

**BOROUGH OF MADISON
MEMORANDUM**



SUBJECT:
COVID-19 VACCINATION POLICY

NUMBER:
2021-004

EFFECTIVE DATE:
September 1, 2021
**CANCELLATION
DATE:**
None

DISTRIBUTION TO:
All Personnel

ISSUED BY:
Sandy Emmerich, Personnel Director
APPROVED BY:
Raymond M. Codey, Administrator

Dear Staff:

This memo is intended to notify you that the Borough of Madison (the "Borough") is implementing a COVID-19 Vaccination Policy for all employees. Please contact your department head or personnel if there are any matters that are not sufficiently addressed within this notice.

I. PURPOSE:

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. 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.

II. GENERAL INFORMATION:

The New Jersey Department of Health ("NJDOH"), the U.S. Centers for Disease Control and Prevention ("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 12 and over who live, work and study in New Jersey¹. In addition, NJDOH² and CDC³ recommend that all eligible individuals become "fully vaccinated" against COVID-19, which means:

- 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).

Currently, the U.S. Food and Drug Administration ("FDA") has approved three COVID-19 vaccines (Pfizer, Moderna and Johnson & Johnson/Janssen) for Emergency Use Authorization. In addition, the FDA has granted full approval of Pfizer's Vaccine for teens and adults ages 16 and older (Comirnaty). 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 vaccination⁴.

III. MANDATORY COVID-19 VACCINE POLICY:

In order to comply with State and Federal requirements to maintain a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm to Borough employees and to best protect Borough employees and continue to fulfill the Borough's obligations to the public, **it is the Borough's policy that all Borough employees must, as a condition of employment, be fully vaccinated against COVID-19 and provide documentation to verify vaccination status no later than October 22, 2021.**

This policy is effective immediately. All employees have until October 22, 2021 to report their vaccination status and provide documentation verifying that status to Sandy Emmerich, Personnel Director.

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.

New hires will be required to provide documentation verifying COVID-19 vaccination status if they are hired on or after **September 1, 2021.**

IV. ACCOMMODATIONS:

- An employee may be entitled to an accommodation from the mandatory vaccine policy if the employee:
 - Has a documented medical disability that precludes them from getting a COVID-19 vaccine;
 - Has been specifically advised in writing by their doctor not to get the COVID-19 vaccine while pregnant or breastfeeding; or
 - Has a sincerely held religious belief, practice or observance that precludes them from getting a COVID-19 vaccine.
- Employees must request an accommodation in writing as soon as possible. Please contact Sandy Emmerich, Personnel Director, no later than **September 10, 2021** to request or inquire about an accommodation.
- The Borough will consider requests for a reasonable accommodation on an individualized, case-by-case basis. The Borough reserves the 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 exemptions from the mandatory vaccine 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 operations of the

Borough's business or pose a direct threat to the health or safety of others, despite a reasonable accommodation.

V. ENFORCEMENT:

- a. Borough employees who have not provided proof of vaccination or not been granted an accommodation by **October 22, 2021** will be deemed non-compliant with this policy. Due to the extreme danger of the ongoing COVID-19 pandemic, non-compliant employees will be prohibited from working within any Borough buildings, facilities or in the public.
- b. **A non-compliant employee will not be paid for any time when they are not working.** The pay of a salaried non-compliant employee will be reduced in proportion to that portion of their workweek that the non-compliant employee did not work. A non-compliant employee may use vacation or personal leave for days that they are unable to work as a result of their non-compliance. A non-compliant employee may not, however, use accumulated sick leave for those days.
- c. 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 their employment is in jeopardy. **If the employee remains non-compliant, they may be terminated.**

VI. VACCINE AVAILABILITY

The Borough has arranged with the Madison Health Department for Johnson & Johnson/Janssen vaccine availability for all employees who wish to receive the one-dose vaccine. Please contact Jean Nash, Public Health Nurse at 973-593-3079 to reserve an appointment.

Those who wish to receive the two-dose Pfizer or Moderna vaccine can visit www.covid19.nj.gov to find the closest vaccine location.

VII. 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 additional public health guidance.

Memo 2021-003 issued on August 12, 2021 remains in full force and effect.

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>

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