



## **TEMPORARY POLICY FOR COVID-19 VACCINATION REQUIREMENT FOR COUNTY PERSONNEL IN IMPACTED DEPARTMENTS**

**\*\*DRAFT – Sept. 22, 2021\*\***

### STATEMENT OF POLICY

The intent of this temporary policy is to establish a process to comply with the Oregon Health Authority, Public Health Division [OAR 333-019-1010](#) (healthcare setting) and [OAR 333-019-1030](#) (school setting) pertaining to vaccination requirements for personnel in healthcare and school settings to control the spread of COVID-19. This policy will be in effect as long as the OHA temporary rules are in effect.

### APPLICABILITY

This policy applies to all Deschutes County personnel (excluding the Sheriff's Office), including but not limited to employees, temporary and/or contracted staffing, contractors, interns, and volunteers (collectively, "personnel"), whose work duties or activities occur in a healthcare setting or a school setting within Deschutes County. The Sheriff's Office will create and implement its own policy concerning personnel in the Sheriff's Office.

### DEFINITIONS

"COVID-19 vaccine" means a vaccine authorized to prevent COVID-19 by the federal Food and Drug Administration, including by way of an emergency use authorization.

"Healthcare setting" means any place where health care, including physical or behavioral health care is delivered.

"Personnel in a healthcare setting" means individuals, paid and unpaid, working, learning, studying, assisting, observing or volunteering in a healthcare setting where direct patient or resident care is provided or where personnel have the potential for direct or indirect exposure to patients, residents, or infectious materials. It includes, but is not limited to, unlicensed caregivers, and any clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, student and volunteer personnel who regularly work or perform services in a healthcare setting.

“Personnel in a school setting” means personnel in the Juvenile Justice Division of the Community Justice Department.

“School setting” refers to the Juvenile Detention Center where schooling and related services are provided to juvenile detainees.

“Fully vaccinated” means (1) a period of at least two weeks has elapsed since a person has completed the entire recommended series of a COVID-19 vaccine, and (2) the person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status as communicated by Deschutes County.

“Partially vaccinated” means (1) a person has received (i) one dose of a two dose recommended series of a COVID-19 vaccine or (ii) the complete recommended series of a COVID-19 vaccine but it has not been at least two weeks since the person has completed the entire recommended series, and (2) the person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status as communicated by Deschutes County.

"Proof of vaccination" means documentation that includes an individual's name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card or a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority's immunization registry.

“Operational Compliance Plan” is a written plan developed by the Community Justice - Juvenile Division required for school settings. The plan must identify the positions, temporary staffing, contractors, interns, and volunteers subject to this policy and state-mandated Covid-19 vaccination requirements; address continuity of operations while implementing this policy; and outline communication procedures for implementing this policy and addressing any changes to the plan.

## POLICY AND PROCEDURES

### **In General:**

This policy is issued as an emergency measure to comply with OAR 333-019-1010 and OAR 333-019-1030 based on the requirement that employers adopt such policies and based on the significant rise of COVID-19 cases and hospitalizations among the unvaccinated due to the Delta variant. County departments are responsible for ensuring that all personnel impacted by State-mandated vaccination requirements comply with this policy.

To protect County personnel and the community the County strongly encourages all personnel to be fully vaccinated. County personnel may obtain the COVID-19 vaccine at a County Health System vaccination site or through another location of their choosing. With prior supervisor notification, County employees may obtain the COVID-19 vaccination while on County time. Information on the COVID-19 vaccines and how to obtain vaccination is available on the [Deschutes County COVID-19 Vaccine webpage](#).

### **A. Vaccination Requirements**

- Health Services Department – all personnel are required to be vaccinated.
- Community Justice Department - Juvenile Division - all personnel are required to be vaccinated. The department must have an Operational Compliance Plan as required by OAR 333-019-1030 governing school settings.
- Facilities Department – all personnel are strongly encouraged to be vaccinated and provide this documentation to HR. The Facilities Department will develop an operational plan on how Facilities Department staff will perform work in healthcare and school settings to meet the requirements of this policy.
- IT Department – all personnel are strongly encouraged to be vaccinated and provide this documentation to HR. The IT Department will develop an operational plan on how IT Department staff will perform work in healthcare and school settings to meet the requirements of this policy.
- Other County Departments - staff are strongly encouraged to be vaccinated.

## **B. Controlling the Spread of Covid-19 in Healthcare and School Settings**

### Health Services Department Facilities:

- Any unvaccinated personnel entering a Health Department Facility must wear a K/N-95 mask.
- The IT and Facilities Departments will develop an operational plan to prioritize sending vaccinated personnel to work in a healthcare setting (for example, a Facilities Department staff responds to a work order in a Health Services Department facility).
- Personnel outside of the Health Services Department working in a healthcare setting are required to be vaccinated unless their work is intermittent (less than an hour); they are working outside of business hours; or the department performing the service (such as IT or Facilities) works with Health Services on a safety plan to mitigate risks. This may include personnel wearing a K/N-95 mask, physical distancing, pre-planning visits, eliminating/minimizing crossing paths with clients receiving health care, etc.

### Community Justice - Juvenile Division Facilities:

- Any unvaccinated personnel entering a Juvenile Division Facility must wear a K/N-95 mask.
- The Juvenile Division facility meets the definition of a healthcare and school setting.
- The IT and Facilities Departments will develop an operational plan to prioritize sending vaccinated personnel to work in the Juvenile Division facility (for example, IT staff responds to a work order to fix a computer).
- Personnel outside the Juvenile Division working in the Juvenile Division facility are required to be vaccinated unless their work is intermittent (less than an hour); they are working outside of business hours (this only applies to the second floor; it does not apply to the Juvenile Detention Center); or the department performing the work (such as IT or Facilities) works with the Juvenile Division on a safety plan to mitigate risks. The safety plan may include the personnel wearing a K/N-95 mask, physical distancing, pre-planning visits, eliminating/minimizing crossing paths with clients, etc.

### **C. Vaccination Deadlines**

By October 18, 2021, personnel subject to this policy and the State-imposed mandates concerning Covid-19 vaccinations must be fully vaccinated or have submitted a request for exemption to Human Resources pursuant to Section D below or are in process of becoming fully vaccinated as outlined in the "Implementation of the Vaccine Requirement" MOU with AFSCME.

If a person will not work for an extended period due to a leave of absence (such as for FMLA leave), they may contact their department head or designee to request a deferral of the vaccination requirements until they return to work. But they must be fully vaccinated or have submitted a request for exemption by the time they return to work.

Requests for exemption must be submitted pursuant to Section D, below. If a person's request for exemption is not approved, they must be partially or fully vaccinated within 14 days and fully vaccinated within 8 weeks of when they were notified that the request was not approved.

Personnel who are subject to, and who fail to comply with this policy are subject to release or discharge from employment. County Contractors who fail to comply with this vaccination or exemption requirement may be barred from healthcare or school settings and not allowed to perform services for the County. In addition, the County may, as appropriate, suspend or terminate the applicable County contract.

The HR Department shall create a process for staff to provide proof of vaccination status.

### **D. Limited Exemptions to Vaccination Requirement**

#### **1. Limited Exemptions for County Personnel**

The County provides reasonable accommodation as required by applicable law for the known physical or mental impairments or sincerely held religious beliefs of otherwise qualified individuals unless doing so would impose an undue hardship. Personnel subject to this policy may request a

reasonable accommodation to the vaccination requirements imposed by this policy if they:

- a. Have a contraindication recognized by the [U.S. Centers for Disease Control and Prevention](#) (CDC) or by the vaccine's manufacturer to every approved COVID-19 vaccine. A contraindication means a condition that makes vaccination medically inadvisable;
- b. Have a disability and are requesting an exemption as a reasonable accommodation; or,
- c. Object to COVID-19 vaccination based on their sincerely-held religious belief, practice, or observance.

2. To seek a reasonable accommodation from the vaccination requirements in this policy, personnel subject to this policy should:

- a. Notify their supervisor of their request and obtain a copy of the appropriate request form from Human Resources, [Deschutes.org/hr](#). The available forms are:
  - I. [Medical Exemption and/or Disability Accommodation Request Form](#)
  - II. [Religious Accommodation Request Form](#)
- b. Complete and submit the applicable form(s) to the Deschutes County Human Resources Department at [Benefits@deschutes.org](mailto:Benefits@deschutes.org).

If an individual is granted an exception to the vaccination requirement under Section D of this policy, Deschutes County must take reasonable steps to ensure that unvaccinated individuals are protected from contracting and spreading COVID-19.

Human Resources, in coordination with the department in which the person requesting the exemption works or provides services, will work with the person to assess whether any reasonable accommodation would allow the person to fulfill the essential job functions, unless doing so would impose an undue hardship.

To identify a reasonable accommodation, Human Resources will work with impacted departments to identify a list of recommended or qualifying accommodations that do not adversely impact department operations. The HR Department will engage with the individual in an interactive process to attempt identify a reasonable accommodation as required under applicable law. If such an accommodation is granted, Human Resources will notify the requesting person and their supervisor of the approval and the associated expiration date. If a request for accommodation is denied, Human Resources will notify the person and their supervisor.

If the person is not satisfied with the decision/results of the accommodation request and interactive process, they can make a written appeal to the Deputy County Administrator within 10 business days of receiving the decision. The Deputy County Administrator shall issue a written response within 14 business days of receiving the appeal.

#### **E. Policy Communication**

Timely attention to ensure compliance with these requirements is essential to the County's efforts to control the spread of COVID-19 and to comply with public health recommendations. Employees, contractors, interns, and volunteers may direct any questions to their department head or designee(s). If a department has any questions or concerns about these requirements, it may contact Deputy County Administrator Erik Kropp.

Approved by the Board of County Commissioners [DATE].

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Tom Anderson  
County Administrator