


OPERATING PROCEDURE (OP) NO. 20-80
MANDATORY WEEKLY COVID-19 TESTING FOR UNVACCINATED STAFF

Effective Date: August 2, 2021

From: Mitchell Katz, MD President and CEO 

I. PURPOSE:

To set forth the policy and procedure to reduce the spread of COVID-19 by requiring staff at any New York City Health + Hospitals (hereafter, "System") work location either be vaccinated against COVID-19 or be mandated to undergo weekly COVID-19 testing.

II. SCOPE:

This policy and procedure is applicable to all staff including all System employees; affiliate employees; medical staff members; students; interns; volunteers; temporary workers; vendor employees or any other staff who may be expected to have recurring interaction/exposure with other staff or patients in any System work location, hereinafter referred to as System "staff." Exemptions for certain staff are outlined in section V below.

III. DEFINITIONS:

A. NYC Health + Hospitals Staff: For purposes of this OP, "staff" includes all people who work on behalf of the System at a System work location, including at Acute Care facilities, Community Care, Test & Trace, Gotham Health, Correctional Health Services, Post-Acute, Central Office, NYC Health + Hospitals/Family Court Mental Health Services, or Metro-Plus. Staff includes all employees, affiliates, temporary or agency staff, students, volunteers and vendor staff.

B. Fully Vaccinated: Fully Vaccinated staff are staff with proof of receiving a full dose of an FDA-authorized or WHO-approved COVID-19 vaccine, such as two doses of the Pfizer-BioNTech or Moderna vaccine or a single dose of the Janssen/J&J vaccine, and are two weeks past completing the series.

C. Partially Vaccinated: Partially Vaccinated staff are staff with proof of only one dose of a two dose series of a FDA-authorized or WHO-approved COVID-19 vaccine or staff who are within two weeks after receiving the last dose of an FDA-authorized or WHO-approved COVID-19 vaccine.

D. Weekly Testing: Weekly testing means undergoing a COVID-19 Polymerase Chain Reaction (PCR) test during each seven day period starting on Sunday and ending on Saturday.

IV. POLICY:

It is the policy of the System that all staff who have, or could be expected to have, recurring interaction/exposure with other staff or patients at any System facility or workspace must either be fully vaccinated, or if they are not fully vaccinated, they will be required to undergo weekly COVID-19 diagnostic testing at the direction of, and with diagnostic results reported to, the System's Occupational Health Services (OHS). All unvaccinated staff will be offered the COVID-19 vaccine at no cost to the staff member at designated System facilities. Testing for partially vaccinated or unvaccinated staff will also be made available at no cost to the staff member at System facilities. Unvaccinated staff who do not undergo weekly COVID-19 diagnostic testing, as required, will not be cleared to work.¹

V. PROCEDURE:

SUBMISSION OF DOCUMENTATION OF COVID VACCINATION STATUS:

Staff vaccinated at a System location do not need to submit documentation of their vaccination to OHS unless requested to do so. If a staff member elects to receive a vaccine at an H+H vaccine site, the staff member should identify themselves as System staff and provide their TKID to ensure that proof of vaccination is made part of their OHS record.

Staff vaccinated at a non-System location must provide to OHS documentation that includes a copy of a signed immunization vaccination record giving the date of vaccination, the name and address of the provider and the vaccine lot number and manufacturer. Staff may provide documentation through the COVID-19 Staff Testing Tracker or bring documentation directly to their facility OHS Office.

WEEKLY TESTING PROTOCOL:

Unvaccinated staff, upon the effective date of this policy, are required to undergo weekly PCR testing and to ensure reporting of the test results to OHS, if tested outside of the System, by submitting documentation through the COVID-19 Staff Testing Tracker or by bringing documentation directly to their facility OHS office. Staff testing documentation will be automatic if completed within the System.

¹ Post-acute care facilities and Correctional Health Services staff are subject to this policy but those business units may, in accordance with federal, state, or local law, as well as any other procedures or policies applicable to those business units, implement different procedure(s) to ensure compliance.

Staff who are Partially Vaccinated by August 1, 2021 do not need to undergo weekly testing as long as they are Fully Vaccinated or receive a second dose of the vaccine by September 2, 2021. If they do not receive a second dose, if required to be Fully Vaccinated, by September 2, 2021, they will be required to begin weekly testing that week.

All other staff who have not received any vaccination are required to undergo weekly PCR testing beginning the week of August 2, 2021, and to ensure reporting of the test results to OHS, if tested outside of the System, by submitting documentation through the COVID-19 Staff Testing Tracker or by bringing documentation directly to their facility OHS office. Staff testing documentation will be automatically reported to OHS if completed within the System.

Partially vaccinated staff who received their first dose after August 1, 2021 are also subject to weekly testing until such time as they are considered fully vaccinated in accordance with section III.(B) above.

Staff testing for COVID-19 is available at designated System sites. These sites will prioritize staff testing to minimize disruption to work and the testing will be performed at no cost to the System staff member.

Mandated staff testing can be completed during work time at the most convenient System testing location, with limitations on the scheduling of such time to meet the operational needs of the System, and at a time approved by the staff's supervisor.

- Up to one hour comp time may be granted if COVID-19 testing occurs during the lunch hour and approved by the facility HR Director or the facility CEO/business unit lead.

Staff who are not fully vaccinated, and who do not undergo COVID-19 testing on a weekly basis, will be contacted by their facility Office of Human Resources and instructed to undergo testing as soon as possible based on the System's operational needs. Staff who do not comply will not be cleared to work.

- System employees will be without pay until they comply with the testing or vaccination policy.
 - Group 11 staff may be subject to termination for failure to comply with weekly mandated COVID-19 testing if unvaccinated.
 - Group 12 staff may be subject to progressive discipline, up to and including termination, for failure to comply with weekly mandated COVID-19 testing if not fully vaccinated.
- Non-employee staff will be removed from duty and ordered to report to their employer or affiliated academic institution. The affiliate, agency, or academic institution will be notified by the System of the staff member's noncompliance

with the vaccination or testing policy. Volunteers will be directed to the Volunteer Office – Human Resources and placed on inactive status.

- Any staff who believe that they will be placed on leave or removed from duty in error because they were already tested should notify their facility Office of Human Resources Immediately.
- If positive for COVID-19, employee must notify OHS and refer to the [Return to Work Guidance](#).

EXCEPTIONS TO THE WEEKLY TESTING REQUIREMENT:

Unvaccinated staff who are on an authorized leave of absence for their entire work week, (i.e. vacation, sick leave, jury duty, retirement leave, bereavement leave, etc.) or working remotely for their entire work week, are not required to undergo testing during that period beginning on Sunday and ending on Saturday.

Staff may seek a medical or religious accommodation to comply with this policy by submitting a request for a reasonable accommodation to the Office of EEO.