



## **Mandatory Weekly COVID-19 Testing Program Policy**

### **I. Purpose**

In accordance with City of Hampton's duty to provide and maintain a workplace that is free of known hazards, we are adopting this policy to safeguard the health of our employees and their families, our customers and visitors, and the community at large from COVID-19. This policy complies with all applicable laws and is based on guidance from the Center for Disease Control (CDC) and Prevention, the Virginia Department of Public Health, the Department of Labor and Industry, the local health department and all applicable state and local health orders.

### **II. Policy**

All permanent full-time (PFT), permanent part-time (PPT), when actually employed (WAE) employees and volunteers are required to participate in mandatory weekly COVID-19 testing.

### **III. Exemptions**

Employees who provide proof that they are fully vaccinated (two weeks after receiving the second dose of the Moderna or Pfizer COVID-19 vaccine or two weeks after receiving a single dose of the Johnson & Johnson COVID-19 vaccine) are exempt from the mandatory weekly testing. Employees who have an approved medical or religious exemption from the Department of Human Resources are also exempt from the mandatory weekly testing.

### **IV. Procedures**

#### **A. COVID-19 Certification of Testing Status**

All employees and volunteers are required to complete the COVID-19 Certification of Testing Status form by accessing the following link on [Employee Connection](https://hampton.jotform.com/212585198372060): <https://hampton.jotform.com/212585198372060>. Employees must select one of the options:

1. Fully vaccinated
2. Not yet fully vaccinated
3. Not vaccinated
4. Requesting a medical or religious exemption
5. Decline to answer

Employees who select option 1 or option 2 are required to upload proof of vaccination. Employees can show proof any one of three different ways:

- COVID-19 Vaccination Record Card
- Pharmacy or doctor's office record of vaccination
- State issued immunization record

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If an employee has misplaced their card, they may access the Virginia Department of Health (VDH) Vaccine Portal through the following link: <https://vase.vdh.virginia.gov/vacapps/f?p=545:1>. If an employee was vaccinated outside of the state of Virginia, the employee should contact that state's Department of Health for information on how to get their immunization record.

### **B. COVID-19 Mandatory Weekly Testing**

Beginning on October 11, 2021, those employees who are (i) not yet fully vaccinated or (ii) employees that do not want to share their vaccination status are required to participate in mandatory weekly COVID-19 testing. All testing should be conducted and results uploaded each administrative work week between Saturday 12:01 a.m. and Wednesday 8:00 a.m. Departments may designate for their employees a 24-hour window for testing within that time period. Public safety employees whose schedules are based on a work period must still test weekly based on the administrative work week.

Departments will receive a list each week of employees who are required to participate in the mandatory weekly testing program and will distribute initial testing kits which include:

1. COVID-19 Rapid Test Kit
2. COVID-19 Blue Test kit holder – DO NOT THROW AWAY – NEED WEEKLY
3. COVID-19 Rapid Test Directions
4. Instruction for Employees – Positive Antigen Results
5. City of Hampton COVID-19 PCR Test Authorization Form

Each week thereafter, ONLY a COVID-19 Rapid Test Kit will be provided. The tests are self-administered by the employee which will allow employees to test at home or other private location.

Once the employee receives their test results, they must take a photograph of the results and upload them to a secure HIPAA compliant portal. The link for the COVID-19 Mandatory Weekly Testing Portal is <https://hampton.jotform.com/212776066120047> and is located on Employee Connection. Employees must enter their name, employee identification number, department number and phone number. Employees who do not have access to a camera may bring their negative test to work and submit the results at the computer or tablet designated at their work location. Employees should inform their supervisor of this need when they receive their Rapid Test Kit.

Employees with a positive test result should upload their result in the portal, notify their supervisor and do not report to work. Each Rapid Test Kit contains Instruction for Employees – Positive Antigen Results handout which provides additional information and can also be found on [Employee Connection](#).

A positive test result will result in the employee being quarantined in accordance to the Center of Disease Control (CDC) and Virginia Health Department guidelines and the Department of Labor and Industry Standard (DOLI).

The employee will be required to meet the return to work provisions of the DOLI's Final Permanent Standard for Infectious Disease Prevention of the SARs Virus before the employee will be permitted to return to work.

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### **V. New Hires**

The COVID-19 Testing policy will be reviewed with all newly hired employees at the time of orientation and new employees will be required to complete the COVID-19 Certification of Testing Status form prior to the start of the next administrative work week following their orientation.

### **VI. Medical and Religious Exemptions**

Employees may request an exemption from this policy due to a medical reason, or because of a sincerely held religious belief. The Human Resources Department will engage in an interactive process to determine if a reasonable accommodation can be provided. Accommodations are normally approved so long as it or they do not create an undue hardship for the City of Hampton and/or does not pose a direct threat to the health or safety of others in the workplace and/or to the employee.

To request an exemption for one of the above reasons, please complete the appropriate request for exemption form located on [Employee Connection](#). Once an employee submits the required form, the Department of Human Resources will review and is aware of the request, Human Resources will review the request and accompanying documentation, seek additional clarification if needed, and engage in an interactive process with the employee to identify possible accommodations. If a medical exemption is denied, the employee may grieve the decision in accordance to the grievance process as defined in the Americans with Disabilities Act and Reasonable Accommodation Policy. Direct any questions regarding this policy to the Department of Human Resources.

### **VII. Policy Modification**

Government and public health guidelines and restrictions and business and industry best practices regarding COVID19 and COVID-19 vaccines are changing rapidly as new information becomes available, further research is conducted, and additional vaccines are approved and distributed. The City of Hampton reserves the right to modify this policy at any time in its sole discretion to adapt to changing circumstances and business needs, consistent with its commitment to maintaining a safe and healthy workplace.

### **VIII. Non-Compliance**

Employees who fail to comply with the mandatory weekly COVID-19 Testing Program will be subject to disciplinary action in accordance with the following:

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A. Disciplinary Matrix

Occurrence	Action
<p><b>Non-Compliance with Certification Requirements:</b></p>	<ol style="list-style-type: none"> <li>1. Employee is directed to not report to work or sent home and placed on unpaid administrative leave if the employee has not complied with certification requirements by Wednesday, November 10, 2021 at 8:00 am or for new hires, by the end of the administrative work week in which they begin employment.</li> <li>2. Employee is immediately issued a notice of intent to suspend two (2) days if non-exempt, five (5) days if exempt, for a Level Two Offense: <i>“Failure to observe safety practices”</i>, and a Level One Offense: <i>“Continued failure to comply with special rules or instructions established by Department Head or manager/supervisor.”</i> Employee is placed on unpaid administrative leave during the notice period.</li> <li>3. Employee must comply with certification requirements in order to return to work and will remain in an unpaid administrative leave status until compliance is reached.</li> <li>4. Further non-compliance following the suspension period can result in further discipline up to and including dismissal.</li> </ol>
<p><b>1<sup>st</sup> Incident of Non-Compliance:</b></p>	<ol style="list-style-type: none"> <li>1. Employee is directed to not report to work or sent home and placed in a leave status using accrued annual leave or if no annual leave, unpaid administrative leave.</li> <li>2. Employee must comply with program requirements prior to the next work day in order to return to work.</li> <li>3. Within 2 business days of non-compliance, employee will receive a verbal warning for a Level One Offense: <i>“Failure to comply with special rules or instructions established by Department Head or manager/supervisor.”</i></li> </ol>
<p><b>2<sup>nd</sup> Incident of Non-Compliance</b></p> <p><b>OR</b></p> <p><b>Failure to Comply Prior to the Next Work Day:</b></p>	<ol style="list-style-type: none"> <li>1. Employee is directed to not report to work or sent home and placed in a leave status using accrued annual leave or if no annual leave, unpaid administrative leave.</li> <li>2. Employee must comply with program requirements prior to the next work day in order to return to work.</li> <li>3. Within 2 business days employee will receive a written reprimand for a Level One Offense: <i>“Continued failure to comply with special rules or instructions established by Department Head or manager/supervisor.”</i></li> </ol>

<p style="text-align: center;"><b>3<sup>rd</sup></b> <b>Incident of Non-Compliance</b></p> <p style="text-align: center;"><b>OR</b></p> <p style="text-align: center;"><b>Failure to Comply Prior to the Next Work Day:</b></p>	<ol style="list-style-type: none"> <li>1. Employee is directed to not report to work or sent home and placed in a leave status using accrued annual leave or if no annual leave, unpaid administrative leave.</li> <li>2. Employee must comply with program requirements prior to the next work day in order to return to work.</li> <li>3. Within 2 business days employee will receive a notice of intent to suspend for two (2) days if non-exempt, five (5) days if exempt, for a Level Two Offense: <i>“Failure to observe safety practices”</i>, and a Level One Offense: <i>“Continued failure to comply with special rules or instructions established by Department Head or manager/supervisor.”</i></li> </ol>
<p style="text-align: center;"><b>4<sup>th</sup></b> <b>Incident of Non-Compliance</b></p> <p style="text-align: center;"><b>Or</b></p> <p style="text-align: center;"><b>Failure to comply Prior to the Next Work Day:</b></p>	<ol style="list-style-type: none"> <li>1. Employee is directed to not report to work or sent home and placed in a leave status using accrued annual leave or if no annual leave, unpaid administrative leave.</li> <li>2. Within 2 business days employee will receive a notice of intent to dismiss for a Level Three Offense: <i>“Insubordinate defiance of authority; refusal to comply with proper orders; failure to carry out a reasonable job assignment or job directive from a manager or supervisor”</i>, a Level Two Offense: <i>“Failure to observe safety practices”</i>, and a Level One Offense: <i>“Continued failure to comply with special rules or instructions established by Department Head or manager/supervisor.”</i></li> </ol>

B. Incidents of non-compliance include but are not limited to:

- a. Failure to provide proof of vaccination if certified as fully vaccinated.
- b. Failure to complete testing by the designated deadline.
- c. Failure to provide supporting documentation when requested, if seeking an exemption/accommodation from/for testing.

C. Employees must resolve the issue of non-compliance before being allowed to return to work.

D. Employees who fail to complete testing by the designated deadline are required to present their results in person to their supervisor or a member of management before being allowed to return to work.

E. Falsification, misrepresentation, or alteration of City documents, testing results or other information is a Level Three Offense resulting in dismissal or suspension with one year disciplinary probation.

F. Department Heads are required to provide an update on non-compliance and/or corrective/disciplinary action to Human Resources by 5pm on each Thursday.

## **IX. Non-Retaliation**

The City of Hampton prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting a violation of this policy or any other health and safety concern. Employees have the right to report work-related injuries and illnesses, as well as, good faith health and safety concerns. The City of Hampton will not discharge or discriminate or otherwise retaliate against employees for reporting any injury, illness, or concern.