

Revised City of Winston-Salem COVID-19 Vaccination Incentives and Testing Policy

Implementation Date: October 25, 2021

Effective Date of Revised Policy: January 18, 2022

The City remains committed to the safety and wellbeing of its employees. Despite our best efforts both collectively and individually, COVID-19 continues to ravage our workplace with increased costs, lost time away from work, loss of accrued personal time, and continued impacts on employee physical and mental health. ~~We are now moving~~ have now moved more expeditiously to increase safety in the workplace. Recently introduced initiatives are in direct response to the rising numbers of infected and exposed employees which in turn lead to employee isolation and impacted operations. Mask mandates have been reinstated and we have offered a paid time off incentive for those showing proof of full vaccination, which ended on September 10, 2021. ~~We are now looking to implement~~ have now implemented additional measures to incentivize safety in our workplace.

~~On October 18, 2021, the City is instituting~~ instituted a policy to further protect City employees while at work and that ~~will serve~~ served to subsequently impact the health of their families at home. To that end, the City ~~is implementing~~ implemented a vaccination and testing policy, effective October 25, 2021, with the following provisions as follows:

- The City of Winston-Salem ~~will offer~~ offered a one-time lump sum incentive payment of \$1,000.00, minus the required deductions, for each full-time City and full-time temporary agency employee, and a one-time lump sum incentive payment of \$500.00, minus the required deductions, for each part-time City and part-time temporary agency employee, who ~~provides~~ provided evidence of full vaccination by December 5, 2021 ~~within six weeks from the implementation date of this policy~~. The incentive ~~will also be~~ was also available to City and temporary agency employees who were fully vaccinated prior to October 25, 2021 ~~the implementation date of the policy~~, on the same schedule established in this policy. After that six-week incentive period, full-time City and full-time temporary agency employees who ~~become~~ became fully vaccinated and ~~provide~~ provided evidence of the same, ~~will~~ were only be eligible for a one-time lump sum incentive payment of \$500.00 during the four-week testing period, December 6, 2021-December 30, 2021 ~~referenced below~~, minus the required deductions. After that six-week incentive period, part-time City and part-time temporary agency employees who ~~become~~ became fully vaccinated and ~~provide~~ provided evidence of the same ~~will~~ were only be eligible for a one-time lump sum incentive payment of \$250.00 during the four-week testing period, December 6, 2021-December 30, 2021 ~~referenced below~~, minus the required deductions. Full vaccination or fully vaccinated means that employees must have had either two shots of the FDA approved Pfizer vaccine, or the Moderna vaccine, or one shot of the Johnson and Johnson vaccine. ~~There will be any~~ No partial credit or partial payment was given to any temporary agency or City employee who ~~has~~ had only one shot of either the Pfizer or the Moderna vaccines.
- The one-time lump sum payments, minus the required deductions, ~~are~~ were collectively referred to as the vaccination incentives (“Vaccination Incentives”).

- City employees who cannot be vaccinated due to medical or religious reasons that are subject to the reasonable accommodation provisions of the ADA and Title VII must provide proof of said reasons to Human Resources for consideration. A disability determination must be an individualized assessment based on a reasonable medical judgment about the employee's disability—not the disability in general—using the most current medical knowledge and/or the best available objective evidence. Religious exemptions are defined in Title VII as “sincerely held religious beliefs, practices, or observances.” These employees will be required to adhere to reasonable accommodations, including but not limited to: wearing a face mask, working at a social distance from coworkers or non-employees, working a modified shift if approved for such, getting periodic tests for COVID-19, teleworking if approved for such, or accepting a reassignment if offered such. Reasonable accommodations continue to be governed by the ADA and must not pose an undue hardship on City operations.
- Six weeks after the institution of this policy, all unvaccinated City employees, commencing December 6, 2021 ~~must submit~~ were required to submit to weekly tests that ~~will be~~ were paid for by the City. This ~~constitutes~~ constituted a mandatory four-week testing period. City employees ~~will be~~ were allowed to get tested on City time during working hours, provided such ~~does~~ did not interfere with City operations or the provision of City services.
- The City Manager ~~shall have~~ was afforded the discretion to determine the necessity of overtime and pay the same, where warranted for nonexempt City employees. Exempt employees ~~are~~ were not eligible for overtime. Exempt employees ~~were~~ may be required to be tested on their own time, if the City's operational needs dictated such, as determined by the department head. However, department heads were allowed to provide exempt employees with comp time. City employees were not allowed to be ~~may not be~~ late to work or miss shifts to get tested, without permission of their supervisor. The City ~~will accept~~ accepted rapid test results as proof of a negative test result. However, the PCR test was deemed to be the ~~is~~ best indicator of ~~whether or not~~ whether the City employee has tested positive for COVID-19. The City declined to accept ~~will not accept~~ negative test results from home testing kits as proof of weekly testing. Antibody testing ~~will not~~ was not accepted ~~be accepted~~ in lieu of vaccination or mandatory COVID-19 testing. City employees ~~were~~ will be required to show when they arrived for the test and when they were tested and left the facility.
- Pursuant to this revised policy, the weekly testing, documentation protocols and the progressive disciplinary process are hereby revised as indicated below. Otherwise, the same provisions regarding testing on duty and off duty while balancing the needs of each department, overtime and compensatory time, reporting to work, the type of tests that will and will not be accepted and the payment for testing by the City remain the same and in full force and effect.
- While the full vaccination incentive, as outlined above, will not be available under this revised policy, a City employee or temporary agency employee who becomes vaccinated will be eligible for the reduced vaccination incentive, as outlined above, upon the

submission of proof, acceptable to the City, of full vaccination, as defined above, in the same manner as previously accepted. As indicated earlier, this reduced vaccination incentive payment will not be available to employees hired on or after October 25, 2021.

- In addition to becoming fully vaccinated as defined herein, employees are now encouraged to obtain a booster shot (Pfizer, Moderna, or Johnson & Johnson). As used herein, the phrase booster shot also includes the “third shot” provided to those who may have a compromised immune system. Full-time City employees and full-time temporary agency employees who receive a booster shot will be eligible to receive a one-time lump sum payment of \$200, minus the required deductions, upon the submission of proof, acceptable to the City, of receipt of the booster shot. Part-time City employees and part-time temporary agency employees will be eligible to receive a one-time lump sum payment of \$100, minus the required deductions, upon the submission of proof, acceptable to the City, of receipt of the booster shot. Any City employee or temporary agency employee that received a booster shot prior to the effective date of the revised policy will be eligible to receive the aforementioned booster shot incentive in an amount commiserate with his/her employment status, full-time versus part-time, upon submission of proof, acceptable to the City, of receipt of receipt of the booster shot.
- While employees hired on or after October 25, 2021 are not eligible for the vaccination incentive (full or reduced) based upon the initial policy, they are eligible for the booster shot incentive payment, provided they submit proof, acceptable to the City, of receipt of the booster shot. The amount of the booster incentive payment will depend upon the employee’s employment status, full-time versus part-time.
- The City Manager or his designee has the authority to determine the payment date of any reduced vaccination incentive and booster incentive authorized by this revised policy.
- Effective upon the adoption of this revised policy, the weekly testing protocols for all unvaccinated City employees shall be as follows:

~~Weekly testing protocols for unvaccinated employees: If you are asymptomatic, you may come to work as regularly scheduled while you await your test results. If your test result is negative prior to your next shift, return to work on your regular schedule. If you test positive, **do not** come to work at all. Follow the existing protocols for positive COVID-19 test results.~~

Employees who are subject to weekly testing, must provide proof of a negative test result each week in accordance with the submission protocols and deadlines established by the City Manager or his designee. Employees must provide results issued by the testing facility that include the employee’s name, the name and location of the testing facility, the date of testing, and a negative test result. If the negative test result is not available by the weekly deadline, employees must provide proof of testing in accordance with the submission protocol and by the established deadline in order to report to work. Proof of testing must be issued by the testing facility and include the employee’s name, the name and location

of the testing, and the date of testing. Asymptomatic employees may come to work as regularly scheduled while waiting for negative test results. If not provided by the deadline because the test result was unavailable, the employee must provide a negative test result by the Monday following the deadline for which the results were due, in accordance with the submission protocol.

If you test positive, do not come to work at all. Follow these existing protocols for positive COVID-19 test results: If an employee tests positive for COVID-19, or is diagnosed with COVID-19 by a licensed health care provider, that employee will be removed from the system for mandatory testing during their quarantine period and will not be penalized for failing to adhere to weekly testing protocols set forth herein. However, that employee will be subject to the testing protocols that exist in other policies for employees who test positive for COVID-19. Employees will be notified as to when they will be required to resume testing under this policy. Employees and departments will have to work together to ensure that employees are appropriately quarantined and removed from the workplace according to the current CDC protocols and the City’s workplace policies that affect the employee’s ability to return to work after a positive COVID-19 diagnosis.

- The progressive disciplinary process, as outlined previously, does not start anew with this revised policy. Any disciplinary action(s) received pursuant to the initial COVID-19 testing protocol adopted October 18, 2021 (hereinafter referred to as the “initial COVID-19 testing protocol”) will still count for purposes of any subsequent disciplinary action(s) received in accordance with this revised policy. For example, if any employee received a written reprimand for refusing to submit to testing under the initial COVID-19 testing protocol and did not receive, subsequent thereto, any disciplinary actions related to the initial COVID-19 testing protocol, then the next disciplinary action the employee will receive for noncompliance under this revised policy will be a one-day suspension, per the schedule below, unless the employee commits a more egregious offense, such as falsification of records, in which case the disciplinary action will be suspension pending termination. To further illustrate this point, if an employee received a five-day suspension without pay under the initial COVID-19 testing protocol, then the next disciplinary action that the employee will receive for noncompliance under this revised policy will be a ten-day suspension, per the schedule below, unless the employee commits a more egregious offense, such as falsification of records, in which case the disciplinary action will be suspension pending termination.
- City employees who miss or refuse a week of COVID-19 testing will be subject to disciplinary action, as follows:

First Missed/Refusal Week	Written Reprimand
Second Missed/Refusal Week	One-Day Suspension Without Pay
Third Missed/Refusal Week	Three-Day Suspension Without Pay
Fourth Missed/Refusal Week	Five-Day Suspension Without Pay
<u>Fifth Missed/Refusal Week</u>	<u>Ten-Day Suspension Without Pay</u>
<u>Sixth Missed/Refusal Week</u>	<u>Indefinite Suspension Without Pay</u>

- City employees, who have a medical or religious exemption that has been reviewed and approved by Human Resources, will be required, as a part of that approval process, to execute an affidavit attesting to the information provided regarding the requested exemption (“Exemption Affidavit”). The Exemption Affidavit does not apply to the COVID-19 testing protocol.
- Newly hired City employees are required to provide proof of full vaccination as defined above as a condition of employment or provide their medical or religious reasons to Human Resources and commit to weekly testing. The reasons must be reviewed by Human Resources, and if a reasonable accommodation and thus an exemption are approved by Human Resources, said newly hired employees will be required as a part of that approval process to execute an Exemption Affidavit. Since vaccination is a condition of employment, newly hired City employees will not receive the Vaccination Incentives. Newly hired City employees are employees hired on or after ~~this policy has been implemented.~~ October 25, 2021.
- City employees who submit false records will be subject to disciplinary action up to and including termination of employment. The phrase “false records” includes, but is not limited to, a record that has been altered in any manner. All terminations will be preceded by a five-day suspension in accordance with existing policies.
- Any grievances filed regarding this policy, including the enforcement and implementation thereof, shall be filed directly with the Human Resources Department and heard at the City Manager level only. HR will also be keeping records with the status of all employees as they submit their records of vaccination and testing.

~~The City Manager reserves the right to take additional measures including but not limited to applying an increase to health insurance premiums for unvaccinated employees. At the December 14, 2021 meeting of the Community Development/Housing/General Government committee, the City Manager will provide an update to the committee regarding the effectiveness of this policy. The City Manager will seek direction from City Council with respect to the next course of action which could include but is not limited to termination.~~

- The City Manager will provide periodic reports to City Council and seek additional guidance regarding future measures.

Regardless of status, all employees must continue to wear masks in the workplace per the City’s mask policy. The mask mandate and social distancing policy remain in effect. The City ~~believes~~ anticipates that this vaccination policy ~~will motivate~~ has motivated City employees to protect themselves and others to the greatest extent possible. The City is going to do everything possible, within reason, to continue its efforts ~~attempt~~ to move the needle on safety forward within the organization.

This revised policy, which extends and revises the COVID-19 testing requirements and the progressive disciplinary process amongst other things, is in further response to the impacts of COVID-19 and its variants on the City's workforce. The ~~implementation~~ enforcement of this revised policy, which may be further revised from time to time, and the provision of ~~Vaccination Incentives~~ vaccination and booster incentives does not obligate the City to provide a similar response with respect to any other virus that may arise in the future.

Adopted this 18th 18th day of ~~October 2021~~ January 2022.