

BOROUGH OF RIVER EDGE
RESOLUTION #22-78

Amend Mandatory COVID-19 Vaccination Policy

BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge, County of Bergen, that the policy regarding mandatory COVID-19 vaccinations adopted via Resolution #21-360 on January 3, 2022 is hereby amended.

BE IT FURTHER RESOLVED, that a copy of this resolution and the revised policy be distributed to all departments for dissemination to all Borough employees and posted on the bulletin board in the lobby of Borough Hall.

January 24, 2022

| | Motion | Second | Yes | No | Abstain | Absent |
|----------------|--------|--------|-----|----|---------|--------|
| Busteed | | | X | | | |
| Chinigo | | X | X | | | |
| Kaufman | X | | X | | | |
| Kinsella | | | X | | | |
| Malellari | | | X | | | |
| Montisano-Koen | | | X | | | |
| Mayor Papaleo | | | | | | |

I hereby certify that this resolution, consisting of 1 page(s), was adopted at a meeting of the Mayor and Council of the Borough of River Edge, held on this 24th day of January, 2022.



Anne Dodd, Borough Clerk

Borough of River Edge’s Mandatory COVID-19 Vaccination Policy for All Employees

1. PURPOSE

The Borough of River Edge (the “Borough”) is obligated by State and Federal law to provide a safe and healthy workplace that is free from recognized hazards that endanger the health, safety and welfare of its employees. With respect to the ongoing COVID-19 pandemic, the Borough must implement policies consistent with current COVID-19 public health guidance and legal requirements to protect its employees and members of the public. The U.S. Centers for Disease Control and Prevention (“CDC”) has reported that new variants of COVID-19 have been identified in the United States, and that certain variants are more transmissible than previous strains. Additional steps are necessary to ensure individuals are protected against the spread of COVID-19 while sustaining the level of municipal services to members of the public who depend on the Borough to deliver such services. 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. The Borough has adopted this Policy on mandatory vaccination to safeguard the health of our employees from the hazard of COVID-19. This Policy, which is based on State and Federal public health guidance, is intended to protect against the continued and unnecessary spread of COVID-19. This Policy complies with the U.S. Occupational Safety and Health Administration’s (“OSHA”) Emergency Temporary Standard on Vaccination and Testing. See 29 CFR 1910.501.

2. GENERAL INFORMATION

The New Jersey Department of Health (“NJDOH”), CDC and the U.S. Equal Employment Opportunity Commission (“EEOC”) have issued guidance that the Borough is relying upon to develop and modify workplace operations to protect the health and safety of all Borough employees and members of the public during the ongoing COVID-19 pandemic.

According to NJDOH and CDC, COVID-19 continues to pose a risk to our community, especially to individuals who are not fully vaccinated, and certain health and safety measures are necessary to prevent the continued spread of COVID-19.

In May 2021, Governor Murphy issued Executive Order No. 242 and Executive Order No. 243, which require employers to take specific measures to protect employees from COVID-19, including enforcing masking and quarantine requirements for employees who are unvaccinated or for whom the employer does not have documentation verifying they are fully vaccinated. Unvaccinated employees pose a greater risk of contracting and spreading COVID-19 in the workplace and to members of the public who depend on Borough services.

The State of New Jersey has expanded COVID-19 vaccine eligibility to all individuals age 5 and over who live, work and study in New Jersey.¹ In addition, NJDOH² and CDC³

¹ <https://covid19.nj.gov/pages/vaccine>.

² https://www.state.nj.us/health/cd/documents/topics/NCOV/Public_FAQ.pdf.

³ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/your-vaccination.html>.

recommend that all eligible individuals become “fully vaccinated” against COVID-19, which means completing primary vaccination with a COVID-19 vaccine:

- 2 weeks after second dose in a two-dose vaccine series (e.g., Pfizer or Moderna);
or
- 2 weeks after a single-dose vaccine (e.g., Johnson & Johnson/Janssen).

Pursuant to EEOC guidance, employers may require employees to be fully vaccinated against COVID-19, with limited exceptions, and may require employees to provide proof of vaccination.⁴

Additionally, in August 2021, Governor Murphy issued Executive Order No. 252 and Executive Order No. 253, instituting vaccination and testing requirements for all persons working in Health Care Facilities, High-Risk Congregate Settings, all teaching personnel and State Workers to help prevent outbreaks and reduce transmission.

3. SCOPE

This Mandatory COVID-19 Vaccination Policy applies to all employees of the Borough of River Edge, including but not limited to full-time, part-time and seasonal employees.⁵

4. PROCEDURES AND REQUIREMENTS

All Borough employees must report their vaccination status and/or provide proof that they are fully vaccinated against COVID-19 to Lissette Aportela, Borough Administrator, **no later than March 1, 2022.**

Employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine, with, if applicable, at least the minimum recommended interval between doses. An employee will not be considered fully vaccinated if they have received only one dose of a two-dose COVID-19 vaccine.

All employees covered by this Policy are required to be fully vaccinated against COVID-19 as a term and condition of employment at the Borough of River Edge. Employees must provide truthful and accurate information about their COVID-19 vaccination status. Employees not in compliance with this Policy will be subject to termination.

Employees may be entitled to an accommodation to this mandatory vaccination Policy if the employee:

⁴ <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeolaws#K>.

⁵ The Borough reserves the right to exclude employees from this Policy who do not report to a workplace where other individuals (e.g., coworkers or customers) are present; work exclusively from home; or work exclusively outdoors. See 29 CFR 1910.501(b)(3).

- a. Has a disability or pre-existing health condition that precludes them from getting a COVID-19 vaccine (e.g., the COVID-19 is medically contraindicated for the employee or medical necessity requires a delay in vaccination); or
- b. Has been specifically advised by their doctor not to get the COVID-19 vaccine while pregnant or breastfeeding; or
- c. Has a sincerely held religious belief, practice, or observance that precludes the employee from getting a COVID-19 vaccine.

Employees must request an accommodation in writing as soon as possible. Please contact the Borough Administrator at laportela@riveredgenj.org no later than January 31, 2022, to request or inquire about an accommodation.

The Borough will consider requests for an accommodation on an individualized, case-by-case basis. The Borough reserves right to request supporting information or documentation regarding an employee's request for an accommodation. Each employee's accommodation request is fact-specific and the Borough will work with each employee regarding potential accommodations to this Policy for disability, medical or religious reasons.

Requests for accommodations may be denied if the Borough determines that providing the accommodation would impose an undue hardship on the operation of the Borough's business or pose a direct threat to the health or safety of others, despite a reasonable accommodation. All such requests will be handled in accordance with applicable laws and regulations.

5. VACCINATION STATUS AND ACCEPTABLE FORMS OF PROOF OF VACCINATION

All employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status shall be submitted to Lissette Aportela, Borough Administrator, on or before March 1, 2022.

Acceptable proof of vaccination status is:

- A.** The record of immunization from a healthcare provider or pharmacy;
- B.** A copy of the COVID-19 Vaccination Record Card;
- C.** A copy of medical records documenting the vaccination;
- D.** A copy of immunization records from a public health, state, or tribal immunization information system;
- E.** A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) administering the vaccine(s); or
- F.** Where an employee is unable to produce acceptable proof of vaccination, as listed above, the employee may provide a signed and dated statement by the employee:
 - (i) attesting to their vaccination status (fully vaccinated or partially vaccinated); and
 - (ii) stating, to the best of the employee's recollection, 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); and

- (iii) attesting that they have lost and are otherwise unable to produce acceptable proof of vaccination; and
- (iv) 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 criminal penalties."

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 healthcare 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 the Borough will still accept the state immunization record as acceptable proof of vaccination.

Employees are advised not to provide any medical or genetic information as part of the proof of vaccination. The Borough will keep any proof of vaccination and/or request for an accommodation confidential and will maintain same in a confidential medical record separate and apart from the employee's personnel file.

6. SUPPORTING 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 send to their department head or 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 (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 if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to two days of additional sick leave immediately following each dose, if necessary.

7. EMPLOYEE NOTIFICATION OF COVID-19 AND REMOVAL FROM THE WORKPLACE

The Borough will require all employees, regardless of vaccination status, to promptly notify their supervisor when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

Medical Removal from the Workplace

The Borough has also implemented this Policy for keeping COVID-19 positive employees from the workplace in certain circumstances. The Borough will immediately remove an employee from 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). Employees will be required to utilize their own accrued sick, person and/or vacation leave to cover absences related to a medical removal due to COVID-19. If an employee does not have any accrued leave, the leave will be unpaid.

The Borough recognizes that the Collective Bargaining Agreement with the employees of the Department of Public Works does not provide unlimited sick leave. As such, Department of Public Works employees and Borough part-time employees that have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider will not be required to utilize their own accrued sick, person and/or vacation leave to cover absences related to a COVID-19 diagnosis.

Return to Work Criteria

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

- 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
- Meets the return to work criteria in CDC's "Isolation Guidance" ⁶ ([see 29 CFR 1910.509\(b\)\(5\)](https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html)); or
- Receives a recommendation to return to work from a licensed healthcare provider.
- Employees who have tested positive for or have been diagnosed with COVID-19 may return to work based on the most up to date CDC Isolation Guidance. All employees are required to refer to <https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html> for the most current guidance.
- If an employee has severe COVID-19 or an immune disease, the Borough will follow the guidance of a licensed healthcare provider regarding return to work.

8. NEW HIRES

All new employees are required to comply with the vaccination 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.

9. ENFORCEMENT

Borough employees who have not provided proof of full vaccination against COVID-19 will be deemed non-compliant with this Policy. Due to the extreme danger of the ongoing COVID-19 pandemic, non-compliant employees will be immediately suspended without

⁶ <https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html>.

pay. The employee will be permitted to return once the employee has fully complied with this Policy.

If there is a need to fill the position of a non-compliant employee, that non-compliant employee will be given fifteen (15) days' written notice that the Borough intends to hire another person to fill their position. If the employee remains non-compliant, they may be terminated.

10. CONFIDENTIALITY AND PRIVACY

All medical information collected from individuals, including vaccination information, accommodation requests, 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.

11. AMENDMENTS TO POLICY

The Borough reserves the right to suspend or amend this Policy as needed, including, but not limited to, the right to change the deadlines set forth above based on the availability of the COVID-19 vaccine and/or to comply with additional public health directives and guidance.

12. EFFECTIVE DATE

This Policy shall take effect immediately.