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Interim Guidance on Executive Directive #18 Issued on August 5, 2021  
Ensuring a Safe Workplace  
**Disclosure of Employee Vaccination Status**

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[Executive Directive #18 \(ED #18\)](#), addressing additional measures to protect our state employees and those they serve from exposure to COVID-19 while in the workplace, notes several new requirements for agencies and their employees. This guidance pertains to the requirement for all state employees to disclose their current vaccination status.

**REQUIREMENT TO DISCLOSE VACCINATION STATUS:**

1. The requirement to disclose vaccination status applies to all Executive Branch employees (including Office of the Governor, Office of the Lieutenant Governor, Secretary of the Commonwealth, Executive Branch agencies, Institutions of Higher Education, and Authorities within the Executive Branch by the Code of Virginia or designated under a Secretariat in the Code of Virginia.)
2. This includes employees who are at-will, classified, wage, faculty, adjunct faculty, and other salaried employees.
3. Employees must disclose their vaccination status whether they are working in the office or teleworking.
4. Failure to disclose one's vaccination status according to their agency's procedures may subject the employee to disciplinary action.

**CONTRACT (CONTINGENT) WORKERS:**

Guidance pertaining to contract workers will be addressed separately.

**AGENCY RESPONSIBILITIES:**

The first step in complying with ED #18 is to record employees' vaccination status so that agencies may determine which employees are subject to masking and testing requirements.

1. Agencies must establish and communicate record-keeping procedures for submitting, receiving, verifying, recording, and retaining documentation of employees' vaccination status.
  - a. It is recommended that the agency human resource office serve as the primary reviewers and collectors of records but agencies may delegate this responsibility to meet operational needs.
  - b. An [Employee Vaccination Status Form](#) template is available for agency use.
  - c. This form contains data that must be communicated to the employee and be recorded by the agency.
  - d. Agencies may customize this form or establish secured, confidential databases that capture the vaccination status if the employee's signature/acknowledgement of receipt can be recorded.
    - i. Agencies monitored by the Virginia Information Technologies Agency are required to follow and comply with all Commonwealth of Virginia information security policies, practices, and standards as defined by SEC-525 for electronic databases.
    - ii. Other agencies must adhere to their governing standards for maintaining secured data.



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- iii. Agency counsel in the Office of the Attorney General should review any significant deviations from this interim guidance related to vaccination status recording procedures.
    - e. Human resource or other designated staff should accept documentation that appears to be authentic and require additional information only if the data is incomplete or unclear.
  2. See record-keeping guidance.
  3. Agencies must include the requirement to disclose vaccination status upon hire in job announcements and inform new employees in their offer letters of Executive Directive #18's conditions prior to on-boarding.
  4. Agencies may be required to periodically report aggregate numbers and percentages of employees fully vaccinated and not fully vaccinated.
  5. Agencies must communicate to employees the requirement to disclose their vaccination status, the procedures for doing so, and the deadline for disclosure.

**EMPLOYEE RESPONSIBILITIES:**

1. Employees are provided a definition of "fully vaccinated" and attest that they are fully vaccinated or they are not fully vaccinated.
2. **Employees who are fully vaccinated** must submit their vaccination status according to agency procedures and present documentation of the inoculation(s) and date(s) administered.
  - a. Vaccination cards provide all needed documentation. Cards may be hard copy or electronic.
  - b. If employees do not have vaccination cards, they may provide documentation from their health care provider (physician, pharmacist, etc.), noting the dates the vaccination(s) were administered.
  - c. Alternatively, employees may provide documentation from the Virginia Department of Health or other public health entity.
  - d. Fully vaccinated employees are not subject to additional requirements in the Executive Directive.
3. **Employees who are not fully vaccinated** must submit their vaccination status according to agency procedures.
  - a. Employees who are not fully vaccinated (for any reason) are subject to additional requirements in the Executive Directive.
4. **Employees who are partially vaccinated**, (one dose of a two-dose vaccine or for whom two weeks following the last inoculation of the vaccine selected have not yet lapsed), must report that they are not fully vaccinated. If they become fully vaccinated, they must report the change and present their documentation.
  - a. Employees who are partially vaccinated are subject to additional requirements in the Executive Directive.
5. **Employees who are not vaccinated and later decide to be vaccinated** must update their record and submit documentation when they achieve a fully vaccinated status.



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6. Employees who transfer from one state agency to another must disclose their vaccination status in accordance with the new agency's procedures. Employee Vaccination Status Forms/data will not be transferred to other agencies.

**RECORD-KEEPING**

1. Records of the employee's vaccination status must not be maintained in the employee's personnel file but must be kept confidentially and secured in a separate file. An employee's vaccination status is not considered to be HIPAA-protected.
2. Access to vaccination status should be limited to those having business reasons to know.
3. Storage, access, and retention schedules should align with those for medical records.
4. Staff to whom the documentation (vaccine cards, health provider's confirmation, or other public health verification) is presented must attest that it substantiates that the employee is fully vaccinated.
5. Copies of the vaccine cards or other relevant documentation may be retained (in confidential and secured files separate from the personnel file.) **at the discretion of the agency.** If the agency opts to retain copies, they should be retained for all vaccinated employees in the agency.

**QUESTIONS:**

**Frequently Asked Questions** are being compiled and will be published soon.

In the interim, questions may be directed to the policy box. Individual responses may be delayed. Thank you for your patience.

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