

Agnes Scott College
Employee COVID-19 Vaccination Policy

I. Purpose

Overwhelming scientific evidence has demonstrated that COVID-19 vaccines are safe and effective in providing immunity to the SARS-Cov-2 virus. Developing immunity through vaccination means there is a reduced risk of developing the illness and spreading it to others.

Therefore, in accordance with Agnes Scott College's duty to provide and maintain a workplace that is free of known hazards, the college requires COVID-19 vaccination for all members of the campus community. This includes all students, faculty and staff. This policy is to safeguard the health of our employees and their families; our students and visitors; and the community at large from the COVID-19 virus. Requiring all members of the college community to be vaccinated enables the college community to return more quickly to full operations in support of its mission "...of engaging the social and intellectual challenges of their times." Getting vaccinated protects you and the campus community.

This policy will comply with all applicable laws and is based on guidance from the Centers for Disease Control and Prevention and local health authorities.

II. COVID-19 Vaccination Policies

- A. Scope: All employees are required to be fully vaccinated by August 1, 2021 unless a medical or religious exemption is approved.

To ensure adequate time for an immune response to occur, a person is considered fully vaccinated greater than or equal to 2 weeks after completion of a two-dose mRNA series (Moderna or Pfizer) or single dose of Janssen (Johnson & Johnson) vaccine.

- B. Threat to Others: In some cases, the requirements of a position may not allow for an unvaccinated person to safely perform their job duties even if they have been granted an exemption with reasonable accommodations.

When evaluating the existence of a direct threat, the college follows the Equal Employment Opportunity Commission (EEOC) guidance that, "employers should conduct an individualized assessment of four factors in determining whether a direct threat exists: the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and the imminence of the potential harm."

A conclusion that there is a direct threat would include a determination that an unvaccinated individual will expose others to the virus at the college.

C. Late Vaccination: If an employee is not vaccinated and does not qualify for a medical or religious exemption, the following options are available if the employee expresses an intent to receive the COVID-19 vaccination as soon as feasible:

- be placed on leave without pay;
- apply for leave under FMLA (the Family and Medical Leave Act); or
- take earned leave.

Employees who are not vaccinated and who do not qualify for a medical or religious exemption by the stated deadline must submit proof of receiving the first or final vaccine, or a request for medical or religious exemptions with supportive documentation, within five (5) working days of being on leave or be subject to later termination for failure to comply with college policies. Extenuating circumstances unknown to the employee prior to the time of the leave should be promptly discussed with the Office of People and Culture. Employees providing proof of the first of a two-dose vaccine must also include a statement to be fully vaccinated as soon as feasible. Employees who submit the vaccine proof within five (5) working days of being on leave will be allowed to return to work on campus fourteen (14) days after receiving the final vaccine. If the position allows it; the employee may be asked to telework during the fourteen (14) days.

D. On-campus Operations: The refusal to get vaccinated by an employee who is not eligible for a medical or religious exemption will not be a valid basis for approval to work remotely.

E. Disciplinary Process: If an employee without an exemption refuses to receive the COVID-19 vaccine as soon as feasible but no later than the stated deadline, the employee will be placed on leave and may later be terminated for cause.

III. Process

A. Timing: Employees will be notified by the Office of People and Culture as to the timeframe(s) for having the vaccine(s) administered.

Before the stated deadlines to be vaccinated have expired, employees will be required to provide either proof of vaccination via the designated Medical Portal or submit a request to be considered for an exemption based on a medical or religious reason (see section V below) to the Office of People and Culture.

B. Access to Vaccines: Agnes Scott will provide either onsite access to the vaccines or a list of locations to assist employees in receiving the vaccine on their own.

Agnes Scott will pay for all vaccinations administered at the college. When not received in-house, vaccination expenses should be submitted to the employees' health insurance where applicable.

- C. Time off: All non-exempt employees will be paid for time taken to receive vaccinations. For offsite vaccinations, employees are to work with their managers to schedule appropriate time to comply with this policy.

IV. Medical or Religious Exemption

Employees in need of an exemption from this policy due to a medical reason, or because of a sincerely held religious belief, must contact the Office of People and Culture to begin the interactive process as soon as possible after vaccination deadlines have been announced. Exemptions with accommodations will be granted where they do not cause Agnes Scott undue hardship or pose a direct threat to the health and safety of others.

Please direct any questions regarding this policy to the Office of People and Culture.

V. Enforcement

Failure to comply with this policy constitutes misconduct and/or dereliction that is actionable under the Employee Handbook and the Faculty Manual. Violation by faculty or staff may result in disciplinary action, up to and including unpaid leave, suspension or termination. Any individual who fails to follow this policy may be restricted from the premises.

**Agnes Scott College
Request for a Medical or Religious Exemption
College Procedures**

Applicable Laws

Title I of the Americans with Disabilities Act (ADA) requires employers to provide reasonable accommodation to qualified applicants and employees with a disability, unless the employer can demonstrate that doing so creates an undue hardship to the employer or poses a direct threat to the safety of the employee or others in the workplace.

Employers also have an obligation to accommodate employees' sincerely held religious belief under Title VII of the Civil Rights Act (Title VII), unless the accommodation creates an undue hardship.

Applicable ASC Policies

Exemptions to the vaccine requirement will be considered for individuals with medical conditions that prevent them from being vaccinated and for individuals with sincerely held religious beliefs that prohibit them from being vaccinated, consistent with federal and Georgia law. Employees on other approved leaves will be required to submit proof of vaccination within 30 days prior to returning from leave status.

Employees granted vaccine exemptions will be expected to comply with additional health and safety requirements including, but not limited to, biweekly/regular COVID-19 testing, daily symptom tracking, physical distancing, and face coverings while on campus. Depending upon changing public health considerations, vaccinated and accommodated employees may be required to comply with additional health and safety requirements.

If the essential requirements of a position do not allow for an unvaccinated person to safely perform their job duties with a reasonable accommodation, the employee may be subject to reassignment or placed on leave.

Retaliation, intimidation or other adverse action related to the employment or education against an employee who requests and/or receives an exemption is inconsistent with Agnes Scott's values and prohibited by college policy. The vaccine requirement and associated exemption process supports the health and safety of our community and is designed to assist all members of the community.

Any information associated with a request for an exemption will be kept in the strictest of confidence within the context of the exemption process. Information regarding any medical conditions or history will be treated as a confidential record and maintained in a separate file. The information will only be available to the members of the accommodation committee and is

maintained in a file separate from the employee personnel file, consistent with the confidentiality requirements of the ADA and to protect sensitive religious preference information.

Managers and supervisors must understand that it is unlawful to disclose that an employee is receiving an exemption or to retaliate against an employee for requesting an exemption.

A request for exemption due to a personal preference not to receive a vaccine is not protected by law.

Exemption Process

1. Employee contacts the Office of People and Culture to request an exemption and begin the interactive process by providing supportive documentation. The Office of People and Culture has created an *Intake Exemption Form* to facilitate the process.
2. Employee's request for exemption from the vaccination requirement is reviewed by the Office of People and Culture to determine if the request falls under the ADA or Title VII obligations.
3. Within three (3) business days, the employee receives a confirmation that their request is in process.
4. The request is reviewed by the section 504 Coordinator and the special counsel, otherwise known as the accommodation committee. If the request is for a medical exemption, the accommodation committee additionally includes a licensed clinician from the Wellness Center. This review includes an interactive process between the committee and employee.

Upon receiving a request for a COVID-19 vaccination medical exemption under the ADA, the college will engage in a process in which the employee, health care provider and committee each share information about the nature of the request. This process is referred to as the interactive process and involves a good-faith effort by the college and the employee to discuss the limitations, required support, or issues regarding the request.

5. The Office of People and Culture notifies the employee in writing that his or her requested exemption has been approved, denied or if more information is needed from the employee.

If approved, the conditions and requirements of the approval are clearly stated and the employee's acceptance of the granted exemption is considered an agreement to abide by the stated public health requirements.

If the request is denied, the employee must inform the Office of People and Culture whether they intend to receive the vaccine, submit additional documentation, and/or of their next step within five (5) working days.

6. The exemption decision is not considered permanent and may need to be reviewed, especially if an employee's circumstances change or the public health circumstances of the college changes.
7. Failure to comply with the requirements of the exemption may result in disciplinary action, up to and including termination for cause.

The Interactive Process

Medical: Requests for exemption due to a medical reason are reviewed following the steps below.

- Review the request from the employee and their health care provider.
- A written medical release or consent to speak to provider may be sought from the employee.
- If necessary, the college may ask the employee to provide appropriate documentation from the employee's health care provider regarding the nature of the medical nexus, its severity, the duration, and the extent to which the impairment(s) conflict with the employee's ability to receive COVID-19 vaccination.

Religious: For religious exemption requests, the employee contacts the Office of People and Culture to request for an exemption and begin the interactive process by providing an explanation of their sincerely held religious beliefs and, if necessary, appropriate documentation from their religious leader regarding the religious belief that prohibits the employee from receiving a COVID-19 vaccination. The Office of People and Culture has created a *Request for Religious Accommodation / Exception Related to COVID-19 Vaccine* form to facilitate the process.

Title VII requires employers to accommodate only those religious beliefs that are "sincerely held." Because the definition of religion is broad and protects beliefs and practices with which Agnes Scott may be unfamiliar, if the college has an objective basis for questioning either the religious nature or the sincerity of a particular belief or practice, it can ask for additional supporting information.

Direct Threat: When evaluating the existence of a direct threat, the college follows the Equal Employment Opportunity Commission (EEOC) guidance that, "employers should conduct an individualized assessment of four factors in determining whether a direct threat exists: the duration of the risk; the nature and severity of the potential harm; the likelihood that the potential harm will occur; and the imminence of the potential harm."

A conclusion that there is a direct threat would include a determination that an unvaccinated individual will expose others to the virus at the college.

Undue Hardship: When evaluating the existence of an undue hardship, the college follows the ADA that undue hardship must be based on an individualized assessment of current circumstances that show that a specific reasonable accommodation would cause significant difficulty or expense.

Under Title VII, the undue hardship defense to providing religious accommodation requires a showing that the proposed accommodation in a particular case poses a "more than de minimis" cost or burden.

According to the EEOC, "if an employee cannot get vaccinated for COVID-19 because of a disability or sincerely held religious belief, practice, or observance, and there is no reasonable accommodation possible, then it would be lawful for the employer to exclude the employee from the workplace."

The college reserves the right to amend these policies and procedures at any time.