	MANDATORY VACCINATION/COVID- 19 TESTING PROCEDURES	DOCUMENT TYPE: PROCEDURES
		DOCUMENT NO: PRP-06
		BOARD COMMITTEE: PERSONNEL COMMITTEE
		POLICY: MANDATORY VACCINATION & MEDICAL TESTING POLICY
		ORIGINATION DATE: 11/19/2021
		LAST UPDATED: 12/29/2021

1.0 PURPOSE

- 1.1** It is policy of the Louisville and Jefferson County Metropolitan Sewer District (“MSD”) to provide and maintain a safe and healthy workplace for its employees. Toward this end, during an infectious disease outbreak (epidemic) and/or pandemic, all employees and other individuals that work within MSD’s workplaces must cooperate in reducing the presence and transmission of such outbreaks and pandemics by taking advantage of available vaccinations or undergoing regular testing. Vaccination, testing and other protective measures, such as face coverings are important tools in reducing the presence and transmission of epidemics and/or pandemics within MSD’s workplaces and shall be mandatory protective measures under applicable workplace procedures, subject, however, to exceptions required by law.
- 1.2** With respect to COVID-19, vaccination is a vital tool to reduce its presence and severity of cases in the workplace, in communities, and in the nation as a whole. In addition to Section 1.1, MSD has adopted these Procedures to safeguard the health of our employees and the public from COVID-19.
- 1.3** These Procedures apply to all MSD employees, its Board members, as well as all consultants, contractors, suppliers, and vendors providing services in MSD owned, leased or operated facilities.
- 1.4** These Procedures will enable MSD to comply with all applicable state, federal, and local laws, regulations relating to the control of infectious diseases/pandemics in the workplace, including guidance from the Centers for Disease Control and Prevention and local health authorities, as applicable.
- 1.5** To the extent required by applicable, law, MSD will consider requests for and provide reasonable accommodation requests for MSD employees in the application of these Procedures.

2.0 SCOPE

- 2.1** All MSD employees, Board members, and contractors, consultants, suppliers, or vendors working at any MSD owned, leased or operated facility will be required to comply with these Procedures by providing proof of vaccination for COVID-19 or a weekly negative COVID-19 test. This applies regardless of the amount of time spent inside an MSD facility. This does not apply to delivery services such as UPS or FedEx.
- 2.2** By February 4, 2022, all MSD employees must submit proof of being fully vaccinated or continue to submit a weekly negative COVID-19 test result. Employees who previously submitted proof of being fully vaccinated do not have to resubmit.



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- 2.3** All individuals starting employment with MSD on or after February 4,, 2022 must submit proof of being fully vaccinated prior to their first day of employment or, if not fully vaccinated they must comply with the weekly testing requirements.
- 2.4** All Non-MSD Employees working at an MSD Facility must submit proof to their employer that they are fully vaccinated upon the effective date of the contract/ agreement date or by February 4,, 2022 or submit a weekly negative COVID-19 test result. The employer of these Non-MSD employees must certify compliance with the Mandatory Vaccination/COVID-19 Testing Policy and Procedures effective February 4,, 2022 and provide certification of continued compliance as long as these Procedures are in effect. This includes individuals who enter an MSD facility building for any reason even if their primary work is conducted exclusively outdoors. For example, if non-MSD employee must attend a meeting inside an MSD facility even though their work occurs primarily outdoors, they must comply with the Mandatory Vaccination/Testing Policy and these Procedures.

3.0 DEFINITIONS

The following definitions apply to terms as they are used in the procedures.

- 3.1 Acceptable proof of Vaccination for COVID-19:** Presentation of a completed, legible original or a paper copy of a valid COVID-19 vaccination card.
- 3.2 Board Members:** Members of the Louisville and Jefferson County MSD Board.
- 3.3 COVID-19 Test:** A molecular (RT-PCR) or antigen medical test administered by a medical professional, pharmacy, or local health agency that detects the virus's genetic material or specific protein on the surface of the virus. Samples are typically collected with a nasal or throat swab, or saliva collected by spitting into a tube. Antibody tests and/or tests administered "at home" do not fall within this definition.
- 3.4 Fully Vaccinated:** Individuals are considered fully vaccinated when the following occurs:
- 3.4.1 Two weeks after the second dose in a two-dose series, for the Pfizer or Moderna vaccines;
or
 - 3.4.2 Two weeks after a single dose vaccine, for the Johnson & Johnson vaccine.
- 3.5 MSD Employees:** Individuals employed by MSD.
- 3.6 MSD Facility:** Any property owned, leased, or operated by MSD.
- 3.7 Non-MSD Employees:** Individuals employed by a company other than MSD providing services or work at an MSD Facility. This definition includes, but is not limited to, any individual working as a contractor, consultant, supplier, vendor, or temporary agency employee. This is intended to refer to one person, group of people, or a company. When used in these Procedures, the terms "contractor," "consultant," "supplier," and "vendor" also include any "subcontractor" working with them. .
- 3.8 Unvaccinated:** Individuals who have not submitted acceptable proof of vaccination to Human Resources by the applicable dates set forth in these Procedures regardless if they have received a vaccination or have recovered from COVID-19, or those individuals who have submitted and been approved for a reasonable accommodation under Title VII or the Americans with Disabilities Act ("ADA").

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4.0 RESPONSIBILITIES

- 4.1** Human Resources: responsible for administration of these Procedures, obtaining and retaining copies of vaccination record cards and COVID-19 test results, processing and deciding reasonable accommodation requests, maintaining the confidentiality of medical records, obtaining and processing contractor verifications, other tasks and responsibilities as may be necessary to administer these Procedures.
- 4.2** MSD Employees are responsible for informing MSD of their COVID-19 vaccination status, obtaining a COVID-19 vaccine by the deadlines required by these Procedures, providing records of vaccination(s) to Human Resources, or submitting to weekly COVID-19 testing and providing documentation of test results as required by these Procedures.
- 4.3** Non- MSD Employees are responsible for complying with these Procedures and submitting contractor verifications to HR.

5.0 PROCEDURES

5.1 COVID-19 Vaccination Procedures for MSD Employees

- 5.1.1** MSD employees must submit to the Human Resources Manager or Benefits Administrator acceptable proof of vaccination for COVID-19 as required by the following schedule:
- Employees shall obtain their first Pfizer or Moderna vaccine no later than December 26, 2021 and submit proof of vaccination to Human Resources no later than December 29, 2021
- Employee shall obtain their second Pfizer or Moderna vaccine no later than January 21, 2022 and submit proof of full vaccination to Human Resources no later than February 4, 2022;
- Employees choosing the Johnson & Johnson vaccine must obtain that vaccine no later than January 21, 2022 and submit proof of full vaccination to Human Resources no later than February 4, 2022.
- OR
- Employees must provide weekly COVID-19 test results to Human Resources as required by Section 5.3 with testing starting February 4 – 7, , 2022 and submit their results on February 9, 2022.
- 5.1.2** Fully vaccinated employees who have previously submitted proof of vaccination to Human Resources do not need to re-submit their proof of vaccination.
- 5.1.3** Those employees who are not already fully vaccinated must submit proof of full vaccination in accordance with these Procedures.
- 5.1.4** All individuals starting employment with MSD on or after February 4, 2022 must submit proof of being fully vaccinated to the HR Administrator prior to their first day of employment or, if not fully vaccinated they must comply with the weekly testing requirements.
- 5.1.5** Employees who refuse to become fully vaccinated against COVID-19 or to provide acceptable proof COVID-19 vaccination by the deadlines in Section 5.1.1 will be considered unvaccinated for the purposes of this policy and these Procedures.



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- 5.1.6 Employees who have not submitted acceptable proof of COVID-19 vaccination by February 4, 2022 will be required to use accrued personal and/or vacation time to cover any subsequent absences due to any COVID-19 illness or any required period of quarantine due to exposure.
- 5.1.7 Employees who have been vaccinated but have not submitted acceptable proof of COVID-19 vaccination to HR must submit acceptable proof of vaccination by February 4, 2022 to be considered vaccinated under these Procedures. Employees who submit acceptable proof of vaccination by January 7, 2022, the original date in these Procedures, will be excused for absences occurring January 8, 2022 or later due to COVID-19 illness or any required period of quarantine due to exposure/travel. If employees submit acceptable proof of vaccination by February 4, 2022, absences occurring February 5, 2022 or later due to COVID-19 illness or any required period of quarantine due to exposure/travel will be excused. However, any employee who does not submit acceptable proof of vaccination by February 4, 2022 will be considered unvaccinated under these Procedures and will be required to use accrued personal (for hourly employees only) and/or vacation time to cover any subsequent absences due to any COVID-19 illness or any required period of quarantine due to exposure or travel, and will be required to submit weekly COVID-19 test results as stated in these Procedures.
- 5.1.8 **Payment of Vaccine(s):** Vaccinations must be run through the employee's health insurance (for example, when the vaccination is not being provided free of charge to the public). In those instances, it is the employee's responsibility to provide their health insurance information to the provider. MSD will not reimburse the cost of any vaccinations where the employee failed to submit their health insurance for payment.
- 5.1.9 **Time Off to Obtain a Vaccine(s):** All employees will be paid for time taken to receive COVID-19 vaccinations up to two (2) hours. For offsite vaccinations, employees are to work with their supervisors/managers to schedule appropriate time to comply with this policy. Leave for Operations employees will be scheduled by their supervisor or manager. An employee may take up to two hours of work time per dose to travel to the vaccination site, receive a vaccination, and return to work. If an employee spends less time getting the vaccine, only the necessary amount of duty time will be granted. Employees who take longer than two hours to get the vaccine must send their supervisor an email documenting the reason for the additional time (e.g., they may need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave to cover the additional time. If an employee is vaccinated outside of their approved work time they will not be compensated.

Employees who use work time to receive the vaccination must provide proof of their COVID-19 vaccination to HR before the deadlines in Section 5.1.1 to be vaccinated have expired. Failure to provide acceptable proof of vaccination will result in a change from an excused absence to unexcused absence and may also result in disciplinary action up to and including termination of employment.

5.2 **Booster Vaccine for Fully Vaccinated Employees**

- 5.2.1 Employees who receive the booster vaccine must submit a copy of their updated COVID-19 vaccination card or proof of booster vaccine to HR.




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5.3 Weekly COVID-19 Testing Procedures for Unvaccinated Employees

- 5.3.1 Unvaccinated employees, including those with an approved exemption or employees who do not provide acceptable proof of being fully vaccinated against COVID-19, will be subject to mandatory testing for COVID-19 on an at least a weekly basis. The COVID-19 test and results must be conducted and handled in compliance with all applicable laws.
- 5.3.2 An acceptable Weekly COVID-19 test must be administered or observed weekly by a medical health professional, local health agency or pharmacy. Self-Administered “at home” tests will not be accepted.
- 5.3.3 Negative results must be provided to the MSD Human Resources Manager or Benefits Administrator each week by noon on Wednesday. Test result submitted in paper form must be in a sealed envelope marked “Confidential” and addressed to the HR Manager or Benefits Administrator.
- 5.3.4 Test results may also be submitted electronically via Webcargo email to this address: Angela.Gowdy@louisvillemsd.org. This email is managed by Human Resources with restricted access. MSD cannot assure confidentiality of any documentation submitted in any other electronic manner other than WebCargo.
- 5.3.5 Weekly tests must show a test administration date from the Friday through Monday of the week prior to submitting results.
- 5.3.6 Employees who have received a positive COVID-19 test, or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo this weekly COVID-19 testing for 90 days following the date of their positive test or diagnosis.
- 5.3.7 A Positive Test result must be reported IMMEDIATELY to HR by phone call to HR Manager, HR Employee Relations Administrator, or HR Director.
- 5.3.8 COVID-19 tests performed by anyone other than a medical health professional, local health agency or pharmacy will not be accepted by MSD.
- 5.3.9 The acceptable documents which provide proof of negative COVID-19 test must be legible and list the following information:
- A. Name of the individual tested;
 - B. Date the test was administered;
 - C. The test result; and
 - D. Name of entity who administered or observed the test
- 5.3.10 All COVID documentation will be treated as confidential medical records in accordance with applicable laws. These records will not be included in an employee's personnel file.
- 5.3.11 If an employee does not provide documentation of a COVID-19 test result as required by these Procedures, they will be removed from the workplace until they provide a test result. They will be required to use accrued leave (personal or vacation for hourly employees; vacation for salaried employees). If no accrued leave is available, it will be unpaid. They will also be subject to discipline up to and including termination. Failure to provide documentation of a COVID-19 test result as required by these Procedures on two (2)

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consecutive occasions will be considered job abandonment resulting in voluntary termination of employment.

- 5.3.12 MSD Employees may voluntarily seek weekly testing outside of normal work hours or they may have up to one (1) hour per week of excused leave for testing (Friday – Monday). If testing is sought during work hours, the timesheet should have “emergency pandemic” for the time code and “COVID test” in the notes.” No overtime will be provided for testing.
- 5.3.13 To seek weekly testing during work hours, the employee may use up to one (1) hour of leave each week and must obtain the test during that time. Requests for such time must be approved by the employee’s supervisor or manager (if the immediate supervisor is off work) at least 24 hours in advance. Operations employees will be scheduled. The test results for any employee using work time to have their COVID test must show that the test was administered during the allotted leave time. Any employee submitting results for a COVID-19 test on a different date and/or time from the allotted leave time, will be subject to discipline up to and including termination of employment.
- 5.3.14 Mileage to and from test locations is not a covered expense and will not be paid by MSD. No “heavy” MSD vehicles or MSD pool vehicles may be used for transportation to testing sites.
- 5.3.15 MSD will provide a list of testing sites close to MSD workplaces for employee convenience.
- 5.3.16 Payment of Testing: Testing must be run through the employee’s health insurance (for example, when the testing is not being provided free of charge to the public). In those instances, it is the employee’s responsibility to provide their health insurance information to the provider. MSD will not reimburse the cost of any testing where the employee failed to submit their health insurance for payment.
- 5.3.17 A positive COVID-19 test result in and of itself will not be used as the basis for discipline or discharge unless the employee has not followed proper MSD procedures in notifying MSD of a COVID-19 infection as required by these procedures.
- 5.3.18 Those employees submitting a negative test result will work their prescribed schedule. If an employee has a positive test result, the employee must immediately report it to HR and follow the MSD COVID-19 Guidelines.
- 5.3.19 A violation of this policy, including without limitation the falsification of any information or records submitted under this policy, will be considered a violation of MSD Rules and Policies, subject to discipline up to and including termination.
- 5.4 Reasonable Accommodation for Employees:**
- 5.4.1 Employees seeking an exemption from these Procedures due to a medical reason or because of a sincerely held religious belief must submit a completed Request for Accommodation Form to Human Resources before December 10, 2021 to begin the interactive accommodation process. Reasonable accommodations may be granted unless it causes an undue hardship on MSD or poses a direct threat to the health and safety of others. Employees hired after December 10, 2021 date who need an exemption must submit their request within the first five (5) days of their employment with MSD.



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5.5 Procedures for Non-MSD Employees: Effective February 7, 2022, all consultants, contractors, suppliers, and vendors working at an MSD Facility are required to (1) be fully vaccinated against COVID-19 and submit documentation to that effect to their employer or submit proof of a weekly negative COVID-19 test to their employer; and (2) their employer (person or entity having the contract with MSD) must submit an attestation form to MSD certifying compliance with these Procedures. Any Non-MSD Employee not in compliance with these Procedures will not be permitted to work at any MSD Facility.

5.5.1. Completed attestation forms for consultants, contractors, suppliers, and vendors must be submitted to MSD Human Resources at HumanResources@louisvillemad.org each Wednesday by 5:00 p.m.

5.5.2. Except as provided in Section 2.4 above, contractors, consultants, suppliers and vendors working exclusively outdoors who do not enter any MSD facilities are exempt from this requirement.

5.5.3 Contractors, suppliers, and vendors who only deliver goods and supplies to MSD Facilities and unload them, are exempt from this requirement.

5.5.4 Mail, shipping, and delivery service providers such as the United States Postal Service, UPS, FedEx, etc., whose employees only deliver and/or pick up items, are exempt from MSD's Mandatory Vaccination and Medical Testing Policy and the Mandatory Vaccination and COVID-19 Testing Procedures.

5.6 Facial Coverings for MSD Employees and Non-MSD Employees: MSD will follow Kentucky Department of Public Health, Kentucky Regulations, CDC, and/or other regulations or requirements regarding the continued use of face coverings, social distancing, travel restrictions, and/or other restrictions as long as they are in effect.

5.7 PENALTIES

5.7.1 An employee who does not comply with these Procedures will be subject to disciplinary action up to and including termination of employment.

5.7.2 Falsifying a vaccination card or COVID -19 test result will result in disciplinary action up to and including termination of employment.

5.7.3 A consultant, contractor, subcontractor, supplier or vendor who fails to follow these procedures may be assessed a penalty up to 5% of the value of the contract/agreement. MSD may consider mitigating circumstances to reduce the penalty.

5.7.4 Falsifying a vaccination card is a Federal crime.

6.0 RELATED DOCUMENTS

List any related documentation that must be cross-referenced to provide relevant information or additional instructions to follow or complete these procedures. Do not provide explanatory text in this section; only a list of titles. Some examples include the following:

6.1 Policies

6.2 Work Instructions



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6.3 Processing forms

6.4 Other policies, guidelines, manuals

6.5 18 U.S.C. 1001; 42 U.S.C. 1320b-10

6.6 Contracts

6.7 Templates

6.8 Reasonable Accommodation Forms

6.9 Attestation forms for consultants, contractors, suppliers, vendors

7.0 ADDITIONAL CONTACTS

7.1 If you have any questions about these procedures, contact the individual(s) responsible for the specific subject matter as listed below.

SUBJECT MATTER	DIVISION	DEPARTMENT	CONTACT
Procedure Clarification and Interpretation	Human Resources		HR Director
Proof of Vaccination, COVID Testing, Exemption Forms	Human Resources		HR Manager / Benefits Administrator
Positive COVID Results, Time off Work Due to COVID	Human Resources		HR Manager / Employee Relations Administrator/Benefits Administrator

8.0 LOCATION

8.1 The original signed procedures are on file with the MSD Secretary.


8.2 These Procedures and Related Documents shall be posted on MSD's Intranet website.

9.0 TRAINING

9.1 The MSD Human Resources Director through the Training Department will be responsible for the necessary training of the Personnel Policies. The Human Resources Director has the discretion to determine the frequency of training, personnel responsibility for conducting the training and employees whom must attend the training sessions. The MSD Human Resources Director shall follow the documentation requirements for training set forth in the Policy Development Policy.

10.0 REVIEW CYCLE

10.1 These procedures shall be reviewed every three (3) years.

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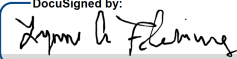
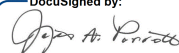
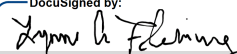
11.0 AUDIT

11.1 The provisions of these procedures and Related Documents are subject to audit by MSD's Internal Audit Department, as well as external, regulatory, and contract auditors.

12.0 HISTORY

ORIGINATION DATE	
11/22/2021	Original Procedures
REVIEW / REVISION DATE	SUMMARY OF REVISIONS
12/29/2021	Updated to reflect new return to work date (February 7, 2022) and deadline for proof of vaccination, February 4, 2022

13.0 APPROVAL

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Lynne A. Fleming, Procedure Owner	Date
DocuSigned by:  <small>95A3017B21434F6...</small>	12/29/2021
James A. Parrott, Chair, Policy Review Committee	Date
DocuSigned by:  <small>3F58803EBA85433...</small>	12/29/2021
Lynne A. Fleming, Division Director	Date

DISCLAIMER: MSD reserves the right to review and update these procedures as deemed necessary, at any time, with or without notice.