

September 1, 2021

To: Department Heads

From: Paula Boggs Muething, City Manager 

Subject: COVID-19 Pandemic Employee Vaccination Policy

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This policy is part of the City of Cincinnati's response to the Coronavirus pandemic and is being enacted to protect the workforce of the City and the public, comply with local, state, and federal health guidance, ensure the ability to continue City services, and respect individual employees.

### **Applicability**

This policy applies to all City employees. Contractors doing business with the City are required to adopt similar policies for their employees who work on City property. Vaccinated contractors who work on City property are required to carry proof of vaccination.

This policy supersedes other Temporary COVID-19 policies where conflict exists between them.

### **COVID-19 Vaccination Status**

The Administration encourages employees to receive a COVID-19 vaccination but does not require it. "Vaccinated," as used in this policy, uses the meaning provided by the Centers for Disease Control, which is a person's status:

- 2 weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or
- 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.<sup>1</sup>

All employees are encouraged to attest to or provide evidence of their vaccination status through the City's CoCBenefits portal as either having received the vaccination or not (CoCBenefits.com or 1-866-477-1604). Employees who fail to attest to vaccination status will be presumed to be unvaccinated and subject to this policy accordingly. Vaccinated employees who do not attest to vaccination status are subject to the policy as if they are unvaccinated, and failure to adhere to the standards for unvaccinated employees is not mitigated by demonstrating vaccinated status later.

Under the supervision of Central Human Resources, departmental human resources staff and the Cincinnati Health Department will audit the attestation status of City employees by checking the list against the state's database. Direct access to the list of employees who have attested to vaccination status will be limited to appropriate healthcare staff, human resources staff, and COVID-19 Liaisons. Employees who received a vaccination in another state are encouraged to provide proof directly to their Human Resources Liaison. An employee who has been dishonest in their vaccination status will be subject to corrective action, including termination.

An individual employee's decision to receive or refuse a vaccination is not an appropriate matter of casual inquiry by other employees or supervisors. Consistent with Administrative Regulation 55,

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<sup>1</sup> [When You've Been Fully Vaccinated | CDC](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>

supervisors are required to ensure that employees are free from harassment related to their vaccine choice, status, or disclosure.

### **Vaccinations and Testing**

The City will hold the following vaccination events:

<b>Date</b>	<b>Location</b>	<b>Address</b>	<b>Screening Time</b>
14-Sep	Police CIS - 6th Floor Roll Call Room	801 Linn St.	7:30 am - 10:00 am
16-Sep	GCWW RMTP – WQT Conference Room	5651 Kellogg Ave.	7:30 am - 10:00 am
21-Sep	Health Department – 1 <sup>st</sup> Floor Auditorium	3101 Burnet Ave.	7:30 am - 10:00 am

Departments are responsible for coordinating leave for employees who wish to vaccinate during one of these events.

After 9/21/2021, employees who remain unvaccinated or do not attest to vaccination status will be required to produce a negative COVID-19 test on a weekly basis.

Unvaccinated employees and employees who do not attest to vaccination status are responsible for providing a negative test result that cannot be older than seventy-two (72) hours at the time of submission. As an alternative for employees who cannot test off-the-clock, the City will provide some testing options for employees:

- An employee with a scheduled appointment may request up to one hour of Administrative Leave to receive a COVID-19 test upon proof of appointment, subject to operational staffing needs. Supervisors are encouraged to work with employees to allow the time off, when applicable. The City will not pay additional money for the test selected by an employee. In addition to Cincinnati Health Department Clinics, options for no-cost testing can be found at:
  - The Health Collaborative: <https://healthcollab.org/testandprotect/>
  - The Ohio Department of Health: <https://coronavirus.ohio.gov/wps/portal/gov/covid-19/resources/general-resources/get-tested-for-covid-19>
  - Health and Human Services: <https://www.hhs.gov/coronavirus/community-based-testing-sites/index.html>
- The City will engage the Health Collaborative to provide weekly testing events, during the day at certain times. Employees who are not able to attend are responsible for finding another method to submit a negative test.
- The City will provide at-home testing kits to employees on a first-come, first-serve basis, subject to availability of the testing kit and funding. Employees who are not able to test utilizing available testing kits are responsible for finding another method to submit a negative test.<sup>2</sup>

Unvaccinated employees and employees who do not attest to vaccination status who 1) do not comply with the testing requirement or 2) test positive for COVID-19 will be sent away from work and placed on leave using their accrued balances or in an unpaid status until they comply or are released from quarantine or isolation by Contact Tracing. Departments are responsible for immediately notifying Contact Tracing when an employee reports a positive test. Employees who have scheduled time off for an entire week will not be required to produce a weekly test during their time off.

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<sup>2</sup> The Cincinnati Health Department recommends that symptomatic employees seek PCR testing.

Unvaccinated employees who contract COVID-19 may produce a note from their medical provider or the Cincinnati Health Department allowing an exception to COVID-19 testing for a period of up to 90 days after symptom onset or date of testing for asymptomatic employees. Employees are responsible for tracking their dates and providing notification of the exception upon return to the workplace. The date of returning to testing status must be provided to departmental human resources staff. Departments will provide this data to the Office of Performance and Data Analytics for internal tracking.

Employees who receive a first (or single) vaccination shot at a Cincinnati Health Department facility after implementation of this policy will receive a \$100 cash card, while supplies last. Full-time employees who are already or who become fully vaccinated will be eligible for a \$50 Healthy Lifestyles benefit within the \$300 cap.

### **Facial Coverings and Social Distancing**

This policy should be read consistently with the 5/28/2021 Facial Covering and Social Distancing Temporary Policies and Administrative Orders memorandum from the City Manager.

Vaccinated employees are encouraged, but not required, to wear a facial covering, unless otherwise required by the 5/28/2021 Facial Covering and Social Distancing Temporary Policies and Administrative Orders memorandum or local, state, and federal guidelines.

Unvaccinated employees and employees who do not attest to vaccination status are required to wear a facial covering when indoors, in a vehicle with others, working with the public, or otherwise working and unable to socially distance.

All employees, both vaccinated and unvaccinated, are required to comply with social distancing measures as implemented by departments. Departments should identify any necessary physical changes to facilities, such as temporary floor markings, limiting room capacity, or creating barriers.

### **ACL Leave**

This policy should be read to replace the Families First Coronavirus Response Act Sunset Temporary Leave Policy, issued on February 12, 2021.

### **Eligibility and Disqualification**

Effective 8/1/2021, paid Administrative Leave, coded as ACL, should be provided to vaccinated employees, who have attested to being vaccinated, and:

1. Have a COVID-19 infection determined by a COVID-19 test or have been advised by a health care provider, or local health department, to self-quarantine or isolate due to a verifiable at-work exposure to COVID-19.
2. Are quarantined by a health care provider or local health department due to exposure to COVID-19, whether the exposure was on or off duty;
3. Receive a vaccination during work hours, and for up to 2 days afterwards (for the employee's next tour, for 48-hour Firefighters) after they receive the vaccine if they are suffering adverse symptoms due to the vaccine
4. Are sent home from work due to displaying symptoms of COVID-19, if a COVID-19 test is produced within 24 hours of being sent home. If the test is negative, the employee should return to work and ACL leave will cover the time off between leaving the

workplace and the test. If the test is positive, the employee should remain on ACL leave until released back to work.

5. Call in to work with COVID-19 symptoms, if the employee can produce a COVID-19 test within 24 hours and a medical provider verifying the existence of the symptoms. If the test is negative, the employee should return to work and ACL leave will cover the time off between leaving the workplace and the test. If the test is positive, the employee should remain on ACL leave until released back to work.
6. Are healthcare workers who qualify for Paid Medical Removal of Employees under OSHA's Emergency Temporary Standard.

Effective 9/22/2021, employees who are not vaccinated and employees who have not attested to vaccinated status are not eligible for ACL leave, unless they have applied for and been granted an official accommodation for exemption, reviewed by departmental human resources staff and approved by the Human Resources Department, for a sincerely held spiritual or religious belief or medical issue, including an allergic reaction to a previous dose of the COVID-19 vaccine, an allergic reaction to a previous mRNA vaccine, an allergy to any ingredient in the COVID-19 vaccine, or another reason for exemption with an explanatory statement and additional medical documentation.

Wages paid under this policy for COVID-19 leave are intended to be the sole replacement of wages payable to an employee and are not intended to be supplemented by any benefits available through the Bureau of Workers' Compensation or Industrial Commission. This policy does not preclude employees from making claims of alleged injury to the Bureau of Workers Compensation.

To qualify for this leave, the employee must provide the test results or the quarantine or isolation order that includes the name of the healthcare provider or local health department, the date, time, and location of the exposure, and the length of quarantine period.

Departments are responsible for accurately tracking, recording, and correcting time under this policy. Any use of ACL except as authorized under this policy is strictly prohibited.

Vaccinated employees are disqualified from receiving ACL leave upon evidence of any of the following, unless a formal, documented exemption for a medical issue or sincerely held spiritual or religious belief has been duly approved by both departmental human resources staff and the central Human Resources Department:

1. Failing to wear a mask or social distance pursuant to the 5/28/2021 Facial Covering and Social Distancing Temporary Policies and Administrative Orders memorandum, or wear appropriate Personal Protective Equipment when required;
2. Failing to adhere to the applicable COVID-19 policies or guidance from the City of Cincinnati or an appropriate Appointing Authority;
3. Failing to immediately quarantine or isolate when advised by a healthcare provider, local health department, or leave the workplace pursuant to a directive from an appropriate appointing authority or designee;
4. Performing work for a secondary employer unless it is performed in accordance with current policies.

### **Contact Tracing**

The City recognizes the importance of contact tracing to defeating the spread of COVID-19. If the Cincinnati Health Department or another Local Health Authority quarantines an employee, that employee is considered too sick to work. If an employee disputes a quarantine or test based on

medical information, the City will defer to the judgement of the Local Health Authority's medical director.

Employees who refuse to cooperate with contact tracing will be subject to corrective action, presumed to be contagious, too sick to work, and a direct threat to the workforce, and placed on accrued leave.