

COVID-19 Vaccination and Testing FAQs

Can a teleworking employee who does not submit proof of full COVID-19 vaccination instead pay for their own test and submit results if they want to come to the workplace on occasion?

No. If a teleworker wishes (but is not required) to access the workplace for more than 10 minutes, they must attest to and provide proof of full COVID-19 vaccination; we will not accept test results in lieu of vaccination. If the teleworker is *required* to enter the workplace, then they will be subject to the same vaccine-or-test requirement as for non-teleworkers.

If an employee refuses a mandatory test but then goes on their own to get tested, do we need to reimburse for the cost of the testing?

No. If an employee refuses a mandatory test, but later determines they wish to be tested, they may obtain a COVID-19 test on their own time at their own expense and have the results reported to agency Human Resources. The agency will not pay for testing, time, or mileage in that situation.

Can employees submit their MyChart information that shows they have the vaccine?

Proof of full vaccination against COVID-19 must legibly show, at a minimum: 1. Name of the individual vaccinated 2. Date of birth of the individual vaccinated 3. The manufacturer of the vaccine 4. The date(s) on which the vaccine was administered. If the MyChart submission contains this information about receipt of the COVID-19 vaccine, it is considered acceptable proof under the policy. Agencies should not solicit information that contains information about any vaccines other than the COVID-19 vaccine. Employees should provide information only with respect to the COVID-19 vaccine.

With volunteers, can we determine that only those fully vaccinated against COVID-19 are qualified to come on site and not provide a testing option?

Yes. Volunteers are not required to work, so are not subject to the same vaccine-or-test provisions as for workers who are working onsite as a job requirement. As a result, only volunteers who are fully vaccinated against COVID-19 should be authorized to work onsite.

We have received information that employees who got a vaccine through the Mayo Clinic only received a blank card and were told they could complete it based on the information from their electronic record. They are asking if they should complete the card or provide the electronic information. Any suggestions?

Showing the electronic record is sufficient if it contains the information required by the policy.

How do we know what proof of vaccination format will be accepted?

Proof of vaccination must be legible and must include:

1. Name of the individual vaccinated (*print your name on the card if it's not there*)

2. Date of birth of the individual vaccinated (*print your birth date on the card if it's not there*)
3. The manufacturer of the vaccine (Moderna, Pfizer, Johnson & Johnson)
4. The date(s) on which the vaccine was administered

To obtain the required information or if an agency questions the validity of a vaccination card/proof of vaccination, individuals can request a copy of their vaccination record from MDH at [Find My Immunization Record](#). The card does not have to include the CDC logo to be a valid record of vaccination. For questions, please contact agency Human Resources.

If employees who are required to work in-person began getting their COVID-19 vaccines today but will not be fully vaccinated by Sept. 8, will they need to undergo testing until the time that vaccine is effective (2-3 weeks after Sept. 8) or be placed on unpaid leave if they refuse?

Yes.

Do we need to retain copies of the COVID-19 vaccination cards?

No. Agency HR must inspect the proof provided and complete the attestation form. It is not recommended that agencies keep copies of the proof of vaccination. Agencies should keep the completed attestation forms. The completed attestation forms are confidential medical records and must be kept separate from the personnel file.

Do we need to retain copies of medical records showing COVID-19 test results?

Depending on the agency, you may have legal requirements to retain such medical records. Agencies should work with their general counsel to determine if there are laws specific to that agency that require retention. In the absence of a special requirement, agencies are not generally required to retain such medical records. Agencies that do not keep copies of medical records must keep a log record that employees underwent required testing and received negative test results, and keep such logs as confidential medical information.

Can you walk through how this language works, "The staff member must provide agency HR documentation of test submission either on the same day or no later than the next day the staff member is scheduled to report to work, and must submit documentation of test results on the same day the staff member receives them if it is a workday, or no later than the next day the staff member is scheduled to report to work."

The employee must take the mandated test on the date and at the place directed by the agency. As long as the employee passes the agency's [health screen](#), they should continue coming to work even though they have not yet received the test results.

If the test result is positive for COVID-19, the employee must isolate as required by their doctor and/or CDC guidelines. Generally, employees are expected to return to work under the following guidelines. Employees who need additional time off should contact the agency FMLA or ADA coordinator:

- a. **Symptoms and positive test:** If the employee had a positive COVID-19 PCR test or otherwise had a confirmed case of COVID-19, at least **10** days have passed since they started having COVID-19 symptoms, they have been fever-free for at least **24** hours without fever-reducing medicine, and their other COVID-19 symptoms are improving. (Note: Loss of taste and smell may persist for weeks or months after recovery and need not delay the end of isolation.)

- b. **Positive test without symptoms:** If the employee had no COVID-19 symptoms, and **10** days have passed since their first positive COVID-19 PCR test sample.

When an employee tests positive and has worked in person while awaiting the test result, agencies must follow the protocols set forth in the Guidance and Template for Agency Leaders: What to do when you learn a person in your workplace has been confirmed to have (or told by a medical professional to assume they have) COVID-19.

Is it correct that the policy applies to ALL employees to report to a workplace, even if the workplace is outdoors?

Yes, the policy applies to all employees, contractors, vendors, volunteers, and interns who are assigned to work at the workplace, who wish to access the workplace for more than 10 minutes, or who otherwise provide agency services outside of their home. The workplace is any location outside of a staff member's home where State work is performed or any location visited by the staff member for more than 10 minutes while on work time.

How do we implement the policy for contractors and vendors?

The policy does apply to vendors and contractors who work onsite at agency workplaces. We are putting together a workgroup to determine guidance.

Does the policy apply to landlords of non-State buildings or non-State tenants of State or non-State buildings? Does the policy apply to co-located partners that are not contractors or vendors?

No, the MMB policy does not apply. Admin may have applicable policies.

Does this policy prohibit additional COVID-19 testing in the workplace?

No. Staff members may be subject to additional attestation, vaccination, or testing requirements under agency policy or state or federal law. For example, agencies could determine to test even fully vaccinated employees.

What we should do if an employee complies with the form, but declines to show their proof of vaccination?

If the staff member fails to provide the data, they will be considered to be unvaccinated against COVID-19, and they may be required to undergo testing as required by HR/LR Policy # 1446 COVID-19 Proof of Vaccination and Testing.

Is it possible to view the proof of COVID-19 vaccination virtually?

Yes, proof of COVID-19 vaccination may be viewed virtually. The policy states an electronic copy is sufficient. Whether hard copy or electronic, proof of full vaccination against COVID-19 must legibly show, at a minimum: 1. Name of the individual vaccinated 2. Date of birth of the individual vaccinated 3. The manufacturer of the vaccine 4. The date(s) on which the vaccine was administered.

Can agencies require that unvaccinated staff who are required to work in person test in advance of being on site in the workplace?

Yes.

Must agencies reimburse mileage for mandatory COVID-19 tests?

Mandatory COVID-19 testing is considered work time. See the applicable collective bargaining agreement or compensation plan to determine whether and to what extent mileage for travel on work time is reimbursable.

Do visitors to State offices need to be vaccinated or tested?

No, just employees, contractors, vendors, volunteers, and interns who work in person. Visitors are strongly encouraged to be masked.

Do staff returning to the office after the September 8, 2021, policy effective date need to complete the attestation form by September 8?

No, not until they return to work at the workplace, wish to access the workplace for more than 10 minutes, or otherwise provide agency services outside of their home.

Will staff who have already returned to the workplace need to return to teleworking?

Telework approval is at the agency's discretion. Agencies are not required to allow staff to telework, and vaccination status is not a basis upon which to require staff to work in-person to instead telework. If unvaccinated staff have returned to the workplace solely based on staff members' personal preference, agencies should return them to telework.

What COVID-19 vaccinations are accepted under HR/LR Policy # 1446 COVID-19 Proof of Vaccination and Testing?

Acceptable COVID-19 vaccines are those approved by the U.S. Food and Drug Administration (FDA) or the World Health Organization (WHO). For the purposes of HR/LR Policy # 1446 COVID-19 Proof of Vaccination and Testing, FDA Emergency Use Authorization (EUA) satisfies the requirement for "approval." WHO-approved COVID-19 vaccinations administered outside the of the United States are acceptable with required documentation in English.

Do teleworking staff who want to return to the office for more than 10 minutes need to show proof of vaccination or be tested, same as others working/providing service outside of their homes?

No. Teleworkers who wish to, but are not required to, access the workplace for more than 10 mins or to work in person, will be asked to show proof of full COVID-19 vaccination. If they do not do so, they will be denied admission/permission to work in person but will not be tested.

Will there be guidance on testing for those who cannot be vaccinated?

The policy does not require vaccination; it requires testing unless the staff member has shown proof of, and has attested to being, fully vaccinated against COVID-19. As a result, testing applies regardless of the reason why the person is unvaccinated. Guidance on testing will be forthcoming.

Do we need to list full vaccination or weekly testing in our posting of positions needing to do in office or field type work (inspections)?

No. This is an employment policy that applies once employment begins and, as with other employer policies, would not normally be included in a posting. Information about the attestation/testing requirement should, however, be included in the new hire letter for in-person workers so that they will know what is expected of them when they start their new job, and so they are prepared to provide the information in the attestation on their first day of employment. MMB will provide template wording for this part of the new hire letter.

Can an agency designate someone outside of HR to review the attestation form and proof of COVID-19 vaccination?

We strongly advise that the reviewer be someone in HR and not a manager or supervisor, because the information reviewed involves confidential medical records. Further, the policy states, “Human Resources will review the attestation form and proof of COVID-19 vaccination..... ”

Not having an enterprise-wide attestation plan is difficult as agencies are not HIPAA experts. How can agencies verify vaccination status?

HIPPA does not apply to employers. The data, however, is confidential medical data and must be treated just like any other confidential medical data of employees. Proof of full vaccination against COVID-19 must legibly show, at a minimum: 1. Name of the individual vaccinated 2. Date of birth of the individual vaccinated 3. The manufacturer of the vaccine 4. The date(s) on which the vaccine was administered.

If the CDC recommends booster vaccines, will we be required to ask for additional documentation?

This is currently unknown, but MMB reserves the right to change its policies at any time.

If a staff member had COVID at the beginning of the year and had a positive antibody test, would that be a sufficient alternative to a vaccination?

No. The policy accepts proof of COVID-19 vaccination only. People who have had COVID-19 may develop some immunity against the coronavirus but this immunity is highly variable and may not last long.