

Suffolk County Water Authority

Interoffice Memorandum

To: Chairman, Board Members, and all SCWA Employees
From: Jeffrey W. Szabo, CEO
Re: COVID-19 Response Plan - Phase XI – Vaccination Requirement, Exemptions and Accommodation
Date: August 25, 2021

The Centers for Disease Control and Prevention and the Equal Employment Opportunity Commission have determined that COVID-19 is a “direct threat” to public health.

SCWA has developed a Response Plan to this threat to provide for the safety of its employees and the public it serves.

Phase X established a vaccination mandate for every SCWA employee and Prospective Employee. It also established a mandatory SARS-CoV-2 testing program for unvaccinated employees. Testing under Phase X began on August 17, 2021.

SCWA received significant comment on Phase X requirements. Phase XI reiterates the Phase X mandates while clarifying the Exemptions and Accommodation available under Phase XI for existing employees. This document does not change the requirement that all new employees, those whose first day of work is after August 9, 2021, be vaccinated.

Suffolk County Water Authority

Guidance – COVID-19 Response Plan - Phase XI – Vaccination Requirement, Exemptions and Accommodation

- Components of Phase XI Plan:
- I. Definition of Vaccinated Employee
 - II. Employee Vaccination Requirement, Exemptions, and Temporary Accommodation for Employees Who Refuse to Be Vaccinated
 - III. Exemptions from Mandatory Vaccine Requirement
 - IV. Temporary Accommodation for Employees Who Refuse to be Vaccinated
 - V. Mandatory SARS-CoV-2 Testing Program
 - VI. Cancellation of the Testing Accommodation
 - VII. SCWA Travel
 - VIII. Implementation, Corrective Action, and Non-Retaliation
 - IX. Phase XI Duration

I. Definition of Vaccinated Employee

A SCWA employee is considered vaccinated (“Vaccinated”) for COVID-19 ≥ 2 weeks after they have received the second dose in a 2-dose series of Pfizer-BioNTech’s Comirnaty or Moderna’s COVID-19 vaccine, or ≥ 2 weeks after they have received a single-dose vaccine, Johnson & Johnson (J&J)/Janssen.

This definition applies to U.S. Food and Drug Administration approved Comirnaty and COVID-19 vaccines currently authorized for emergency use by the FDA: Moderna and Johnson & Johnson (J&J)/Janssen COVID-19 vaccines. This guidance can also be applied to COVID-19 vaccines that have been authorized for emergency use by the World Health Organization (e.g. AstraZeneca/Oxford) or individuals participating in a clinical vaccine trial that has been issued a CDC authorized COVID-19 vaccine trial participation card stating the individual can be considered “fully vaccinated” for public health purposes.

To be deemed Vaccinated, an employee must submit a copy of their vaccination card to Human Resources. The vaccination card should not contain the employee’s medical or genetic information. Human Resources will keep vaccination information confidential. Absent submission of their vaccination card, an employee shall not be deemed Vaccinated no matter whether they have received a COVID-19 vaccine.

II. Employee Vaccination Requirement, Exemptions, and Temporary Accommodation for Employees Who Refuse to Be Vaccinated

- A. SCWA's goal is to have every SCWA employee Vaccinated against COVID-19 by August 16, 2021, unless the employee is exempted from this requirement.
- B. An employee can apply under Section III for an exemption from the vaccination requirement.
- C. SCWA will temporarily accommodate employees who refuse to be Vaccinated by requiring the employee to participate in the SARS-CoV-2 Testing Program until the employee is Vaccinated or SCWA cancels the temporary accommodation.

III. Exemptions from Mandatory Vaccine Requirement

A. Exemption for Medical Reason

SCWA will provide an employee an exemption and reasonable accommodation if administration of a COVID-19 vaccine is contraindicated based upon the employee's documented medical condition.

To request an exemption, an employee must complete and submit the Request for Medical Exemption from COVID-19 Vaccination Requirement Form to the Human Resources Department.

Exempted employees must comply with the Mandatory SARS-CoV-2 Testing Program.

B. Exemption for Sincerely Held Religious Belief

SCWA will provide an employee an exemption and reasonable accommodation if administration of a COVID-19 vaccine would violate the employee's Sincerely Held Religious Belief and Practice.

To request an exemption, an employee must complete and submit the Request for Sincerely Held Religious Belief and Practice Exemption from COVID -19 Vaccination Requirement Form to the Human Resources Department.

Exempted employees must comply with the Mandatory SARS-CoV-2 Testing Program.

IV. Temporary Accommodation for Employees Who Refuse to be Vaccinated

Employees who refuse to be Vaccinated must participate in the Mandatory SARS-CoV-2 Testing Program until they are Vaccinated or until the Board cancels this temporary accommodation.

If the accommodation is cancelled, the employee must be Vaccinated or the employee will be suspended without pay and if after the suspension, the employee still refuses to be Vaccinated, their employment will be terminated unless the employee has an approved medical reason or sincerely held religious belief exemption to receiving the vaccine.

V. Mandatory SARS-CoV-2 Testing Program

- A. Each SCWA employee who is not Vaccinated must be tested once a business week (e.g., Tuesday through Monday) for the SARS-CoV-2 virus unless their supervisor approves a different testing schedule. Each employee will be instructed on how to participate in the Testing Program. Employees must comply with the Testing Program.
- B. SCWA will designate the time, place, and manner of testing for each employee in the Program. Testing for most employees will occur at a SCWA facility during the employee's normal work hours. Some employees (e.g., Control Center Operator) may be scheduled to obtain a test during their nonwork hours.
- C. If an employee misses their designated testing appointment because of personal time off, the employee's supervisor will reschedule the employee's test at another SCWA location. If the supervisor is unable to reschedule the employee's test at another SCWA location, the employee will be granted one hour during their normal work schedule to obtain a test from an approved medical professional. The employee's supervisor will designate the time and location for the test.
- D. Employees designated to take a test during a nonwork hour will be compensated for up to one (1) hour of time to obtain the test. Only employees designated by SCWA to take a test during a nonwork hour will receive up to one (1) hour of time to obtain a test. The employee must obtain the test from a SCWA approved medical professional.
- E. An employee may voluntarily opt out of the testing program and obtain a test from their doctor during a non-working hour. Employees who opt out will not be compensated for their time to obtain the test. Once an employee opts out the employee will not be allowed to rejoin the SCWA testing program without good cause.
- F. An employee who opts out must provide to SCWA the result from a nasal swab

PCR test unless their doctor or healthcare professional refuses to administer a PCR test. If the provider refuses to administer a nasal swab PCR test, the employee must provide to SCWA the result from a nasal swab rapid antigen test. SCWA will not accept results from a self-administered or saliva specimen test.

- G. Participation in the Testing Program is a condition of employment. Each employee who is not Vaccinated, must provide proof of their weekly test result to SCWA unless otherwise excused by their supervisor. For example, if an employee is on Personal Time Off and misses their onsite test appointment, their supervisor will arrange a new test time and location for the employee.
- H. An employee who does not provide proof of their weekly test result to SCWA will be suspended without pay until the result is provided to SCWA.
- I. Each SCWA employee that is not Vaccinated must complete a daily COVID-19 symptom and temperature check.

VI. Cancellation of the Testing Accommodation

The SCWA Board expects that all SCWA employees will be Vaccinated. SCWA will review the New York State and Suffolk County COVID-19 positivity rate, SCWA's vaccination rate, and the impact the implementation of COVID-19 Policy Phase X and Phase XI have on SCWA operations to determine whether to cancel the testing accommodation for those employees who refuse to be Vaccinated.

If the accommodation is cancelled, each SCWA employee without an approved exemption must be Vaccinated or the employee will be suspended without pay. If after the suspension the employee still refuses to be Vaccinated, their employment will be terminated unless the employee has an approved exemption to receiving the vaccine.

VII. SCWA Travel

Employees that are not Vaccinated are not be permitted to travel related to their SCWA employment if the travel requires an over-night stay. These employees may travel or attend conferences not related to their SCWA employment. The employees will be subject to the then current guidance issued by the CDC, the New York State Department of Health, and the Suffolk County Department of Health on if they may return to work following their trip and under what conditions.

VIII. Implementation, Corrective Action, and Non-Retaliation

A. Implementation Date

This Policy goes into effect upon its issuance.

B. Corrective Action

Unless as otherwise provided herein, SCWA will enforce the COVID-19 protocols through disciplinary action in accordance with SCWA Policy 406.

C. Non-Retaliation

SCWA prohibits any form of discipline, intimidation, or retaliation for reporting a violation of this Phase or any other health or safety concern. Employees have the right to report work-related injuries and illness, and SCWA will not discharge, discriminate, or other retaliate against employees for reporting work-related injuries or good faith health and safety concerns.

IX. Phase XI Duration

The CEO, in consultation with the Board, Senior Leadership Team and Office of Emergency Management, will determine the duration of the Phase XI protocols. The CEO is authorized to modify or terminate any of the COVID-19 Response Plan protocols issued under any Phase, or issue new Phases, as conditions require without action of the Board.