

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 7
Human Resources

AR 7325 COVID-19 Vaccination and Immunization Program

Reference(s):

- Americans with Disabilities Act
- DFEH Employment Information on COVID-19
- EEOC Technical Assistance, updated May 28, 2021
- Rancho Santiago Community College District COVID-19 Prevention Plan
- Title VII of the Civil Rights Act
- USDOJ Slip Opinion on Section 564 of the Food, Drug, and Cosmetic Act, issued July 6, 2021
- USFDA Press Release

Purpose

The Rancho Santiago Community College District (“the District”) is committed to providing a safe and healthy campus. In an effort to promulgate this commitment, this protocol intends to mitigate the risks surrounding exposure to COVID-19 by requiring that all employees and volunteers who are on District premises have received the full COVID-19 vaccine.

The novel coronavirus and the disease it causes, COVID-19, is a global pandemic and has resulted in widespread severe illness and death worldwide, in the United States, and in California. COVID-19 spreads mainly through close contact from person to person, including between people who are physically near each other (within about 6 feet). People who are infected but do not show symptoms can also spread the virus to others.¹ The Centers for Disease Control and Prevention (CDC) notes that “**COVID-19 spreads very easily from person to person**” and that “[t]he virus that causes COVID-19 appears to spread more efficiently than influenza....”² The transmission of COVID-19 has markedly slowed, and vaccination is an important part of slowing transmission.

According to the CDC, vaccination is a safe and effective way to prevent people who are vaccinated from becoming seriously ill with COVID-19. The CDC recommends widespread vaccination and states:

COVID-19 vaccination will help keep you from getting COVID-19.

- All COVID-19 vaccines currently available in the United States have been shown to be highly effective at preventing COVID-19.

¹ CDC, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>. [July 14, 2021.]

² CDC, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html>. [July 14, 2021.]

- All COVID-19 vaccines that are in development are being carefully evaluated in clinical trials and will be authorized or approved only if they make it substantially less likely you'll get COVID-19.
- Based on what we know about vaccines for other diseases and early data from clinical trials, experts believe that getting a COVID-19 vaccine may also help keep you from getting seriously ill even if you do get COVID-19.
- Getting vaccinated yourself may also protect people around you, particularly people at increased risk for severe illness from COVID-19.
- Experts continue to conduct more studies about the effect of COVID-19 vaccination on severity of illness from COVID-19, as well as its ability to keep people from spreading the virus that causes COVID-19.

COVID-19 vaccination is a safer way to help build protection.

- COVID-19 can have serious, life-threatening complications, and there is no way to know how COVID-19 will affect you. And if you get sick, you could spread the disease to friends, family, and others around you.
- Clinical trials of all vaccines must first show they are safe and effective before any vaccine can be authorized or approved for use, including COVID-19 vaccines. The known and potential benefits of a COVID-19 vaccine must outweigh the known and potential risks of the vaccine for use under what is known as an Emergency Use Authorization (EUA). [As of August 23, 2021,³ the United States Food and Drug Administration has fully approved the Pfizer vaccine.]
- Getting COVID-19 may offer some natural protection, known as immunity. Current evidence suggests that reinfection with the virus that causes COVID-19 is uncommon in the 90 days after initial infection. However, experts don't know for sure how long this protection lasts, and the risk of severe illness and death from COVID-19 far outweighs any benefits of natural immunity. COVID-19 vaccination will help protect you by creating an antibody (immune system) response without having to experience sickness.
- Both natural immunity and immunity produced by a vaccine are important parts of COVID-19 disease that experts are trying to learn more about, and CDC will keep the public informed as new evidence becomes available.

COVID-19 vaccination will be an important tool to help stop the pandemic.

- Wearing masks and social distancing help reduce your chance of being exposed to the virus or spreading it to others, but these measures are not enough. Vaccines will work with your immune system so it will be ready to fight the virus if you are exposed.
- The combination of getting vaccinated and following CDC's recommendations to protect yourself and others will offer the best protection from COVID-19.
- Stopping a pandemic requires using all the tools we have available. As experts learn more about how COVID-19 vaccination may help reduce spread of the disease in communities, CDC will continue to update the recommendations to protect communities using the latest science.

³ USFDA, <https://www.fda.gov/news-events/press-announcements/fda-approves-first-covid-19-vaccine>. [August 23, 2021.]

(See more from the CDC on the benefits of vaccination at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/vaccine-benefits.html>.)

The California Department of Public Health (CDPH) also recommends that people get vaccinated to slow the spread of COVID-19. The CDPH has its own “Scientific Safety Review Workgroup,” which has confirmed that “vaccines have met high standards for safety and efficacy.”⁴ Based on the ease of transmission of the virus that causes COVID-19 and the safety and effectiveness of vaccination, this protocol operates to protect employees, volunteers, and the community.

Protocol

I. Scope of Coverage

All volunteers and employees must be fully vaccinated⁵ against the virus that causes COVID-19 in order to be physically present on District premises for an extended amount of time, generally more than 15 minutes, or inside a building or office unless they receive an approved medical exemption, disability accommodation, or a religious accommodation. People are considered fully vaccinated for COVID-19 two weeks or more after they have received the second dose in a 2-dose series (e.g., Pfizer-BioNTech or Moderna), or two weeks or more after they have received a single-dose vaccine (e.g., Johnson and Johnson J&J/Janssen.) This mandatory program is a condition of employment and as such employees and volunteers, who do not comply with these procedures or falsify information may face discipline up to and including termination.⁶

II. Effective Dates

This mandatory program shall remain in effect until the District determines that the program is no longer necessary. This Protocol may be amended or revoked at any time. The District will provide all employees up to 8 weeks (defined as 60 calendar days) to allow time for employees to become fully vaccinated and provide proof of vaccination.

According to the CDC website,⁷ CDC advises individuals who obtain the following two-doses vaccine in the prescribed timeframe:

- Pfizer-BioNTech COVID-19 vaccine should get their second shot 3 weeks (or 21 calendar days) after the first shot; and
- Moderna COVID-19 vaccine should get their second shot 4 weeks (or 28 calendar days) after the first shot.

III. Obtaining a COVID-19 Vaccine

Individuals may obtain a COVID-19 vaccine from any County provider or any health care provider authorized to administer the vaccine.

⁴ CDPH, https://www.cdph.ca.gov/Programs/CID/DCDC/CDPha%20Document%20Library/COVID-19/COVID_VACCINE_FACT_SHEET-ENG-08.pdf, [April 2, 2021.]

⁵ Fully vaccinated may include booster shots as guided by federal, state, and local public health authorities. <https://www.cdc.gov/media/releases/2021/s0818-covid-19-booster-shots.html> [August 18, 2021.]

⁶ USDOJ, <https://www.justice.gov/sites/default/files/opinions/attachments/2021/07/26/2021-07-06-mand-vax.pdf>, [August 23, 2021.]

⁷ CDC, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/second-shot.html>, [August 21, 2021.]

The District will provide employees with reasonable release time to travel and become vaccinated, as required by law. Compensation shall be at the employee's regular rate of pay. Employees will arrange vaccination time with their supervisors.

The District will provide employees who become vaccinated with sick leave that may be used in order to recover from any side effects of the COVID-19 vaccinations, as required by law.

IV. Proof of Vaccination

Once fully vaccinated with the COVID-19 vaccine, volunteers and employees must provide to the District proof of vaccination in order to be physically present on campus as described above. Pursuant to the CDPH Guidance for Vaccine Records Guidelines & Standards,⁸ only the following modes may be used as proof of vaccination:

- COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes name of person vaccinated, type of vaccine provided, and date last dose administered); OR
- a photo of a Vaccination Record Card as a separate document; OR
- a photo/screenshot of the client's Vaccination Record Card stored on a phone or electronic device; OR
- documentation of COVID-19 vaccination from a health care provider; OR
- digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type. The QR code must also confirm the vaccine record as an official record of the state of California; OR
- documentation of vaccination from other contracted employers who follow these vaccination records guidelines and standards.

Employees can submit proof of vaccination at the online upload form at: <http://www.rscdd.edu/VaccinationUpload>. This form requires a picture of your vaccination card/documentation or verification of vaccination ready to upload as attached documents. Once the photo of your vaccination card is uploaded the form is completed, and your vaccine record has been submitted to Human Resources.

Instructions on uploading your vaccination card and release can be found at: <http://www.rscdd.edu/VaccinationUpload>.

Employees and volunteers who have been vaccinated are required to continue to abide by all District policies, procedures, and protocols regarding COVID-19 until the District directs otherwise. The District's COVID-19 Prevention Plan is available here: <https://www.rscdd.edu/Departments/Human-Resources/Pages/COVID-Prevention-Plan.aspx>.

V. Health or Medical Records

The District will not request any health or medical information for the purpose of enforcement of this Protocol other than the proof of vaccination. Unless consent is given, the District will not

⁸ CDPH, <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Vaccine-Record-Guidelines-Standards.aspx> [August 21, 2021.]

request or receive any medical information from volunteers, employees, or vaccination providers, or give any medical information to any vaccination provider. Any proof of vaccination a volunteer or employee provides to the District will be stored in a manner consistent with applicable law and in accordance with the District's practice for storing medical information for employees.

VI. Exemptions from Vaccination Requirement

District employees and volunteers may be exempt from the mandatory COVID-19 vaccine requirements in this program only under the following circumstances:

- A. **New Employees/Volunteers:** If an applicant for District employment meets all other requirements for employment as applicable but needs additional time to obtain and / or provide their vaccination records or to obtain an exemption, the person's assignment will be conditional for a maximum of 8 weeks (60 calendar days) upon signing and submitting a written statement attesting that they have been vaccinated as required or upon seeking an exemption pursuant to this program.
- B. **Medical Exemption:** The employee or volunteer submits the district Medical Exemption form and a written statement from a licensed medical provider (such as a physician, physician assistant or nurse practitioner) exempting them due to the person's disability or serious medical condition. This statement must include provider's printed name, license number, signature and date the statement is issued and be on the RSCCD Health Provider Letter. Employees and volunteers should submit the statement on the district website.
- C. **Religious Exemption:** The employee or volunteer objects based on a sincerely held religious belief. If a volunteer, or employee objects on this basis, the employee or volunteer must complete and submit the corresponding Religious Exemption Form for COVID-19 on the district website.
- D. **Personal Exemption:** The employee or volunteer objects based on a personal belief. If a volunteer or employee objects on this basis, the employee or volunteer must complete and submit the corresponding Personal Exemption Form for COVID-19 on the district website.

VII. Accommodations Process

If the District determines that an employee has not received the COVID-19 vaccination due to disability or medical condition, a sincerely held religious belief or a personal exemption, the District will engage in an interactive accommodations process to determine whether a reasonable accommodation can be provided. The accommodations process will determine whether a reasonable accommodation exists to enable an employee to perform the "essential functions" of their job. Essential functions vary by job class and therefore the process shall be case-by-case and may result in different outcomes in different cases. The District will follow its normal accommodations policy in determining a reasonable accommodation. Accommodations may not be possible where it would result in an undue burden to the District.

The District may require Covid-19 testing for any employee or volunteer, when indicated by health screening via qualifying exemption and/or exposure to Covid-19. As to any changes in this

Protocol regarding testing of employees and volunteers, the District will be guided by ongoing information from the federal, state, and local authorities.

VIII. Prohibition of Harassment Discrimination

The District will not discriminate against any volunteer or employee who receives an exemption from receiving the COVID-19 vaccine, although the District will take any legitimate business action to maintain the safety of the campus(es) and community. The District will not tolerate any discrimination or harassment against volunteers, or employees based on vaccination status or individuals taking mitigation measures, such as wearing a face mask. Employees and volunteers found to be engaging in such discrimination or harassment may face discipline up to and including termination. If you believe you have experienced harassment, discrimination, or retaliation due to an exemption from receiving the COVID-19 vaccine, please immediately contact Human Resources or file a report here: <https://www.rscsd.edu/report/Pages/default.aspx>

IX. Revisions to the Protocol

The District reserves the right to revise and update this Protocol as necessary based upon ongoing information and guidance from the Federal, State and Local guide authorities.

X. Questions?

For employees and volunteers, questions about the Protocol may be directed by email to Human Resources.

Adopted: September 1, 2021
Revised: November 1, 2021