

## About the CMS Final Ruling: COVID-19 Vaccine Staff Requirement

In early December, the US District Court in the Western District of Louisiana issued a nationwide injunction preventing the federal government from implementing the CMS vaccine mandate for all employees of skilled nursing facilities and other health care providers that contract with Medicare and Medicaid. The vaccine requirement is a portion of an emergency regulation issued by CMS in the form of an Interim Rule until that rule becomes Final January 4th. The rule, as well as guidelines recently issued by OSHA, require skilled nursing facilities to implement policies to address other company protocol to protect residents and employees from COVID.

As long as this injunction is in effect, the deadline for employees to get their first dose of the vaccine by December 6th is no longer in effect. Until such time as the injunction is lifted or further guidance is issued by CMS, unvaccinated employees will not be required to resign.

Exceptional Living Centers continues to recommend that all employees get vaccinated from COVID 19 as soon as possible.

## New Guidelines for Unvaccinated Employees

**Effective December 6:** If an employee covered by this policy is not fully vaccinated (e.g., if they are granted an exception from the mandatory vaccination requirement because the vaccine is contraindicated for them), Exceptional Living Centers will require the employee to wear an **N95 face covering**. Face coverings must: (i) completely cover the nose and mouth; (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source); (iii) be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers; (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings.

Other required accommodations for unvaccinated employees may include regular testing and social distancing.

## About the COVID Vaccine

### How do I sign up for a COVID-19 vaccine?

- Ask your Executive Director or Vaccine Ambassador about the next onsite vaccine clinic. In the meantime, employees can be vaccinated at any local pharmacy. COVID-19 vaccines are free to all Americans.

### Can I choose which vaccine to get?

- Yes. While certain vaccines may only be available at our onsite vaccine clinics, employees are welcome to receive any of the following vaccines:

## COVID-19 VACCINE REQUIREMENT FAQ

- Pfizer-BioNTech COVID19 Vaccine (interchangeable with the licensed Comirnaty vaccine)
- Moderna COVID-19 Vaccine
- Janssen (Johnson & Johnson) COVID-19 Vaccine
- If an employee elects the Janssen (Johnson & Johnson) COVID-19 Vaccine, they must receive their vaccine dose by December 6, 2021.
- Please note that it is recommended that subsequent injections (second dose or booster) are the same brand as any previous injections (i.e. if your first dose of the vaccine was Moderna, your second dose and booster dose should also be Moderna).

### **If an employee comes into work on their day off for a vaccine clinic, should they clock in?**

- No. All employees who choose to be vaccinated will be awarded with extra PTO (half day for part time employees, full day for full time employees) to cover personal time taken to get the vaccine, whether at one of our clinics or local pharmacy.

### **If an employee has a reaction to the COVID-19 vaccine that requires time off from work, do they use accrued PTO?**

- Yes.

### **If an employee has a reaction to the COVID-19 vaccine, will it be covered under workers' compensation?**

- Workers' compensation insurance helps protect businesses and their employees from financial loss when an employee is hurt on the job or gets sick from a work-related cause.
- If an employee has a reaction to a COVID vaccine they received at work which results in a financial loss, we encourage them to apply for workers' compensation.
- For more information, contact your center Human Resources or Business Office Manager or email [benefits@exceptionallivingcenters.com](mailto:benefits@exceptionallivingcenters.com).

### **Do visitors need to be vaccinated?**

- No, visitors are not required to be vaccinated to enter our facilities. Visitors who have a positive viral test for COVID-19, symptoms of COVID-19, or currently meet the criteria for quarantine should not enter the facility. Facilities should screen all who enter for these visitation exclusions.

### **Who do I contact if I have other questions or concerns?**

- Talk with your Executive Director, Vaccine Ambassador or email [benefits@exceptionallivingcenters.com](mailto:benefits@exceptionallivingcenters.com).

## About Vaccine Exemptions

Eligible employees are encouraged to submit their exemption requests following the guidelines below.

### What exemptions are available to employees?

- Recognized medical conditions for which vaccines are contraindicated
- Religious beliefs, observances, or practices

### How does an employee apply for an exemption?

- Medical exemptions require a letter from your physician. Your HR/BOM can provide a form to provide guidance for medical submissions upon request.
- Religious-related exemptions require a letter outlining the following points:
  - Identify religious denomination
  - Identify specific church and contact at that church
  - Provide information as to the duration of membership with specific church
  - Identify church doctrine on which claimed exemption is based
  - Identify church's history with respect to its position on vaccination prior to COVID
- Employees granted medical or religious exemptions will be required to wear full PPE while on duty and must agree to regular (daily or weekly) testing.
- Please remember, simply submitting the request does not guarantee it will be accommodated.
- Every submission will be reviewed by the corporate office for its unique circumstances and the employee will receive a written response once a determination has been made.
- Questions about medical and religious exemptions can be submitted to [benefits@exceptionallivingcenters.com](mailto:benefits@exceptionallivingcenters.com).

### Will ELC hire new employees that have exemptions?

- Yes. New employees will follow the same policies and procedures as current employees.

### What happens if my exemption request is approved?

- Potential accommodations for exempted staff could include but are not limited to:
  - Testing
  - Physical Distancing
  - Source Control (Masks, etc.)

### About the PTO Benefit

- Our Protect The Others Free PTO program has been extended. All employees who choose to be vaccinated will be awarded with extra PTO (half day for part time employees, full day for full time employees).
- Eligible employees must be hired before the date that the first vaccination shot is required, per the regulations.
- New employees, vaccinated prior to employment with ELC, are not eligible for the additional PTO.
- The employees will only receive the PTO hours once they receive their initial COVID-19 immunization. Additional PTO will not be granted for booster vaccinations.
- Once the “Certification” is logged into Paycor, the PTO hours will be added into the employee’s PTO “available balance” to be used at a date of their choosing. It will not be paid out automatically on the next check.