

# Federal COVID-19 Vaccine Mandate Town Hall

November 15 & 16, 2021

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**MARICOPA**  
COMMUNITY COLLEGES

# PRESENTERS

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- **Melissa Flores**
  - General Counsel, District Office Legal
- **Martha Anderson**
  - Associate CHRO, Organizational Effectiveness & Strategy (OES), District Office Human Resources
- **Judy Castellanos**
  - HR Director, HR Solutions Center (HRSC), District Office Human Resources
- **Megan Tormey**
  - HR Director, Client Services, District Office Human Resources





- Why MCCCCD must comply with the Federal Vaccine Mandate
- Policy Changes
- Federal Mandatory COVID-19 Vaccine Administrative Regulation
- Vaccine Documentation
- Accommodations
- Resources
- Q&A





- **Executive Order 14042**

- On September 9, President Biden signed Executive Order 14042, **Ensuring Adequate COVID Safety Protocols for Federal Contractors**, which directs executive departments and agencies to ensure that contracts and contract-like instruments covered by the order include a clause requiring the contractor—and their subcontractors at any tier—to, for the duration of the contract, receive a COVID-19 vaccination, except in limited circumstances where an employee is legally entitled to an accommodation.
- Maricopa qualifies under several contracts for the purposes of this Executive Order.

- **Guidance for Federal Contractors and Subcontractors**

- MCCCCD is following the Guidelines provided by the Task Force provided by [SaferFederalWorkforce.gov](https://www.SaferFederalWorkforce.gov).
- These guidelines do not allow for testing in place of a vaccination. Testing is only an option under as a possible reasonable accommodation.

# What does not apply to Maricopa?



- **OSHA Emergency Temporary Standards (ETS)**
  - The OSHA Vaccination Emergency Temporary Standards (ETS) does not apply to Maricopa Community Colleges because Maricopa falls under Executive Order 14042 mandating vaccines for federal contractors.
  - The ETS allows for Vaccine or Weekly Testing, but this is not an option for MCCCCD.
- **Fifth Circuit Court of Appeals Stay on the OSHA Emergency Temporary Standards (ETS)**
  - The Fifth Circuit stay the ETS is specific to private companies over 100 employees.
  - It does not apply to the Executive Order.
  - Maricopa falls under Executive Order 14042 (re: federal contractors), which is not impacted by the temporary block.
  - Given this, MCCCCD must move forward with implementing the vaccine mandate to remain in compliance.
- **HIPAA Regulations**
  - HIPAA does not apply to Maricopa because Maricopa is not a covered entity under the regulations.
  - HIPAA has never prohibited institutions from requesting medical information from their employees for legitimate business reasons like COVID-19 vaccination status or as a part of the accommodation process.



- **7.4 Vaccine Leave Administration Regulation Amendment**
  - Section 2 added to provide two (2) days of paid leave to employees to recover from vaccination side effects.
- **7.5 Federal Vaccine Mandate New**
  - Requiring vaccine mandate of all employees, contractors, and volunteers



- **Applicability**

- All MCCCD employees (full-time and part-time), contract staff, federal work study students, student workers, and volunteers who are eligible to obtain the COVID-19 vaccination.

- **Policy**

- Current employees, contract staff, federal work study students, student workers and volunteers will be required to provide documentation of complete vaccination by January 7, 2022\*
- New employees hired prior to January 7, will be required to provide documentation of full immunization within 30 days of their start date\*
- New employees hired after January 7, will be required to provide documentation of full immunization prior to their start date as a condition of employment\*

*\*Unless otherwise exempted from this Policy by an approved accommodation pursuant to the interactive process.*



# Federal Vaccine Requirement Dates



## MODERNA'S FIRST SHOT

Moderna's first shot must be received no later than 11/26/21



## PFIZER'S FIRST SHOT

Pfizer's first shot must be received no later than 12/3/2021



## JOHNSON & JOHNSON SHOT | MODERNA & PFIZER SECOND SHOT

J&J shot and Moderna or Pfizer second shot must be received no later than 12/24/21



## VACCINE MANDATE OR ACCOMMODATION DUE DATE

Employees need to be Fully Vaccinated (meaning two weeks have passed after the final dose) by this date.  
OR  
Request an accommodation by 1/7/22

### **\*NEW: Accepted Vaccines:**

- AstraZeneca/Oxford
- Novavax



# Federal COVID-19 Vaccine Mandate Admin Reg



## ● Documentation

- Employees must show or provide:
  - A copy of the record of immunization from a health care provider or pharmacy
  - A copy of the COVID-19 Vaccination Record Card
  - A copy of medical records documenting the vaccination
  - A copy of immunization records from a public health or state immunization information system,
  - A copy of any other official documentation verifying vaccination with information on the vaccine name, date(s) of administration, and the name of health care professional or clinic site administering the vaccine.
- Digital copies such as photographs, scans, or PDFs are eligible
- Need to be in English or have an English translation

**COVID-19 Vaccination Record Card**

Please keep this record card, which includes medical information about the vaccines you have received.  
Por favor, guarde esta tarjeta de registro, que incluye información médica sobre las vacunas que ha recibido.

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_

Date of birth \_\_\_\_\_ Patient number (medical record or IIS record number) \_\_\_\_\_

Vaccine	Product Name/Manufacturer	Lot Number	Date	Healthcare Professional or Clinic Site
1 <sup>st</sup> Dose COVID-19			mm / dd / yy	
2 <sup>nd</sup> Dose COVID-19			mm / dd / yy	
Other			mm / dd / yy	
Other			mm / dd / yy	



- **Grace Period**

- Employees returning from an approved leave shall receive a grace period of no more than 30 days from the date that the employees are provided official notification to comply with the COVID-19 mandate by either:
  - Show proof they have completed an entire vaccine series
  - Submit requests for an exemption based on medical or religious grounds.
  - This information will be added into the return to work information that HRSC sends to the employee

- **Reasonable Accommodations** *(overview later in the presentation)*

- **Compliance**

- Employees who have not complied will be placed on an unpaid leave of absence pending a review of their employment status.

- **Designated Coordinator**

- The Risk Management Director is the designated coordinator for all Occupational Safety and Health protocols required by the mandate.

# Federal COVID-19 Vaccine Mandate Notification



- **The following groups received the Acknowledgement Email from the Employee Learn Center.**
  - Current Employees, Contract Employees, Federal Work Study Students, Student Workers, Volunteers
- **New Employees**
  - The vaccine requirement information will need to be updated on all job postings and the recruitment website.
  - Candidates will be informed of the Federal requirement for COVID-19 vaccination during the interview/selection process
  - Finalists will be informed of the vaccination requirement during the pre-hire phone call (preferred candidate phone call), job offer phone call and documented in the offer letter as a condition of employment.
  - The new hire must show documentation of their vaccination or receive an approved medical or religious exemption prior or on their first day of work.
- **Contractors**
  - Risk Management is working with Facilities, Purchasing, Legal, and Human Resources to notify contractors directly.
  - Contractor guidelines are being developed which will outline which contractors are subject to this mandate.

# Vaccine Documentation and Attestation



## SOLUTION OVERVIEW

- ✓ Streamlined email distribution to all stakeholders
- ✓ Secure vaccine documentation and attestation, complete with the ability to upload and e-sign
- ✓ Will be updated to provide a unique ticket for each individual submission to track and maintain accountability
- ✓ Easily manage additional verifications or exceptions as needed
- ✓ Mobile optimized to work on cell phones and other smart devices





- **Medical Accommodation & Exemption**

- Employees may be exempt from this vaccine requirement if a fully licensed health care provider certifies in writing that the COVID-19 vaccination may be detrimental to the employees' health.
- The campus shall provide reasonable accommodations to employees whose medical condition(s) prevents them from receiving the COVID-19 vaccination.
- Any such requests will be reviewed and granted on a case-by-case basis by the Human Resource Solution Center.
- If an accommodation is denied, the employee will have ten (10) days to get the first (or only) vaccine dose to remain in compliance.
- Requests will be made through a dynamic form available on the website.



- **Religious Accommodation & Exemption**
  - Individuals who hold genuine and sincere religious beliefs which are contrary to COVID-19 vaccination may be exempt after submitting a written religious accommodation request, which shall:
    - Specify the policy, practice, or schedule for which the religious accommodation is sought (i.e., vaccine requirement policy);
    - Specify how such policy, practice, or schedule conflicts with the person's sincerely held religious belief(s);
    - Specify the accommodation or modification that is being requested;
    - List any other accommodations that would eliminate the conflict;
  - Any such requests will be reviewed and granted on a case-by-case basis by the Human Resource Solution Center.
  - Requests will be made through a dynamic form available on the website
- General philosophical or moral objections to receiving a vaccine or being fully vaccinated shall not suffice as the basis for an approved accommodation.

# Accommodation & Exemptions - General Information



- **Accommodation Process** - Both processes follow previous established guidelines under Administrative Regulation 5.1.7 for Medical/Disability accommodations and Administrative Regulation ND-4 Religious Accommodation Procedures and Request Form
- **Timeline** - The time for a response to accommodation requests depend on the volume of requests.
  - Requests are being responded to as they are received.
- **Who is Involved:**
  - HRSC - reviews and evaluates the accommodation request.
  - Local HR/Supervisor - once an approved accommodation is determined, these groups will be brought into the conversation to ensure the accommodation can be implemented





## Federal COVID-19 Vaccine Requirement

Employees > Federal COVID-19 Vaccine Requirement

### Submit Your Federal Vaccine Mandate Documentation or Intention to Request an Accommodation

Employees can submit their vaccine documentation through the secure, Federal COVID-19 Vaccine Documentation form. Employees requesting an accommodation must also submit their intention to request an accommodation through the vaccine documentation form.

Employees must submit **one** of the following:

- A copy of the record of immunization from a health care provider or pharmacy
- A copy of the COVID-19 Vaccination Record Card
- A copy of medical records documenting the vaccination
- A copy of immunization records from a public health or state immunization information system
- A copy of any other official documentation verifying vaccination with information on the vaccine name, date(s) of administration, and the name of health care professional or clinic site administering the vaccine

Digital copies such as photographs, scans, or PDFs are eligible. Vaccine document needs to be in English or have an English translation submitted along with a copy of the original document.

Submit Your Vaccine Documentation or  
Intention to Request an Accommodation

- A MCCCD Vaccine Mandate Website has been created on the Together Maricopa website so students, contractors, and volunteers can review it.
- In includes:
  - New Administrative Regulations
  - Submit Vaccine Documentation Or Accommodation Intent Form
  - Vaccine Timeline
  - CDC information
  - Accommodation Forms
  - FAQs
- Additional information including a video walk through of the Vaccine Documentation Form



- **Two/Three Things You Must Complete:**
  - **Federal COVID-19 Vaccine Mandate Acknowledgement *Required by All***
    - Available through an email sent to you on 11/10/21 from the Employee Learn Center or directly in the Employee Learn Center
  - **Complete the Vaccine Documentation or Intent to Request an Accommodation Form *Required by All***
    - Available on the Federal COVID-19 Vaccine Mandate webpage
  - **If you are requesting an accommodation, Submit a Request for Accommodation *Required of All Persons Who Don't Submit Vaccine Documentation***
    - Both the Medical/Disability and Religious forms are available on the Federal COVID-19 Vaccine Mandate webpage



**THANK YOU**