

COVID19 VACCINATION VERIFICATION POLICY FOR EXECUTIVE DEPARTMENT AGENCIES

Issued by the Human Resources Division
Commonwealth of Massachusetts
October 15, 2021

I. INTRODUCTION

Executive Order 595 requires employees of Executive Department agencies to provide documentation that they have received COVID-19 vaccination in order to prevent viral infection and transmission. The Human Resources Division (HRD) has been charged with issuing a policy that will apply to all employees of Executive Department agencies.

II. DEFINITIONS

COVID-19: Coronavirus Disease 2019, the disease caused by the SARS-CoV-2 virus.

COVID-19 Vaccination: The full required regimen of vaccine doses of a vaccine authorized or approved for use by the Food and Drug Administration (FDA) or the World Health Organization (WHO) to provide acquired immunity against COVID-19. COVID-19 vaccination is the full required regimen as determined by the Centers for Disease Control or Prevention (CDC) and adopted by the Department of Public Health as the standard applicable to Executive Order 595 and this Covid19 Vaccination Verification Policy.

Employee: Any person who performs services for a Commonwealth Executive Department Agency for wage, remuneration, or other compensation, including full-time, part-time, seasonal, intermittent, temporary, post-retiree and contract employees, and interns.

- Agencies may request vaccination documentation from unpaid volunteers.

III. GENERAL PROVISIONS

It is the Executive Department policy that all employees demonstrate that they have received COVID-19 vaccination by October 17, 2021. Applicants who have been or are extended an offer of employment before September 12, 2021 must demonstrate that they have received COVID-19 vaccination by October 17, 2021. For any offer extended on or after September 12, 2021, employment will be conditional upon an applicant's demonstration that they have received COVID-19 vaccination.

Employees shall thereafter be required to demonstrate that they continue to maintain COVID-19 vaccinations in accordance with the CDC definition of fully vaccinated and as adopted by the Massachusetts Department of Public Health.

Limited exemptions to this policy are addressed in Section IV.

IV. PROCEDURES AND INSTRUCTIONS

1. All employees are required to follow required procedures to provide acceptable documentation that they have received COVID-19 vaccination prior to October 17, 2021. Employees are required to follow required procedures to demonstrate at appropriate intervals that they continue to maintain COVID-19 vaccinations as recommended or determined by the CDC that boosters are a necessary component of a full required regimen for COVID-19 Vaccination and as adopted by the Department of Public Health.
2. Acceptable documentation shall include:

Employee self-attestation, which shall consist of:

- a. A sworn statement that the employee received the COVID-19 vaccination and/or booster, and
 - b. Employee authorization for verification through the Massachusetts Immunization Information System (MIIS) system, and
 - c. Employee agreement to provide an acceptable record of vaccination if verification cannot be achieved through MIIS; or
 - d. A sworn statement that the employee has been approved by their agency for an exemption.
3. HRD will develop procedures and develop a system for employees to submit their self-attestation with information required in paragraph 2.
 4. All documentation related to an employee's COVID-19 vaccinations will be maintained confidentially by HRD and will be held separate from an employee's personnel file.
 5. Employees may use their sick leave or the Massachusetts Emergency Paid Sick Leave for leave from work to obtain COVID-19 vaccination.
 6. Employees may be approved for exemption from the requirement to provide documentation confirming COVID-19 vaccination under the following circumstances:
 - a. Employees who verify and document that the vaccine is medically contraindicated, which means administration of the COVID-19 vaccine to that individual would likely be detrimental to the individual's health, provided any such employee is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the agency. Documentation must be provided from an employee's medical/health care provider to support the request.
 - b. Employees who object to vaccination due to a sincerely held religious belief, provided that any such employee is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the agency.

7. Employees who telework will be required to provide documentation of COVID-19 vaccination in accordance with this policy.
8. Employees on a full-time continuous leave on the effective date of this policy that extends beyond October 17, 2021, are required to provide documentation prior to their return to work.
 - a. Employees who fail to provide documentation at the conclusion of their approved leave period will be placed on an unauthorized leave status until documentation is received and will otherwise be subject paragraph 9.
9. Employees who fail to comply with this policy and are not otherwise subject to paragraph 6 or on an approved full-time continuous leave will be subject to progressive discipline, up to and including termination.
10. Any employee who submits false documentation or otherwise misrepresents their vaccination status will be terminated from employment.

V. ROLES AND RESPONSIBILITIES

HRD:

- Issue and maintain a current COVID-19 verification policy.
- Provide an IT solution and procedures for employees to provide a self-attestation.
- Establish a procedure for employees who cannot use the self-attestation system to submit documentation.
- Distribute policy and related guidance to Executive Department employees.
- Communicate to all employees any new or revised compliance procedures.
- Ensure that job postings and hiring guidelines include the COVID-19 verification policy requirements.
- Maintain all COVID-19 documentation in confidential files or databases, separate from employee personnel records.
- Through the Office of Diversity and Equal Opportunity (ODEO) provide guidance and support of the reasonable accommodation process.
- Oversee any audit process, manage enforcement of policy with audit results.
- Review Agency approved exemptions.

Secretariat\Secretariat HR or Agencies\Agency HR:

- Ensure policy distribution and related guidance for employees without access to email.
- Refer request for reasonable accommodation requests to Agency ADA Coordinators or Diversity Officers\Directors.
 - Agency ADA\Coordinators or Diversity Officers\Director will accept requests for reasonable accommodations to this policy and engage in the interactive process and issue timely approvals or denials of accommodation requests.
- Notify any employee on a continuous leave of the policy requirement.
- Ensure employees have completed self-attestation or reasonable accommodation process.
- Institute discipline for policy non-compliance or fraud.
- Report monthly to HRD all approved policy exemptions.

Employees:

- Submit acceptable documentation of COVID-19 vaccine or booster doses in accordance with this policy and related procedures.

VI. RELATED POLICIES OR RESOURCES

Executive Order 595

VII. DOCUMENT HISTORY

Date Issued	Action	Effective Date <i>(Version Change)</i>	Next Review Date
10/15/21	Original policy issued	10/15/21	10/15/2022