ONA has created an FAQ on liability during a surge that we encourage all nurses to read. It can be found [here](https://www.OregonRN.org/COVID-LiabilityFAQ). Or go to:

www.OregonRN.org/COVID-LiabilityFAQ

### Sky Lakes Vaccine Survey Results

Your executive committee would like to share with you the results of the survey that ONA just conducted of nurses at Sky Lakes Medical Center.

There were 107 responses from RNs which equates to 44 percent of the nurses at Sky Lakes. You can see the full results on pages 3 and 4.

We heard safety concerns about personal protective equipment (PPE), safe staffing numbers, concerns about vaccination safety and low staffing numbers if nurses are forced to leave if they don’t comply with the state mandate. There were also specific concerns of safety around patient to RN violence and how to try to mediate that.

Based on your input your executive committee will be negotiating Friday, Sept. 3, 2021 at 2 p.m. with the hospital on issues related to PPE, non-discrimination based on vaccination status, vaccine side effect protections, COVID-19 testing, protection of vaccination information, non-furlough, lay-offs, and exemptions. We are in the process of reviewing the just released hospital policy.

### Negotiation Visitation Open to Sky Lakes RNs Only

Friday, Sept. 3, 2021 at 2 p.m.

Questions and comments will not be open during the negotiations.

**Pre-Registration required:**
https://zoom.us/meeting/register/tJwsd-GqrTgiE9aB29EUk8GQBXxdhUPR89cR

After registering, you will receive a confirmation email containing information about joining the meeting.

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There are many questions on the state mandate for vaccination. OHA has created Healthcare Provider and Healthcare Staff Vaccine Rule FAQ documentation [https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le3879.pdf](https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le3879.pdf)

**Full text of the rule can be found here:**
https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=280614

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**Oregon Health Authority FAQ on Vaccination Mandate**
Impacts of Governor Brown’s Announcement

Q: What does Governor Brown’s announcement mean for me?
A: Governor Brown’s announcement means that health care workers in Oregon need to be fully vaccinated by October 18, 2021, or six weeks after full FDA approval (whichever is later), or they may be terminated. We assume that “fully vaccinated” means that nurses will need to have received their second Moderna or Pfizer COVID-19 vaccine – or will have to have received the Johnson & Johnson vaccine – by October 4, 2021 (two weeks in advance of the deadline), to be considered fully vaccinated by October 18, 2021, as a condition of further employment.

Q: Will ONA fight this mandate with employers?
A: Governor Brown’s order is not optional for the employers bound by it – it has the force and effect of law. At the same time, employers at ONA-represented facilities must bargain with us over this change to working conditions. ONA has always believed that the science behind public health policy (for example, masking and social distancing mandates issued by the CDC) should be followed. We also stand firmly behind vaccination as the best way to save the lives of patients, family members and members of our communities. We also know that while the vaccines are incredibly effective, they do not replace PPE, universal masking, or other infection control measures. We will continue to demand employers do everything they can to reduce the spread of the disease in health care settings.

Q: Why isn’t ONA suing the state to stop the mandates like other organizations have done in Washington, or as some organizations are planning to do in Oregon?
A: The Governor of Oregon is legally allowed to implement this rule. Mandates like this are supported by significant legal precedent and any legal challenge to such a rule would likely ultimately fail. In fact, courts have found these kinds of mandates to be legal in multiple prior cases. It is also important to note that nurses are currently required by state statute to receive other vaccinations in order to attend nursing school and work for their employers. Oregon employers, under this rule, are legally allowed to require such vaccines as a condition of employment.

Q: I thought Oregon law prohibited vaccine mandates for health care workers; why can the Governor implement this mandate if it is against Oregon law?
A: Oregon’s law clearly states that mandatory vaccinations cannot be a condition of employment for health care workers and others, like fire fighters and police officers, unless such immunization is required by federal or state law, rule or regulation. Governor Brown’s mandate, and the accompanying administrative rule, are allowed under this rule; thus the prior law DOES allow for mandatory vaccinations in this case.

Q: Doesn’t my employer have to bargain with ONA over this mandate?
A: Because Governor Brown has issued this mandate, with the full force of law, health care employers – public and private – must abide by the mandate. However, all employers must bargain with ONA over the effects of the mandate.

Q: Are there any exemptions to the state vaccine mandate?
A: There are two specific exceptions detailed in the Governor’s rule:

A medical exception: "A medical exception must be corroborated by a document signed by a medical provider, who is not the individual seeking the exception, certifying that the individual has a physical or mental impairment that limits the individual’s ability to receive a COVID-19 vaccination based on a specified medical diagnosis, and that specifies whether the impairment is temporary in nature or permanent."

A religious exception: “A religious exception must be corroborated by a document, on a form prescribed by the Oregon Health Authority, signed by the individual stating that the individual is requesting an exception from the COVID-19 vaccination requirement on the basis of a sincerely held religious belief and including a
Impacts of Governor Brown’s Announcement (continued from page 2)

A statement describing the way in which the vaccination requirement conflicts with the religious observance, practice, or belief of the individual."

More information on these exceptions can be found online in the update language from the Oregon Health Authority: https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=280614

Links to the online forms can be found online here: https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/VACCINESIMMUNIZATION/GETTINGIMMUNIZED/pages/SchExemption.aspx

Q: If I refuse to get vaccinated and I do not have an exemption in place, can my employer fire me?

A: Yes. Under the current rule implemented by Governor Brown, health care workers need to be fully vaccinated by October 18, 2021 or risk termination.

Q: If I refuse to get vaccinated and my employer terminates me, will I qualify for unemployment insurance?

A nurse terminated for refusing to get a vaccination could qualify for unemployment insurance, but an individual nurse’s situation will vary based on the reason the nurse is unvaccinated, whether the nurse has prior unemployment claims or any other circumstances that could lead to a denial of unemployment benefits. A nurse who chooses not to become vaccinated and does not fall under an exception under a future rule should not assume that they will be eligible for unemployment insurance benefits.

Q: Will ONA file a grievance for me if I am terminated for refusing to get vaccinated?

A: As always, any grievance with merit will be pursued. For example, if a nurse has a medical exemption or an exemption based on a sincerely held religious belief and the employer is refusing to acknowledge that, there may be a good reason to file a grievance.

Sky Lakes Vaccine Survey Results (Continued)

Do you support mandatory vaccinations without exceptions for medical or religious reasons?

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<th>Responses</th>
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Do you support mandatory vaccinations with exceptions for medical or religious reasons?

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</tbody>
</table>
Vaccine Survey Results (continued from page 3)

Are you prepared to be terminated at Sky Lakes if required to be vaccinated in order to maintain your employment?

![Bar chart showing responses]

Would you be willing to do weekly testing rather than mandatory vaccinations, if at some point that could be an option again?

![Bar chart showing responses]

Do you feel like your employer has done enough to ensure the safety of nurses in the workplace?

![Bar chart showing responses]

Do you feel like your employer is currently doing enough to protect nurses in the workplace?

![Bar chart showing responses]

Do you feel as though nurses have been pitted against each other and this has negatively impacted the work environment?

![Bar chart showing responses]