



## **Executive Directive #18 FAQs**

### **A. GENERAL FAQs**

**1. Is there a scheduled expiration date for Executive Order #18?**

Currently, there is no scheduled expiration date for Executive Directive #18. The Directive is in effect until further notice.

**2. If an employee has questions that are directly related to Executive Directive #18 to whom should they direct their questions?**

It is recommended that employee questions be directed to their agency's Human Resources staff.

**3. Should unvaccinated employees be recused from working on agency policy specific to Executive Directive #18 to avoid conflicts and objectivity issues?**

Employees are expected to perform their job duties regardless of their vaccination status.

**4. Please address which policy classified employees employed by Higher Education institutions should follow as Universities or Colleges have already established vaccination policies in place.**

All employees at institutions of higher education, regardless of employment status, must adhere to their respective schools' vaccination policies.

**5. What services will be available for employees who are hesitant about getting the vaccine? We want to listen and better understand why our employees are hesitant and if possible, address those concerns. Will these concerns be validated and addressed and if so, how?**

DHRM has enlisted aid from VDH to launch an education and awareness program designed to speak to the benefits of vaccination and to address vaccine hesitancy. Human Resource staff and supervisors are asked to listen to employee concerns and direct them to resources available on the DHRM, VDH and CDC websites.

**6. Does Executive Directive #18 apply to Board or Commission members?**

*(This response has been deleted 9/1/21)*

~~Yes, Board/Commission members should report their vaccination status and, if not fully vaccinated, will need to test within 24 hours prior to participating in on-site meetings or other events. Agencies may continue to conduct Board meetings virtually and ask Board members to practice social distancing and wear face coverings during in-person meetings.~~



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### **7. Is there a policy to screen COVID-19 symptoms for employees and visitors?**

The DOLI permanent standards provide the governing policies for agencies to follow. Agencies should follow the guidance disseminated by DGS and VDH regarding screening for COVID-19 symptoms and the DOLI permanent standards for workplace safety. Agencies should continue to follow their usual safety protocols already in place. ED #18 adds another layer of protection for employees and the customers we serve. Prior to a shift and on days employees are scheduled to work, employees should self-monitor their symptoms by checking their temperatures and using the questions provided by VDH before reporting to the workplace or performing public-facing duties.

### **8. Are volunteers, student interns, and work-study students expected to comply with Executive Directive #18?**

Agencies with volunteer programs, work-study students, and unpaid student intern must include these individuals in their vaccination status assessments. Individuals who are not fully vaccinated and report to the agency facilities or are engaged in public-facing duties are required to provide the agency with weekly testing results. Note: Work-Study students at universities will need to follow their Higher Education Institution's COVID-19 vaccination policy.

### **9. What form of discipline should be issued to employees who refuse to show proof of vaccination / be tested / wear a mask? Can employees be terminated for failing to comply?**

An employee's failure to disclose their vaccination status or if not fully vaccinated, refuse to wear a mask or comply with weekly testing requirements will be subject to the Commonwealth's Standards of Conduct. These standards apply to all positions covered by the Virginia Personnel Act, including non-probationary full-time and part-time classified and restricted employees. Agencies may use this policy as a guide for evaluating the workplace conduct of employees who are not covered by the Virginia Personnel Act, such as wage employees, probationary employees and employees expressly excluded from the Act's coverage.

Each situation must be carefully evaluated on the individual facts and circumstances prior to making a determination to issue disciplinary action. In accordance with the Standards of Conduct policy, employees must be notified in advance of the alleged offense and provided with an opportunity to respond to the allegations within a reasonable timeframe. The employee's failure to provide a response should not deter agencies from proceeding with the disciplinary action. Typically, an employee's refusal to provide their vaccination status or, if unvaccinated wear a mask appropriately, and/or comply with testing requirements may be considered as a Group II safety violation. Continued refusals or safety violations may result in an additional Group II.



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### **B. MASKING and SAFETY MEASURES**

- 1. What positions in the agency are going to be responsible for enforcing the mask requirement (e.g., supervisors, managers, executive leadership, vaccine coordinator, other)?**

Supervisors and managers are responsible for ensuring that all of their direct reports follow the Agency's safety measures specific to COVID-19.

- 2. Will masks be required for employees who are working in the office or other worksites?**

Executive Directive #18 notes that employees, contractors and others who are not fully vaccinated must wear a face mask that fully covers their nose and mouth while working onsite or performing public facing job duties.

- 3. For individuals required to wear their mask while working on-site, will masks be required while they are working in their cubicle/office or just in the worksite's commonly shared spaces such as hallways, break rooms, and during meetings?**

Face coverings/masks should be worn when one cannot maintain a distance of at least six feet whether inside or outside. Employees entering the building, taking the elevator, and walking to their office, work space or other commonly shared areas (restrooms, break rooms, supply rooms, etc.) must wear a face mask. When occupying a workspace that provides for social distancing, there is no need to wear a face mask (such as an enclosed office, large warehouse, etc.)

- 4. Can agencies require visitors, volunteers, interns or other individuals to wear a face covering or mask while interacting with agency employees on site?**

*(This response updated 9/3/21)*

Agencies are encouraged to follow the Executive Directive #18's guidance on face masks. Effective 9/1, visitors who are not fully vaccinated must wear a face mask in all DGS owned and operated buildings. Interns and volunteers who are not fully vaccinated are expected to wear face masks that fully cover their nose and mouth while in the workplace or while performing public-facing duties.

- 5. Can an agency mandate masking in their facility for all individuals?**

Please follow the guidance in Executive Directive #18 which establishes the requirement for face masks for individuals who are not fully vaccinated.

- 6. Can an employee voluntarily wear a mask at work regardless of their vaccination status?**

Yes.

- 7. What is going to be the interaction protocol knowing that some people aren't vaccinated and some are? What precautions will be in place for employees to lessen the chance of exposures to COVID-19?**

The Agency's safety measures for COVID-19 must be followed by all employees who are working on-site or performing public facing duties. Supervisors will be informed of their direct reports' vaccination status so that they may enforce the directive's requirements.



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8. **Are unvaccinated individuals going to have to wear a badge identifying themselves as unvaccinated?**

No.

### **C. TESTING**

**The Virginia Department of Health and the Department of General Services are preparing information regarding types of testing available and any proposed bulk procurements. This guidance will be sent to the agencies directly.**

1. **Can employees who are not fully vaccinated be tested for COVID-19 antibodies?**

Agencies must act prudently and follow VDH guidance in deciding which tests will be administered to meet their business needs. VDH has advised that antibody testing does not meet the requirements of ED #18.

2. **If an employee presents documentation that they have the antibodies for COVID-19, do they still need to report their vaccination status and, if not fully vaccinated, be required to submit to weekly testing for COVID-19?**

All employees must disclose their vaccination status. Those who are not fully vaccinated are subject to the testing requirements in order to work on-site or perform public-facing duties. This applies regardless of whether they have already had COVID.

3. **Are unvaccinated individuals who have had COVID-19 within the last 90 days provided an accommodation for the weekly testing requirement?**

Employees who have had COVID-19 and are not fully vaccinated may be temporarily accommodated and not expected to participate in the weekly COVID testing until the 90 calendar day period concludes. Employees who were positive for COVID-19 prior to the 90 calendar days should either be fully vaccinated or submit to weekly testing for COVID-19. The CDC recommends that individuals who have had COVID-19 get the vaccine.

4. **Do employees have to sign a consent form prior to the weekly COVID-19 testing?**

It is a best practice to inform employees who are not fully vaccinated of the Agency's testing procedures and encourage them to sign a testing acknowledgement form. A Testing Acknowledgement template is available on DHRM's website. An employee's refusal to sign the acknowledgement form does not recuse the individual from the weekly COVID-19 testing requirements. Agencies must maintain and retain the testing acknowledgement forms in separate files from the official personnel record in accordance with the storage and retention procedures for medical documentation. If lab testing is required, employees will be provided with a relevant consent form by the vendor/laboratory.

5. **Is the employee personally responsible for any associated costs for weekly testing?**

Testing for those not fully vaccinated is a condition of employment and the agency must bear the costs associated with the testing. Employees will not be responsible for the costs associated with testing if they follow their Agency's testing protocols.



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**6. Will employees be tested in their doctors' offices or at certain labs, charging their health insurance? What if there are co-pays?**

Agencies will communicate their testing procedures to employees. Agencies will bear the costs of weekly testing. Testing costs will not be charged to the state health insurance plan.

**7. Will agencies be provided any funding to assist with the costs associated with the required testing for employees who are not fully vaccinated?**

Agencies must initiate their testing program using agency funding and are advised to carefully document expenditures specific to Executive Directive #18's requirements in the event that additional funding is made available. Agencies are encouraged to discuss funding needs with their respective points of contact at the Department of Planning and Budget.

**8. What is the employee's status when unable to schedule a test in a timely manner or while waiting for test results? May agencies permit telework for these circumstances?**

*(This response updated 9/1/21)*

This is contingent upon the type of COVID-19 testing the agency determines is a best fit for their agency's needs. Testing arrangements/appointments should be made in advance. Employees who are unable to get a test scheduled should not be penalized if efforts were made to locate testing at alternative locations in the immediate area (within 50 miles). Employees required to travel beyond their normal commute to the office to be tested are eligible for mileage reimbursement in accordance with DOA's policies. Telework may be an option for certain positions as determined by the Agency. This is applicable for situations when the testing results are not immediately available.

When teleworking is not feasible, agencies must use their best judgment and discretion to determine if an employee can safely return to the workplace while waiting for the results of surveillance testing. Employees' return to the workplace is best supported in workplace situations that can maintain social distancing and other safety measures (consider large warehouses, staggered occupancy in work stations, etc.) If such safety measures cannot be maintained, then agencies are encouraged to place the employee on paid administrative leave pending test results.

**9. Are agencies responsible for arranging and scheduling the weekly COVID-19 testing or will employees need to schedule their tests?**

This may vary from agency to agency. Agencies will communicate their testing procedures and reporting requirements to those required to be tested. Testing must be done in routine intervals of 7 days. Employees who test on a Friday should next test the following Friday.

**10. When should Agencies begin testing for their employees who are not fully vaccinated?**

The expectation established in the Executive Directive is that weekly testing for employees who are not fully vaccinated shall begin effective September 1 or as soon as possible thereafter.

**11. What are the recommended testing options for agencies (PCR, Rapid, Home tests)?**



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Employee testing options for agency consideration are outlined on VDH's website. This information is referenced in the Employee Testing Options for Agencies document on DHRM's website. Additional guidance from DGS regarding available vendors is forthcoming.

### **12. May Agencies establish on-site testing programs?**

This depends upon the type of agency, the type of testing that will be done, and the resources the agencies have. Most agencies do not have the resources to establish on-site laboratory testing that meet the appropriate laboratory credentialing.

### **13. Are there state-approved vendors for required testing?**

DGS is in the process of communicating information to agencies specific to existing vendors that provide services that may be needed to implement ED#18.

### **14. What is the guidance for accepting the results of home tests that are not proctored and do not offer date or time stamps? These test results may be easily manipulated.**

Agencies may elect to implement proctored tests to ensure the results are valid. However, this may create an administrative burden on the staff assigned to monitor this testing as it will need to be conducted privately. Some agencies have elected to use self-administered tests to meet their logistical and budgetary constraints. Those using these tests are typically requiring more frequent testing.

VDH notes that self-administered tests which are not observed may not be reliable due to user error. Agencies are to communicate how employees are to submit test results and employees should be reminded that providing false information may make them subject to disciplinary action under the Standards of Conduct.

### **15. What is the applicable time frame for test results for the following week? If a test is taken on Tuesday, do the results apply until the following Tuesday?**

Tests must be administered every seven days. Agencies are encouraged to establish a staggered testing schedule for employees so there is minimal disruption to business operations. Employees returning from a week of leave for any reason will need to complete a test 24-hours prior to re-entering the work place or performing public-facing job duties.

### **16. Will the state be leveraging any infrastructure to accomplish testing? Some agencies have a significant population of unvaccinated employees, many in rural areas without access to close medical facilities.**

At this juncture, there is not a plan in place to provide centralized testing services to agencies.

### **17. Will the testing results be shared with agency managers/supervisors?**

Access to vaccination and testing information should be limited to those having business reasons to know. Supervisors and managers will be advised of positive test results to further assess potential exposures to others who may have been in close contact with the employee who tested positive. Every effort must be made to communicate positive exposures in a confidential manner. Requirements for employer reporting of positive tests to DOLI/VDH are still in force.



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**18. What is the guidance regarding employees who are scheduled to test during normal work hours? Please advise regarding their pay or leave status.**

Because this is a condition of employment, agencies shall consider employees who are participating in testing to be in a work status. Barring unusual circumstances, Agencies using rapid tests may establish a minimum standard timeframe for employees to complete the testing requirement with the understanding that there may be circumstances that influence the time needed. PCR testing conducted at a medical facility, pharmacy, or public health testing center may require more time due to the volume of individuals scheduled for testing. Agencies are encouraged to be flexible in adjusting work schedules as needed to accomplish testing while also minimizing any overtime liability. Time spent being tested should be counted as worked time.

**19. Does the employee still need to get weekly testing if they remain in a full-time telework status?**

Full-time remote workers are not subject to weekly testing but, if unvaccinated, will be required to test if there is a need to enter the workplace. Full-time teleworkers may be required to enter the work-site or perform public-facing duties from time to time. When this occurs, if the employee is unvaccinated, they must be tested before admission to the work-site or involvement in public-facing duties.

**20. If someone (vaccinated or unvaccinated) returns to the workplace from travel to another state or country where high or substantial transmission is prevalent, will they be required to be tested before returning to the workplace?**

It's important to note that, currently, transmission rates are at the substantial to high rates in most of Virginia's counties and localities. Employees who are not fully vaccinated and returning from leave or business travel for the agency will need to submit to COVID-19 testing no more than 7 days from the date of their last COVID19 test or 24 hours prior to returning to the work-site or performance of public-facing job duties.

**21. If an employee who is not fully vaccinated is on leave for a week will they be required to be tested while on leave before they can return to work?**

Employees who are not fully vaccinated and on leave for a week are not required to test during that seven-day testing period. If they do not return from leave before the next scheduled test day, then they will need to test at least 24 hours but not more than 7 days before they return to work.

Employees must be tested every 7 days or in intervals that are as consistent with this 7-day period as possible. If they have missed their weekly testing day, they must be tested in advance of the return to the work-site. Generally, this will mean at least 24 hours in advance unless rapid tests are being used and results can be provided much sooner.

Examples:

Cameron's scheduled workweek is Monday through Friday. Cameron's assigned testing day is Wednesday.

- Cameron is tested on Wednesday and is on annual leave Thursday and Friday and the following Monday. Cameron returns to the work-site on Tuesday and undergoes testing again on Wednesday.
- Cameron is tested on Wednesday and is on annual leave the following week from Monday through Friday. Cameron is not required to be tested on the Wednesday when on leave. However, Cameron must be tested prior to returning to work the following Monday.



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- Cameron is on annual leave on Wednesday. Cameron should be tested on Thursday before returning to the work-site.

**22. What happens if an employee is on a short-term disability claim for three months, is not fully vaccinated, and has been released to return to the work-site or perform public-facing duties?**

Employees who are required to be tested must be tested before returning to the work-site or performing public-facing duties at least 24 hours but not more than 7 days before the employee returns to the worksite or begins performing public-facing job duties.

**23. Please address accommodations for employees who may have medical conditions/disabilities or have sincerely-held religious beliefs. Will they be allowed to work remotely?**

Please see the Guidance for HR Professionals – Accommodations in Connection to Testing for COVID-19. Executive Directive #18 states that employees who are not fully vaccinated (regardless of the reason) are required to participate in weekly COVID-19 testing. Accommodation requests should be considered only if there is a medical condition/disability or sincerely-held religious belief that precludes TESTING. There may be alternate testing methods that can serve as an accommodation. Remote work arrangements are specific to the position's duties and agencies business needs.

**24. If an employee is pregnant, are they required to participate in the weekly testing requirement?**

Employees who are pregnant and unvaccinated will be subject to the weekly testing unless they present an accommodation request due to their medical condition/disability or sincerely –held religious belief related to TESTING.

**25. After September 1, but before our testing protocol is in place, can we allow or require unvaccinated employees in the workplace if they wear a mask and social distance?**

Yes, even after September 1 testing protocols are in place, employees who are not fully vaccinated are permitted (and can be required) to report for duty in their assigned workplace as long as appropriate Safe at Work protocols are followed. Employees who are not fully vaccinated are required to wear a face mask that covers both their nose and their mouth while performing duties that do not allow for six feet of social distancing to include the performance of public facing job duties.



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### **D. CONTRACTORS**

- 1. What is the recommended process for ensuring that contractors (e.g., security personnel, temporary workers, cafeteria workers, maintenance, IT contingent workers, etc.) are following the requirements in Executive Directive #18?**

Contract workers engaged through a state contract who work on-site or perform public-facing services on behalf of state agencies must disclose their vaccination status to their employers (the contracting vendor that employs them.) Contracting vendors must certify to the agencies that contract workers who work on-site or perform public-facing services are:

1. Fully vaccinated; or
2. If not fully vaccinated, require their employees to wear a mask, maintain social distancing, and adhere to all other agency safety protocols while working on-site or engaged in-person with the public.

There is no testing requirement imposed on contractors by the ED.

- 2. What is the appropriate action for contractors who are not in compliance with Executive Directive #18 requirements?**

Agencies must engage with the contracting vendor or the employer of the contracted worker and advise that the contracting vendor's employee is not adhering to the safety requirements for contractors request the removal of the contract workers from the worksite until they are in compliance.

- 3. Can agencies mandate that the contracting vendor send only individuals who are fully vaccinated to work on-site at the agency?**

The contracting vendor must certify to the contracting agency(-ies) that their employees are compliant with the requirements of Executive Directive #18 and this guidance as it applies to contract workers covered by the directive. See the Interim Guidance for Contractors distributed to agencies on 8/14/21.



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### **E. TELEWORK and MISCELLANEOUS**

**1. If an employee experiences serious adverse side-effects from taking the COVID-19 vaccine will the employee be covered by Worker's Compensation?**

Employees who elect to get a COVID-19 vaccine in response to Executive Directive #18 and subsequently suffer an illness or injury attributable to the vaccine that requires medical treatment may be covered under Workers' Compensation. Employees should report all work-related injuries/illnesses to their agency as quickly as possible and agencies must follow the standard procedures for processing employee injury/illness claims for appropriate review.

**2. Can agencies offer incentives for those not vaccinated to become vaccinated to improve compliance in ways that are not punitive?**

Agencies may offer incentives to encourage employees to become vaccinated. However, there is no statewide incentive program being offered at this time.

**3. Are we allowed to ask candidates during the interview process if they are vaccinated?**

Questions regarding vaccination status must not be asked or raised during employment interviews nor shall questions regarding vaccination status be included as a supplemental question in the Recruitment Management System or related recruiting systems. This information may be discussed with the candidate only after a job offer has been extended. The state's requirements for vaccination disclosure and testing for employees who are not fully vaccinated must be included in the job announcement and within the offer letter.

Such language may include: *The Commonwealth of Virginia requires all Executive Branch employees, including new hires, rehires or transfers to disclose their vaccination status upon hire. Disclosure of vaccination status (and for those fully vaccinated, proof of vaccination) will be required during new employee orientation on your first day of work. If you are not vaccinated for any reason or choose not to disclose your vaccination status, you will be required to be tested for COVID-19 once per week on an indefinite basis. If you have questions, please contact the Human Resource Office.*

**4. Is DHRM considering adding to the standard Employment Application notice of the Commonwealth's stance on vaccination/testing to put applicants on notice of these requirements (much like a background check requirement)? If not, are agencies able to do so?**

There are no immediate plans to change the State's Application for Employment. Job Announcements must include a notification that the Commonwealth of Virginia is requiring employees to disclose their vaccination status and if not fully vaccinated to participate in weekly testing for COVID-19. See the suggested language in the above response.

**5. How will new employees be on-boarded?**

Employees should be on-boarded according to the agency's onboarding practices. Agencies must inform new employees in their offer letters of Executive Directive #18's conditions prior to on-boarding. New hires, rehires, and transfers to a new state agency must complete the Vaccination Status Form and submit their vaccination documentation. If the employee is not fully vaccinated, then the weekly testing requirements will apply. Be sure to include information regarding the process for requesting an accommodation to testing for a religious belief or a medical condition/disability.



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**6. What happens if an employee works at two separate agencies - one full-time and one wage?**

Employees who work at two separate agencies should follow the requirements specific to each agency.

**7. How do we monitor the status of state employees who are required to attend meetings or perform work that occurs at another agency's work place?**

It is the employing agency's responsibility to ensure their employees' compliance with Executive Directive #18 to include testing requirements and adherence to COVID-19 safety protocols.

**8. Are employees who work remotely on a full-time basis required to be vaccinated or tested? What is the requirement for hybrid teleworkers who report to the worksite on established days during the workweek or those that may be required to report to the work site on occasion for Agency business needs?**

All Executive Branch employees are required to disclose their vaccination status regardless of their participation in remote work. If an employee who is not fully vaccinated is working remotely for 100% of their workweek, the weekly COVID-19 test is not required. However, Hybrid-Teleworkers or those that may be required to work onsite for any part of a workday must participate in the weekly COVID-19 testing requirement and present the testing results prior to reporting on-site. Employees who perform public-facing job responsibilities at other locations will also be required to participate in weekly testing requirements (e.g., Inspectors, Investigators, TAX Auditors, etc.)

**9. Does this apply to employees who live or work remotely from another state or country?**

Employees who are not fully vaccinated and who live in another state and work on-site for the Commonwealth are subject to the weekly COVID-19 testing requirements as outlined in Executive Directive #18. Employees who are not fully vaccinated and who live in another state or internationally and work remotely full-time are not subject to the testing requirements in the Executive Directive. Should Agency business needs dictate that the employee must report to an on-site workplace or perform public-facing job duties, then the required testing for COVID-19 must occur. Agencies are reminded to apply the laws/regulations specific to the remote work location.

**10. Will state agencies continue to offer the option to telework?**

The continuation of telework is an agency business decision and is applicable only to those positions whose job duties support a telework model. Agencies may or may not adjust their plans for returning employees to on-site work based upon their business operational needs. All agencies are expected to implement their safety plans for ensuring a safe work environment and employees will be expected to comply with their Agency's policy and protocols for safety/health. Telework should **not** be considered as an option for those who are not fully vaccinated simply to enable them to avoid weekly testing.

**11. Will employees who are teleworking as an accommodation for a medical condition/disability, be required to submit their vaccination status and participate in weekly testing?**

The Vaccination Status Disclosure is required for all employees regardless of whether they are teleworking or not.



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### **F. VACCINATION STATUS**

- 1. Considering the lag time between the two-dose series to receive both vaccinations, are employees expected to be fully vaccinated by September 1? Will employees be in violation of the requirements in Executive Directive #18 if they are unable to be fully vaccinated by September 1st?**

Employees' vaccination status should be disclosed by September 1st. Employees who are not fully vaccinated (regardless of the reason) AND who are working on-site or performing public-facing duties off-site are subject to weekly testing until they become fully vaccinated as defined in the Interim Guidance on ED #18 - Employee Testing.

- 2. Is there further action needed for employees who are fully vaccinated once verification of vaccination is submitted?**

Employees will be asked to provide their vaccination status and submit documentation of their COVID-19 vaccination. Employees who are fully vaccinated and provide supporting documentation have completed the requirements established in Executive Directive #18.

- 3. Are agencies expected to provide the vaccinations or should employees make their own arrangements to obtain a VACCINATION?**

Vaccinations are available at many pharmacies or medical centers and employees should make their own arrangements to get vaccinated. If they must schedule a vaccine appointment during normal work hours, the employee should follow their agency's process for requesting and using leave. The [VDH website](#) provides additional information about vaccinations.

- 4. If an employee gets the COVID-19 vaccine and experiences side effects from it, what leave should be used if they are too sick to work?**

Agencies may permit employees to use up to 8 hours of PHEL for acquiring the vaccination(s) or for side effects experienced as a result of the vaccination. This leave is not available retroactively. Employees may also use traditional sick leave if applicable, family/personal, VSDP sick, recognition, overtime, annual, or compensatory leave. Such side effects are typically short-lived and will not usually be of a duration or severity warranting a short-term disability claim. [DHRM Policy Guide - Policy 4.52 PHEL effective 9-1-21 and amended on 10-26-21](#) states that agencies may permit employees to use up to 8 hours of Public Health Emergency Leave (PHEL) for acquiring the vaccination(s) or for side effects experienced as a result of the vaccination. This leave year allocation of up to 8 hours of PHEL may also be used to acquire the COVID19 vaccination(s) or boosters or for time to recover from side effects.

- 5. What is the target date or time frame for trying to become a fully vaccinated facility?**

There is no target date established for most state agencies. The Executive Directive mandates that employees must disclose their vaccination status by September 1, 2021 and undergo weekly testing if they are not vaccinated as soon as agency testing procedures are in place. However, some Higher Education Institutions have established different dates for compliance with their vaccination policies.

- 6. Are employees considered to be working or on leave while attending a vaccination appointment?**



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Agencies may permit employees to use up to 8 hours of PHEL for acquiring the vaccination(s) [to include vaccine booster shots](#) or for side effects experienced as a result of the vaccination(s). This leave is not available retroactively.

**7. What type of leave does the employee have to use if they test positive during surveillance testing and are required to isolate for 10 days? Is PHEL available?**

Employees who test positive and are required to isolate due to a positive test result for COVID-19 may use up to 80 hours of PHEL\* beginning on September 1, 2021. Once the PHEL allotment is used, employees may use traditional sick leave, VSDP sick or family/personal leave if they participate in VSDP; and other leave such as overtime, recognition, annual, or compensatory. If the employee does not have available paid leave balances, then a pay dock or Leave without Pay is applicable. See the [Policy 4.52 Public Health Emergency Leave guidance document](#).

\*If an employee tests positive but is asymptomatic, the agency must consider if a telework option is available and suitable to the position's job duties before granting PHEL.

**8. Who is going to be the agency's Vaccine Coordinator?**

DHRM recommends that Human Resources be involved in overseeing the agency's procedures associated with collecting vaccination status documentation and COVID-19 testing results. However, a designee may be appointed for outlying facilities or, if possible, an Agency's Safety Officer may fill this role. Designees must be held accountable for maintaining confidentiality and appropriate record-keeping.

**9. Is it acceptable for Human Resources staff to receive/review an electronic copy of the vaccination card or other documentation or must the original document be reviewed in person? Is there guidance for determining the validity of the vaccination documentation?**

Originals of the vaccination documentation forms are not required. Electronic copies include scanned documents or photos of documents sent via email or text. Agencies should presume the validity of vaccination documentation unless there are other indicators the documentation may be falsified. An employee's submission of false or manipulated documentation is a violation of state policy and disciplinary actions shall apply.

Questions related to acceptable documentation of vaccination records from outside Virginia or outside the country should be referred to the policy box. [policy@dhrm.virginia.gov](mailto:policy@dhrm.virginia.gov)

**10. With regard to vaccination/testing records, will DHRM or VDH establish a database or other tracking tool for housing these records securely? If so, will it be employee self-service? (We prefer to keep this out of the employee personnel files and in a separate database/system of record.)**

There is presently no statewide data base for this purpose. Agencies may develop or contract for such systems provided they comport with VITA security standards. All vaccination status information and testing reports must be maintained separately from employees' official personnel records.

**11. Is there any opportunity to leverage VAMS or any other potential database of information (VDH) to obtain vaccination information regarding state employees in bulk with employee consent/release?**



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DHRM's website includes links to the VDH Registry of Vaccinations for **employees** to access their information and provide it to the agency as instructed. VDH will not authorize a mass review of data in their registry by employers.

- 12. Who is responsible for confirming and maintaining the record of vaccination / test result status? If it is the agency's responsibility, please provide guidance on maintaining the records of such documents (i.e., in personnel file, separate medical files, all together, etc.)**

It is recommended that the agency human resources office serve as the primary reviewers and collectors of records but agencies may delegate this responsibility to meet operational needs. The agency must maintain records of vaccination status, test results, and accommodations in a secured and confidential location and in a file separate from the official personnel files. These records must be stored, retained and destroyed according to the state recordkeeping requirements for medical records.

- 13. What should we require of employees who are on VSDP or an extended medical absence?**

Employees who are not working and on approved VSDP claims or extended leave due to an illness or other reasons shall not be required to report and submit their vaccination status until they are approved and scheduled to return to duty. Provide the employees with adequate notice of the Executive Directive's requirements for disclosure of vaccination status and the subsequent testing requirement if the employee is required to report to the work site.

- 14. Will fully vaccinated employees be required to obtain a booster vaccination?**

Decisions involving COVID-19 vaccination boosters will be communicated at a later date.

- 15. Will the state's health insurance provide coverage for treatment related to adverse effects associated with the COVID-19 vaccine?**

Yes. Employees and their covered dependents who participate in a health care plan offered through the Commonwealth of Virginia's Health Benefits Programs can expect their health care plan to cover medically necessary treatment for side-effects or adverse health issues arising from the COVID-19 vaccine.

- 16. If an employee gets the COVID-19 vaccine and the vaccine's side effects result in their death, will their beneficiary be eligible for life insurance? What about Long-Term Care benefits?**

Benefit payments from the VRS Group Life Insurance Program and the Long Term Care Plans continue to follow established eligibility guidelines and are not impacted by COVID-19 related illness or the vaccine status of the employee.

- 17. Due to specialized business needs, certain agencies (engaged in patient care or other residential care) administered vaccinations to employees on-site and documented these inoculations in confidential medical records. Are these agencies required to re-collect the vaccination status for employees who already reported this information to the agency?**

Those employees who already disclosed their vaccination status to their employer are not currently required to complete the Employee Vaccination Status Disclosure Form. Employees who did not participate in the agency vaccination programs are required to complete the forms to disclose their vaccination status.