PURPOSE & SCOPE

Beth Sholom has a duty to provide and maintain a workplace that is free from known hazards. In accordance with this duty, Beth Sholom requires that all employees, contractors, students, vendors, nursing agencies, ancillary medical personnel, volunteers, and hospice staff be fully vaccinated against COVID-19 and influenza. This requirement helps protect residents, staff, non-employees, and families of Beth Sholom from infectious diseases, such as COVID-19 and influenza. Further, this policy promotes a culture of resident safety by helping to prevent influenza and COVID-19 transmission to residents, and families, as well as protecting staff against workplace transmission. Vaccination of Beth Sholom staff will also reduce workplace absenteeism due to influenza and COVID-19 illness, further reducing the operational costs of providing care.

This policy will comply with all applicable laws and is based on guidance from the Centers for Disease Control and Prevention ("CDC"), the Centers for Medicare & Medicaid Services ("CMS"), the Virginia Department of Health ("VDH"), and local health authorities, as applicable. See also 22 VAC 40-73-100.

POLICY

As a condition of employment, Beth Sholom requires an annual influenza vaccination and a full COVID-19 vaccination, for all Beth Sholom employees, contractors, students, vendors, nursing agencies, ancillary medical personnel, volunteers, and hospice staff who have job duties or a physical presence inside any facility or clinic owned and operated by Beth Sholom while conducting their work, unless a reasonable accommodation is approved. Employees not in compliance with this policy will be placed on unpaid leave until their employment status is determined by the Human Resources Department.

PROCEDURE

I. WHERE and WHEN TO GET THE VACCINE(S):
   A. Staff must receive an annual influenza vaccine and the full COVID-19 vaccine, as they are either provided by Beth Sholom or from another source, provided that the employee provides to Beth Sholom written proof of the employee's receipt of the required influenza and full COVID-19 vaccines from that other source. Vaccines received from another source may or may not be reimbursed to the staff member and payment will be at the discretion of administration; however, COVID-19 vaccinations are free, whether an individual has health insurance or not.
   B. All employees will be paid for time taken to receive vaccinations. For vaccinations provided by another source, employees shall work with their supervisors to schedule appropriate time to comply with this policy.
   C. New hires will be required to present proof of influenza and COVID-19 immunization. Without proof of immunization, Beth Sholom will either administer or provide information to assist with obtaining the influenza vaccine and/or the COVID-19 vaccine, to newly hired employees. New hires who have received at least one dose of the COVID-19 vaccine will be allowed to start work if they always wear a fit tested N95 mask and adhere to all Beth Sholom testing requirements. With respect to influenza only, new hires who begin work outside of the influenza season will be notified of the policy and will be expected to comply with vaccination the next influenza season.
   D. Beth Sholom will establish the dates of each year's influenza season, defined to refer to the months in which the influenza vaccine is made available, and which influenza season will correspond to the dates for employees who are exempted from receiving the vaccine to wear facial respiratory masks (as addressed more fully below). In general, the influenza season typically extends from October to March, but can start...
earlier or extend longer in certain years. Proof of immunization or request for exemption must be provided for each influenza season on at least an annual basis to Beth Sholom.

E. Beth Sholom will also require the COVID-19 vaccination and potential booster vaccinations for as many years and for as adequate a time as is required to ensure the health and safety of residents. At this point, COVID-19 has no distinct season or established requirements for boosters, and vaccination must be ongoing to stop and/or slow the spread of this disease. Also, even employees who have already received a COVID-19 vaccination may still be required to wear a mask where such measures continue to be recommended by the CDC, CMS and VDH or as determined by the administration for the health and safety of Beth Sholom’s employees, patients, and residents. Proof of COVID-19 vaccinations must be provided as required by the administration.

F. Compliance with annual mandatory influenza vaccination and compliance with the COVID-19 vaccination policies will be required no later than the date determined by Beth Sholom in its discretion under the circumstances presented by that influenza season or by the COVID-19 vaccination process.

II. PRIORITIZATION:
A. Influenza and COVID-19 vaccines provided by Beth Sholom will be prioritized to staff employed by Beth Sholom and physicians/providers working at Beth Sholom.
B. Volunteers, contractors, and vendors will not be prioritized to receive Beth Sholom-provided influenza and COVID-19 vaccines but must provide proof of annual influenza vaccination and proof of COVID-19 vaccination.
C. Upon vaccinations or verification of vaccinations received from another source, staff will receive an orange badge sleeve to indicate they are following the influenza and COVID-19 vaccination policies.

III. COMMUNICATION/EDUCATION:
A. Prior to the annual onset of influenza season, Beth Sholom will inform staff of the requirement for vaccination, the dates when influenza vaccine(s) are available, and the fact that vaccines will be provided at no cost to them. Communication will be sent through normal information distribution. Education on influenza virus and the vaccine will be completed throughout the organization on an ongoing basis.
B. Beth Sholom will inform staff of the availability and establish a timeline for required employee vaccination against COVID-19. Beth Sholom will also inform employees as to the number of doses each employee must receive and provide employees with educational materials on the COVID-19 virus and its potential effects. Communication will be sent through normal information distribution.
C. Staff will also be informed of the procedures and approved reasons for declining either the influenza or the COVID-19 vaccine and the consequences of refusing such vaccination. Any request for exemption from either vaccination requirement must be supported by the appropriate and required paperwork or such requests will automatically be denied pursuant to Form A (Declination of Influenza and/or COVID-19 Vaccination for Medical Contraindications), attached.

IV. EXEMPTIONS:
A. Only employees meeting the medical contraindications or religious exceptions listed below will be exempt from annual influenza vaccination or from COVID-19 vaccination. Medical contraindications are limited to specific medical circumstances.
B. Employees who meet the requirements of medical contraindication for influenza or COVID-19 vaccination must complete a written medical declination form. A separate written medical declination form must be filled out for each vaccination for which the employee seeks an exemption. See Form B (Request for Medical Exemption).
C. Staff who do not receive influenza vaccination or COVID-19 vaccination due to a medical contraindication or because of a disability or other medical condition that prevents them from receiving these vaccinations, as demonstrated through sufficient and complete documentation of their medical provider, must always wear a fit tested N95 mask and adhere to Beth Sholom’s testing policy during the duration of the scheduled shift, when providing services at all Beth Sholom facilities and clinics. Also, during the current COVID-19 pandemic, all employees must continue to follow Beth Sholom Senior Living facial covering policies. (See Consequences and Non-Compliance below).

V. APPROVED CONTRAINDICATIONS TO INFLUENZA AND COVID-19 VACCINATION:
Any person declining vaccine must have one of the valid contraindications, as listed below, which list is subject to expansion based on the available guidance from the CDC, CMS, VDH, local, or other health and safety authority.
A. Persons with severe (life-threatening) allergies to eggs or to other components of the influenza or the COVID-19 vaccines. Documentation from a licensed healthcare provider is required (see Verification of Contraindications, below).

B. A history of Guillain-Barré Syndrome within six weeks following a previous dose of influenza vaccine is a precaution for use of influenza vaccines by the CDC. Documentation is required from a licensed healthcare provider.

C. Any additional contraindications as they are known or as they become known to any vaccine developed to immunize against COVID-19. These known or yet to be known contraindications must come from the CDC, the VDH, or other reputable sources to be determined by Beth Sholom.

D. If a person has a contraindication, but still desires to get the influenza or COVID-19 vaccines, they should discuss it with their primary healthcare provider. If the primary healthcare provider administers the influenza or COVID-19 vaccinations, the staff member must provide documentation of the vaccinations to Beth Sholom.

VI. MEDICAL ACCOMMODATIONS:
A. For those who decline the vaccine based on medical contraindication or because of a disability or other medical condition that prevents their receipt of the vaccine, as demonstrated through sufficient and complete medical documentation of their medical provider, the Declination of Influenza and/or COVID-19 Vaccination for Medical Contraindications form must be completed and signed by a licensed healthcare provider. This document will then be reviewed and verified by Beth Sholom, or assigned designee, with follow up as needed to the licensed healthcare provider (must be and MD or DO and licensed in the state of Virginia).

B. Upon verification of contraindications or disability, including the completion of the interactive process under the Americans with Disabilities Act (“ADA”) as needed, all persons with approved contraindications to vaccination and who will continue to interact with Beth Sholom staff, patients, or residents, will be required to provide signed written documentation which states that he/she will always wear a fit tested N95 during the scheduled shift and follow all Beth Sholom testing requirements. Healthcare personnel may also be required to wear a mask for as long as the CDC, the VDH, and other authorities monitoring the COVID-19 pandemic require, even if personnel has already received COVID-19 vaccination.

C. Names of persons required to wear fit tested N95 masks after restrictions surrounding the COVID-19 pandemic lift will be provided to the worker’s supervisors and managers, including department leadership. During the COVID-19 pandemic, all personnel are required to follow Beth Sholom Senior Living facial mask policies.

D. Persons with valid and verified contraindications or disability to influenza or COVID-19 vaccinations will be given a blue badge holder that must be worn with their identification badge.

E. All medical information gathered in connection with your request for a reasonable accommodation will be kept confidential and separate from your personnel records.

F. Beth Sholom does not tolerate any retaliation against employees who request accommodations under the ADA in good faith.

VII. RELIGIOUS ACCOMMODATIONS:
A. Beth Sholom complies with Title VII of the Civil Rights Act (“Title VII”) by striving to accommodate religious observances and practices that come into conflict with annual influenza and with COVID-19 vaccination. Beth Sholom is committed to applying the religious accommodations process with sensitivity and flexibility, considering both the sincere beliefs of its staff and the health and safety concerns of its staff and residents.

B. Employees seeking a religious accommodation should submit, in writing, a basic explanation of his/her religious objection to influenza and/or COVID-19 vaccination, by completing Form C (Request for Religious Accommodation). Religious accommodations requests should consider including:
   • Reference to the source for the religious belief (spiritual text, statements of clergy, personal belief, etc.).
   • Employee’s religious needs based on the belief and conflicting influenza/ COVID-19 vaccination (need to avoid injection, need to avoid animal products, etc.); and/or
   • Employee’s desired accommodation (alternative vaccination, schedule change, position reassignment, etc.).

C. The religious accommodations process is interactive. Human Resources is expected to assess each request individually and by avoiding assumptions or stereotypes about what type of accommodation is appropriate. Likewise, employees should confer promptly and fully about their anticipated religious needs so that Beth Sholom can consider and extend available accommodations.
D. All employees with approved religious exemptions and who continue to interact with staff or residents, will be required to provide signed written documentation which states that the employee will always wear a fit tested N95 mask and adhere to all Beth Sholom testing requirements during their scheduled shift. Healthcare personnel may also be required to wear a mask for as long as the CDC, the VDH, and other authorities monitoring the COVID-19 pandemic require, even if personnel has already received COVID-19 vaccination.

E. Names of persons required to wear fit tested N95 masks after restrictions surrounding the COVID-19 pandemic lift will be provided to the worker’s supervisors and managers, including department leadership. During the COVID-19 pandemic, all personnel are required to wear a mask when interacting with patients and residents, and as determined by the administration.

F. Beth Sholom does not tolerate any retaliation against employees who request accommodations under Title VII in good faith.

VIII. CONSEQUENCES FOR NON-COMPLIANCE:

A. Employees who have not obtained and provided documentation of vaccination or approval of a medical or religious exemption as provided for in this policy by Beth Sholom’s established deadlines will be considered noncompliant with annual influenza vaccination or COVID-19 vaccination requirements.

B. Noncompliance under this policy will subject the employee to disciplinary action up to and including voluntary resignation and/or the involuntary termination of employment.

C. Employees who have received approval of a medical or religious exemption but who fail to comply with always wearing a fit tested N95 mask and adhering to the testing requirements during their scheduled shift, or any other accommodations required to maintain the safety of Beth Sholom’s workplace, will be subjected to disciplinary action up to and including voluntary resignation and/or the involuntary termination of employment.

IX. CONTINGENCY PLAN:

A. If there is a shortage of influenza and/or COVID-19 vaccine supply that affects the supply of influenza and/or COVID-19 vaccines available for Beth Sholom staff use, Beth Sholom will develop a contingency plan. This plan will include vaccine prioritization and distribution based on the influenza and/or COVID-19 vaccine supply shortage faced and recommendations from the CDC and the Virginia Department of Health.

B. Communication about mask use and compliance with the influenza and/or COVID-19 vaccination plan will be sent to healthcare personnel in the event of an influenza and/or COVID-19 vaccine shortage or delay.

All questions regarding this policy should be directed to Misty Peloquin, Director of Human Resources mpeloquin@bslcc.org or Sybil Parker, Vice President of Quality Assurance and Nursing Services, sparker@bslcc.org.