

# COVID-19 VACCINATION AND TESTING ALTERNATIVE POLICY

([See procedures](#))

**Applies to:** This policy applies to Covered Persons, as defined here. A Covered Person, for purposes of the policy, is defined as a person who performs services for the City of Minneapolis, with or without compensation, including 1) Regular full-time, part-time and intermittent employees in the classified service; 2) Seasonal employees; 3) All employees in the unclassified service including appointed employees; 4) Politically appointed employees; 5) Elected Officials; 6) Temporary employees; and 7) Interns including Urban Scholars and Step-Up Interns.

**Synopsis:** The policy is designed to protect, to the extent reasonably possible, Covered Persons and the public from the direct threat resulting from the spread of COVID-19 in the workplace and other persons visiting the workplace and/or working with City staff.

This policy is subject to change based on public health guidance. Employees and other Covered Persons may be subject to additional masking, attestation, vaccination, or testing requirements under local, state or federal law or regulation.

Covered Persons teleworking temporarily or permanently and who physically access the workplace at all are subject to this policy.

**Approval Date:**

**Effective Date:** January 7, 2021

**Administering Department:** Human Resources

**Contacts:** Patience Ferguson, Chief Human Resources Officer **Phone:** 612-673-2139 and Joe Hatch, Director of HR Business Operations **Phone:** 612-673-2030)

## I. Policy Statement

The COVID-19 pandemic presents an unprecedented challenge. The virus is highly contagious, including among asymptomatic people, and potentially deadly. According to the Centers for Disease Control and Prevention ("CDC") and the Minnesota Department of Health ("MDH"), the best way to prevent infection and from spreading the disease is by being vaccinated. COVID-19 vaccines have proven themselves to be safe and effective. Staff who access the workplace or provide public service outside of their homes on behalf of the City without vaccination pose a particular risk of COVID-19 exposure to themselves, their colleagues, and to members of the public. Additionally, ongoing community transmission of emerging variants of COVID-19, especially among unvaccinated individuals, presents a continuous risk of infection. An alternative to vaccination is regular testing for COVID-19 infection, in conjunction with the use of face coverings and social distancing, as determined appropriate by federal, state, and local public health entities.

It is the policy of the City of Minneapolis to require all Covered Persons to either provide proof of full vaccination against COVID-19 or, in the alternative, to undergo regular COVID-19 testing and wear a face covering at work. It is further the policy of the City to provide reasonable paid leave to all Covered Persons receiving the COVID-19 vaccine or experiencing adverse side effects from the receipt of the COVID-19 vaccine, consistent with applicable law.

The Chief Human Resources Officer is directed to develop and maintain procedures to implement and support this Policy, which may include efforts to incentivize and encourage vaccination over any testing and face-covering alternative, based on the advice of the Commissioner of Health. This Policy operates in conjunction with and does not supersede any requirements of applicable law or regulation, including generally-applicable laws and COVID-19-related regulations. This Policy (to include the Procedures incorporated herein by reference) complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 C.F.R. 1910.501.)

## II. Definitions

<b>Fully Vaccinated</b>	<p>Meeting the current CDC guidelines for full vaccination against COVID-19.</p> <p>For example, at the time of this Policy’s adoption, the CDC considers people to be fully vaccinated against COVID-19:</p> <ul style="list-style-type: none"><li>• 2 weeks after their second dose in a 2-dose COVID-19 vaccination series approved by the U.S. Food and Drug Administration (“FDA”) or the World Health Organization (“WHO”); or</li><li>• 2 weeks after a single-dose COVID-19 vaccine approved by the FDA or the WHO.</li></ul> <p>This Policy recognizes that the CDC may change or revise its definition, and the definition of “Fully Vaccinated” under this Policy is intended to be consistent with the CDC’s then-applicable definition.</p> <p>Staff who do not meet these requirements are NOT fully vaccinated.</p>
<b>COVID-19 Test</b>	<p>A diagnostic test to determine if someone has an active COVID-19 infection. As methods become available, recommended tests may include a polymerase chain reaction (PCR) test or an antigen test. A test will be administered by contracted medical personnel or, if approved by Human Resources, may be self-administered.</p>
<b>Workplace</b>	<p>Any location outside of a staff member’s home where City work is performed, or any location visited by the staff member for more than 10 minutes while on work time.</p>
<b>Face covering</b>	<p>“Face covering” means a covering that:</p> <ul style="list-style-type: none"><li>(A) completely covers the nose and mouth;</li><li>(B) Is 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);</li><li>(C) Is 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;</li><li>(D) Fits snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and</li><li>(E) Is a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings.</li></ul> <p>This definition includes 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 this definition 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.</p>

## III. Roles and Responsibilities

All employees of the City of Minneapolis play important roles in ensuring compliance with this Policy. City employees must comply with the responsibilities as outlined below and in accordance with applicable procedures.

<b>Role</b>	<b>Responsibility</b>
Employees, Elected Officials, and other Covered Persons	1. Comply with all aspects of this Policy.
Chief Human Resources Officer	1. Establish, manage, and modify procedures necessary to carry out and comply with this Policy in the workforce. Such procedures should include setting standards and expectations for mandatory testing of Covered Persons and for the vaccination opt-out protocol. 2. In partnership with the Commissioner of Health, ensure procedures are in alignment with local, state and federal health standards and regulations.
Commissioner of Health	1. Monitor local, state, and federal health standards and regulations and public health trends related to COVID-19. 2. Advise and partner with the Chief Human Resources Officer to communicate relevant information necessary for the implementation of this policy and revision to applicable procedures.
Department Heads	1. Adopt this policy 2. Communicate this policy to covered persons, contractors, vendors, as well as communicate and reinforce expectations to leaders, managers employees and other Covered Persons. 3. Require covered staff to comply with this policy, including sending staff home and/or taking other action for non-compliance when appropriate.
Department Leadership	1. Communicate this policy to covered persons and reinforce expectations to managers, employees, and other Covered Persons. 2. Require covered staff to comply with this policy, including sending staff home and/or taking other action for non-compliance when appropriate. 3. Comply with directives from Department Heads in furtherance of this Policy.
Human Resources Staff	1. Understand and perform responsibilities as it pertains to this Policy. 2. Maintain confidentiality of data that is not public and provide information only to those with a business need to know.
Human Resources Business Partners	1. Consult and provide assistance to Department Heads, Department Leadership, and employees regarding compliance with this Policy. 2. Maintain confidentiality of data that is not public and provide information only to those with a business need to know. 3. Work with Department Management and/or the Chief Human Resources Officer (or designee) to conduct investigations into allegations of policy violations when required.

#### **IV. Additional Responsibilities**

In addition to their responsibilities as employees as described above, managers and supervisors, department heads are also expected to:

- Inform their employees and third parties for whom they are responsible of the expectations outlined in this policy;
- Achieve and maintain compliance with this policy; and
- Take timely and appropriate action when a complaint is made alleging violation of this policy.

Failure to comply with this policy and its procedures may result in disciplinary action, up to and including termination.