA's COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this model plan is not itself a standard or regulation, and it creates no new legal obligations.