

COVID-19 Vaccine, Testing and Face Covering Policy

Background and Purpose:

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. Allegany College of Maryland encourages all employees to receive a COVID-19 vaccination and booster to protect themselves and other employees. However, should an employee choose not to be vaccinated, this policy's sections on testing will apply. Allegany College of Maryland will require face coverings for both vaccinated and unvaccinated employees. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

Policy:

I. Scope of the Policy

This COVID-19 Policy on vaccination, testing, and face covering use applies to all employees of Allegany College of Maryland, except for employees who work exclusively from home or employees who work exclusively outdoors.

Employees who work exclusively from home are not required to vaccinate or test. However, if the remote employee is required to work in any ACM work location or ACM job function outside of their home for any reason, they will be required to follow the vaccination, testing and face covering requirements of this policy.

Employees are considered exclusively outdoors only if they never enter an ACM building, property, or location. Therefore, any ACM employee who works outside but enters an ACM property or location for meetings, restroom facility, access lunchrooms or for any reason, are not exempt from the vaccination, testing and face covering requirements of this policy.

Any employee who enters an ACM property or building, regardless of work schedule where other employees may or may not be present, are not exempt from the vaccination, testing and face covering requirements of this policy.

All employees are encouraged to be [fully vaccinated](#), as defined by the Centers for Disease Control and Prevention (CDC) or comparable public health authority. Visit [CDC.gov](https://www.cdc.gov) for the definition of fully vaccinated.

Some employees may be required to have or obtain a COVID-19 vaccination as a term and condition of employment at Allegany College of Maryland, due to their specific job duties (e.g., external clinic site requirements). Employees subject to mandatory vaccination requirements should follow all relevant vaccination procedures in this policy and are not given the choice of testing in lieu of vaccination.

II. Policy

All employees are required to report their vaccination status and, if vaccinated, provide proof of vaccination by January 10, 2022 or thereafter. Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if not fully vaccinated, their testing results. Employees who are not fully vaccinated will be required to provide proof of weekly COVID-19 testing beginning no later than February 9, 2022. All employees are required to wear face coverings while indoors and in the presence of other employees. Employees not in compliance with this policy will be subject to discipline in accordance with policy 03.07.009.

Employees may request an exception from vaccination requirements (if applicable) if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. In accordance with the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964, employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for reasonable accommodation and exceptions must be initiated by submitting the appropriate form to the Human Resources office. Forms can be found in the HR office or online at HR [SharePoint](#). All such requests will be handled in accordance with applicable laws and regulations and in accordance with policy 03.01.005 and 03.01.001.

III. Procedures

Vaccination

Any Allegany College of Maryland employee that chooses to or is required to be vaccinated against COVID-19 must be **fully vaccinated** no later than February 9, 2022. Any employee not fully vaccinated by February 9, 2022, will be subject to regular testing requirements of the policy.

An employee is considered fully vaccinated by February 9, 2022, if they meet the definition of [fully vaccinated](#) as defined by the CDC.

Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine as defined by the CDC. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine primary series, or it is within the 2-week period after the final or single dose.

Employees may receive their vaccinations free of charge. To find a vaccination site or schedule an appointment visit [vaccines.gov](#), text your zip code to 438829, call 1-800-232-0233, or contact your state or local health department. Additionally, pharmacies, medical providers, and urgent care clinics offer vaccines.

Testing

All employees who are not fully vaccinated as of February 9, 2022 will be required to undergo regular COVID-19 testing. Policies and procedures for testing are described in the relevant section of this policy.

Vaccinated Employees

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted to the secured portal at [NMWC Portal](#) or by completing a paper form with an accompanying copy of the vaccination card to the HR Office.

Acceptable proof of vaccination status is:

1. The record of immunization from a health care provider or pharmacy;
2. A copy of the COVID-19 Vaccination Record Card;
3. A copy of medical records documenting the vaccination;
4. A copy of immunization records from a public health, state, or tribal immunization information system; or
5. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).

Proof of vaccination generally should include the employee's name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances Allegany College of Maryland will still accept the state immunization record as acceptable proof of vaccination.

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee must provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; state the attempts made to obtain proof of vaccination, and include the following language:

"I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to ACM disciplinary action and/or criminal penalties, Pursuant to Title 29 U.S.C. Section 666 and Section 17 of the OSH Act of 1970."

An employee who attests to their vaccination status in this way should to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine.

All Employees

All employees, both vaccinated and unvaccinated, must inform Allegany College of Maryland of their vaccination status. Vaccination status, if not already provided to ACM, will be completed by submitting vaccination status to the HR office. Procedures for submitting vaccination status will be communicated by the HR office and will be available in varying formats for employees. Employees who fail to provide vaccination status, if not already provided, will be considered "unvaccinated" and will be subject to the required testing requirement of this policy.

Choosing COVID-19 Vaccination

An employee may take up to four hours of duty time per dose to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of duty time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of duty time will be granted. Employees who take longer than four hours to get the vaccine must notify their supervisor for 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, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated.

Additionally, an employee may take up to four hours of duty time to travel to a vaccination site for a booster, receive a booster, and return to work. This would mean a maximum of four hours of duty time for employees receiving a booster. If an employee spends less time getting the booster, only the necessary amount of duty time will be granted. Employees who take longer than four hours to get the booster must notify their supervisor for the reason for the additional time (e.g., they may need to travel long distances to get the booster). 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, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated.

Employees may utilize up to two workdays of sick leave immediately following each dose or booster if they have side effects from the COVID-19 vaccination or booster that prevents them from working. Employees who have no sick leave will be granted up to two days of additional sick leave immediately following each dose or the booster if necessary.

The employee shall request from their supervisor the date and time needed to receive a vaccination or booster during scheduled work hours. The employee shall subsequently notify the supervisor if they will need additional time off due to side-effects from the vaccination or booster.

Employee Notification of COVID-19 and Removal from the Workplace

Allegany College of Maryland requires employees to promptly notify a COVID Case Manager when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider. Employees must also notify a COVID Case Manager if they are experiencing symptoms or have been exposed to a positive COVID-19 individual. Employees who have received a positive test for COVID-19, are experiencing symptoms, or have been exposed to someone with COVID-19 are not permitted on any ACM property or location until cleared by a COVID Case Manager or authorized ACM COVID official.

Employees must send an email to covidreports@allegany.edu or call 301-784-5061 to report. Employees must also notify their supervisor that they will not be reporting to work. Employees may use accrued Sick and Safe Leave (policy 03.06.001) if available or accrued annual leave (03.06.003). Positions that have been approved for telework may request from their supervisor the

option to telework during isolation or quarantine if health permits. Otherwise, an employee with no available leave will be placed on an unpaid leave status.

Additionally, Allegany College of Maryland provides leave according to the Family and Medical Leave Act of 1993 (“FMLA”), in accordance with policy 03.06.007.

Medical Removal from the Workplace

Allegany College of Maryland has also implemented a policy for keeping COVID-19 positive employees out of the workplace. Allegany College of Maryland will immediately remove an employee out of the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate). ACM may also remove individuals who have symptoms or have been exposed to a positive COVID-19 individual, in accordance with ACM’s COVID-19 processes and procedures.

Return to Work Criteria

For any employee removed because they are COVID-19 positive, Allegany College of Maryland will keep them removed from the workplace until the employee:

1. Receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing; **or**
2. meets the return to work criteria in CDC’s “Isolation Guidance” or meets the return to work criteria in Allegany College of Maryland’s policy on isolation if they vary; **or**
3. receives a recommendation to return to work from a licensed healthcare provider; **AND**
4. receives authorization to return from an authorized Allegany College of Maryland COVID Official.

If an employee has severe COVID-19 or an immune disease, Allegany College of Maryland will follow the guidance of a licensed healthcare provider regarding return to work.

Employees are required to communicate with their supervisor and the appropriate Allegany College of Maryland COVID official during their isolation or quarantine period. The employee shall not return to the workplace until authorized by an Allegany College of Maryland COVID Official.

COVID-19 Testing

All employees who are not fully vaccinated will be required to comply with this policy for testing. Testing requirements are based on seven calendar days, not seven business days or work days.

Employees who report to the workplace at least once every seven days:

- (A) must be tested for COVID-19 at least once every seven days; and

(B) must provide documentation of the most recent COVID-19 test result to the secure site at [NMWC Portal](#) no later than the seventh day following the date on which the employee last provided a test result.

Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

(A) must be tested for COVID-19 within seven days prior to returning to the workplace; and

(B) must provide documentation of that test result to [NMWC Portal](#) before returning to the workplace.

If an employee does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result. Employees who fail to comply with the testing requirement will be required to use accrued annual leave until the testing requirement is fulfilled. If no annual leave is available, the employee will be placed on unpaid leave status, not to exceed 10 business days, at which time, the employee will be disciplined, up to and including termination (policy 03.07.009).

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 COVID-19 testing for 90 days following the date of their positive test or diagnosis.

Testing Locations

Allegany College of Maryland will provide on-campus testing sites at designated locations and times, at no cost to the employee. Employees may test during their scheduled work hours, coordinating time away from their work location with their supervisor.

When designated on-campus testing sites and times are not easily accessible to the employee, the employee may choose to test at a free testing site closest to their work location and/or home. Employees are permitted to use one hour of paid leave per week to obtain the test. Time away from the employee's work location must be approved and authorized by the supervisor prior to the employee's absence from their work location. An employee may take up to one hour of duty time to travel to the testing site, receive a test, and return to work. If an employee spends less time getting the test, only the necessary amount of duty time will be granted. Employees who take longer than one hour to get the test must notify their supervisor for the reason for the additional time (e.g., they may need to travel long distances to get the test, long test lines).

Employees who choose to test at sites other than those which offer free testing will be responsible for the cost of the test and the laboratory fees resulting from the test.

Test Requirements

A "COVID-19 test" means a test for SARS-CoV-2 that is: (1) Cleared, approved or authorized, including an Emergency Use Authorization (EAU), by the US Food and Drug Administration (FDA) *to detect current infection with the SARS-CoV-2 virus*; (2) administered in accordance with the authorized instructions; and (3) not both self-administered and self-read unless observed by the employer or an authorized telehealth proctor. Diagnostic tests are acceptable if they meet the

requirements listed above. Antibody tests do not meet the definition of “COVID-19 test” and will not be accepted.

Face Coverings

Allegany College of Maryland will require all employees to wear a face covering. Face coverings must: (i) completely cover the nose and mouth; (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source); (iii) be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers; (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings. Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker’s mouth or facial expressions to understand speech or sign language respectively.

All employees must wear face coverings over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes. Policies and procedures for face coverings will be implemented, along with the other provisions required by OSHA’s COVID-19 Vaccination and Testing ETS, as part of a multi-layered infection control approach for workers.

The following are exceptions to Allegany College of Maryland’s requirements for face coverings:

1. When an employee is alone in a room with floor to ceiling walls and a closed door.
2. For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.
3. When an employee is wearing a respirator or facemask.
4. Where Allegany College of Maryland has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee’s mouth for reasons related to their job duties, when the work requires the use of the employee’s uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).

New Hires

All new employees are required to comply with the vaccination, testing, and face covering requirements outlined in this policy as soon as practicable and as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment.

New employees must provide a copy of vaccination status two business days prior to their first day of reporting to their work location or they must submit a negative test two business days prior to their first day of reporting to their work location.

Confidentiality and Privacy

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

Administration of Policy

Please direct any questions regarding this policy to the Human Resources Office.

Changes

Substantive changes to this policy require approval by the Board of Trustees; editorial changes, title/position changes, and/or changes to its implementation procedures may be made as required by federal or state mandate and/or institutional need with timely notice to employees.

Changes to this policy can occur with timely notice to employees due to updates from OSHA Emergency Temporary Standard or by the Centers for Disease and Control and Prevention, for definitions of, but not limited to, fully vaccinated, approved face coverings, or approved, certified, or authorized FDA COVID-19 tests.