

## Employee COVID-19 Vaccination Exemption

<i>Date Implemented:</i>	5/10/2023	<i>Date Reviewed/ Revised:</i>	8/1/2023	<i>Reviewed/ Revised By:</i>	NHA, DON, Medical Director
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### Policy:

It is the policy of this facility that employees may request an exemption based on disability, sincerely held religious beliefs, practices or observances, or medical reasons for the COVID-19 vaccination in accordance with state, local or employer guidance and current Federal EEOC guidance.

### Policy Explanation:

COVID-19 will continue to be a concern to the population's health, and those that reside in long-term care or congregate settings have been greatly affected by the effects of COVID-19. While, vaccination against COVID-19 is highly encouraged for all employees, employees can request an exemption based on disability, sincerely held religious beliefs, practices, or observances, or medical considerations in accordance with applicable laws as per the ADA, Title VII of the Civil Rights Act, the Rehabilitation Act, the Genetic Information Nondiscrimination Act, and other applicable EEOC considerations.

### Compliance Guidelines:

1. Employees may request an exemption to the COVID-19 vaccination based on disability, religious or medical reasons as per applicable Federal laws.
2. Employees are not guaranteed that the requested exemption will be granted upon request.
3. The employee will provide the facility the exemption request in writing and submit it to the designated person responsible for handling exemptions.
4. Employees that request an exemption based on disability or sincerely held religious beliefs, practices or observances are legally entitled to a reasonable/religious accommodation based upon applicable ADA laws or Title VII of the Civil Rights Act of 1964 provided the accommodation does not pose an undue hardship on the operations of the facility.
5. The facility may ask for additional supporting information if there is an objective basis for questioning either the religious nature or the sincerity of a particular belief.
6. Objections to the COVID-19 vaccination based on social, political or personal preferences, or on nonreligious concerns about the possible effects of the vaccine do not qualify as "religious beliefs" under Title VII.
7. The employer has the right to discontinue a previously granted accommodation if it is no longer utilized for religious purposes, or if a provided accommodation subsequently poses an undue hardship on the employer's operations due to changed circumstances.
8. Requests for medical exemptions to the COVID-19 vaccination must include the following documentation:
  - a. All information specifying which of the authorized COVID-19 vaccines are clinically contraindicated for the employee to receive, and the recognized clinical reasons for the contraindications; and
  - b. A statement by the authenticating practitioner recommending that the staff member be exempted from the facility's COVID-19 vaccination requirements for staff based on the recognized clinical contraindications; and

- c. The signature and date by a licensed practitioner who is not the individual requesting the exemption, and who is acting within their respective scope of practice as defined by, and in accordance with, all applicable State and local laws.
9. Any requested exemption will be evaluated on an individual basis and the outcome communicated to the employee in writing.
10. The facility will retain copies of the exemption request and decision and place a copy in the employee's confidential medical file.

**References:**

Centers for Medicare and Medicaid Services. *QSO-23-02-ALL Revised Guidance for Staff Vaccination Requirements*. (October 26, 2022).

Centers for Medicare and Medicaid Services. *State Operations Manual (SOM); Appendix PP Guidance to Surveyors for Long Term Care Facilities*. (October 2022) F888 – Infection Prevention and Control. 42 C.F.R. §483.80(i)(1)(2)(3).

U.S. Equal Employment Opportunity Commission. *What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws*. Located at <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#L>.