

# Administrative Procedure 166 – Appendix B

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## Appendix B - COVID-19 VACCINATION

### Background

The Division is committed to ensuring a healthy, safe, and caring work and learning environment and will, when appropriate, implement reasonable measures that it believes will have a positive impact on health and safety in our Division. In the context of COVID-19, the Division believes that keeping schools open and students in classrooms is important for student learning and it is the Division's responsibility to take all reasonable steps to ensure the continuity of in-person learning.

Alberta's Chief Medical Office of Health (CMOH) and Alberta Health Services (AHS), state that vaccination is one of the most effective means to reduce the spread of COVID-19, minimize outbreaks and protect against severe outcomes of COVID-19.

To protect those we serve and employ, the Division requires any employee, contractor, on-site partner, or volunteer who enters Black Gold buildings and has direct contact with Division employees and/or students to be fully vaccinated against COVID-19, unless exempt on the basis of a protected legal ground, or compliant with additional testing requirements as outlined in this Administrative Procedure.

This Administrative Procedure does not apply to Division students or to parents and guardians who are dropping off or picking up their children in a Division building.

### Definitions

Fully vaccinated as defined by Alberta Health Services (AHS) and as may be amended from time to time, means:

- having received two doses of a vaccine considered valid by AHS in a two-dose COVID-19 vaccine series, or one-dose of a vaccine considered valid by AHS in a one dose COVID-19 vaccine series; and
- having fourteen days elapsed since the date upon which the person received the second dose of the COVID-19 vaccine considered valid by AHS of a two-dose series, or one-dose of the COVID-19 vaccine considered valid by AHS in a one-dose vaccine series.

Employee means any individual employed by Black Gold School Division (the Division) on any basis, including full-time, part-time, hourly, substitute, permanent, temporary, and casual.

Contractor means any individual employed by another organization retained by the Division to provide services that require them to enter a Division owned or leased building and have direct contact with Division employees and/or students, including any individual with whom the Division has entered into a contractual relationship and identified therein as a contractor.

On-site partner is any individual or organization who enters a Division owned or leased building and have direct contact with Division employees and/or students. This includes, but is not limited to tenants, practicum students, and external researchers.

- External researcher refers to any individual who conducts research involving Division employees or students or using Division resources.
- Practicum students means any individual who engages in Division related activities and who has direct contact with Division employees and/or students within the role of:
  - any kind of educational placement or practicum provided through an agreement between the Division and a post-secondary educational institution (i.e. student teachers, education assistants, nurses, psychologists, behaviour therapists, speech language pathologists etc.); or
  - any internship, co-op placement or apprenticeship program.
- Tenant means any person who has entered into a contract or lease agreement with the Division to occupy space in any capacity in a Division property.

Rapid Test refers to a rapid antigen test approved by AHS or a lab accreditation body of Alberta.

Volunteer is a member of the community, including parents and guardians, who, without compensation, commits to assist the Division or a school with a designated task, under the direction and supervision of a Division staff member.

## Procedures

### Requirement to be Fully Vaccinated

1. All Division employees are required to be fully vaccinated on or before January 2, 2022, unless exempt on the basis of a protected legal ground, or compliant with additional testing requirements as outlined in section 5.
  - 1.1 Employees who are unable to be fully vaccinated for protected grounds as defined by the Alberta Human Rights Act, RSA 2000, c.A-25.5, as amended from time to time (AHRA), must apply for an exemption to this requirement as outlined in sections 8 through 12.
  - 1.2 Subject to Division approved exemptions, new employees joining the Division must be fully vaccinated and provide proof of vaccination prior to their first day of work.

### Disclosure and Proof of Vaccination Status

2. All employees are required to disclose their vaccination status to the Division by **November 1, 2021**, using a declaration form provided by the Division.
  - 2.1 Employees who are requesting a Division exemption are still required to disclose their vaccination status. However, if an exemption is approved by the Division, in alignment with sections 8 through 12, the employee will be exempt from the requirement to be fully vaccinated.
3. Employees who are fully vaccinated shall concurrently provide proof of full vaccination status by providing the Division a copy of their Alberta Health COVID-19 Immunization Record which can be obtained at <https://www.albertavaccinerecord.ca/#/>.

4. Employees must update their vaccination status with the Division if changes occur.

### **Unvaccinated Employees without a Division Approved Exemption**

5. Employees without a Division approved exemption who have disclosed that they are not fully vaccinated, or who have not disclosed their vaccination status as required, will be required to undergo regular rapid testing using processes defined by the Division.

- 5.1 From November 15, 2021 to December 23, 2021:

- 5.1.1 Employees must participate in regular rapid testing twice a week from an approved AHS provider, outside of work hours. Tests must be administered no more than 72 hours before attending work and there must be a minimum of 48 hours between tests. (either Saturday/Tuesday or Sunday/Wednesday)

- 5.1.2 The Division will reimburse employees for a maximum of two rapid tests each week that were administered by a provider approved by AHS outside of the employee's working hours.

- 5.1.3 To support employees in locating approved AHS providers, the Division will provide unvaccinated employees with an initial list of approved AHS rapid test providers. Employees are not obligated to use a provider on the list and may choose any approved AHS rapid test provider.

- 5.1.4 The employee is responsible for providing proof of a negative rapid test in a form agreeable to the Division.

- 5.1.4.1 Valid COVID-19 test results should be a written or printed copy that clearly outlines the type of test (must be a AHS approved rapid antigen, rapid PCR, or lab-based PCR test approved by AHS or the lab accreditation body of Alberta), time of sample collection, clear indication of a negative result, and laboratory that completed the test, if applicable.

- 5.1.4.2 A self-test completed offsite or self-produced documentation of a negative test result is not valid.

- 5.1.4.3 Do not bring completed self-tests or rapid tests to work due to communicable disease risk.

- 5.1.4.4 If an employee receives a positive rapid test result, it is considered a preliminary or presumptive positive and the employee must comply with the requirements in section 6.

- 5.2 After January 2, 2022:

- 5.2.1 Employees must provide the Division with proof of a negative rapid test twice a week that was taken outside of work hours. Tests must be administered no more than 72 hours before attending work and there must be a minimum of 48 hours between tests. (either Saturday/Tuesday or Sunday/Wednesday).

- 5.2.2 Testing is at the employee's sole cost and must be completed outside of their work hours.

- 5.2.3 Employees who do not participate in rapid testing as outlined above, will be placed on leave without pay. In order to be returned to duties with pay, the employee must provide an Alberta Health COVID-19 Immunization Record that allows the Division to determine that the employee is fully vaccinated or agree to participate in rapid testing and provide proof of a negative rapid test twice per week. Upon doing so, the employee will be returned to full duties with pay as soon as administratively feasible.
  - 5.2.4 If an employee receives a positive rapid test result, it is considered a preliminary or presumptive positive and the employee must comply with the requirements in section 6.
  - 5.2.5 Employees with a current Division approved accommodation that includes remote working arrangements that do not involve attendance to Division buildings are not required to participate in rapid testing requirements for the duration of their accommodation.
6. A positive rapid test result is considered a preliminary or presumptive positive. Anyone who receives a preliminary positive result must:
- 6.1 Seek confirmation through an AHS approved lab-based PCR test within 48 hours; and
  - 6.2 Immediately isolate until the AHS approved lab-based test results are confirmed negative and book themselves absent (sick) and request a substitute if needed.
  - 6.3 Follow AHS guidelines if COVID-19 PCR is positive or provide proof of a negative COVID-19 PCR test, as soon as it is received, prior to attending at any Division building.
  - 6.4 Since recent infection with COVID-19 may interfere with test effectiveness, Black Gold will rescind the requirement for an infected person to participate in the rapid testing screening program for 90 days from the date of the COVID-19 infection. Once the 90 day period is over, the person will once again be required to participate in the rapid antigen testing screening program.
7. If operationally feasible and with the permission of their immediate supervisor, employees may be released on work time to be vaccinated on-duty without any loss of compensation or the requirement to use sick leave banks for a maximum of three (3) hours for each dose.

### **Exemptions for Protected Grounds under Human Rights Legislation**

- 8. Employees who believe they are not able to comply with the requirement to be fully vaccinated must submit a written request for exemption immediately.
- 9. The Division will consider employee requests for exemption from the requirement to be fully vaccinated based on protected grounds as defined by the Alberta Human Rights Act which may include, but is not limited to:
  - 9.1 A medical condition which prevents an employee from safely receiving a COVID-19 vaccine. Requests for accommodations or exemptions based on medical grounds must be accompanied by medical documentation from a licensed physician confirming that the employee cannot safely receive the COVID-19 vaccine, the nature of the condition (not diagnosis) that prevents the employee from safely receiving the vaccine and the anticipated duration of the required exemption.

- 9.2 If there was a defined time period for the exemption provided by a licensed physician, and that time period has expired, the employee must immediately begin the process of becoming fully vaccinated and must provide proof of full vaccination status once obtained or undergo testing in accordance with section 5.
10. Requests for exemption will be reviewed by the Division Human Resources Department on an individualized basis and a decision regarding approval or rejection of the exemption request will be provided to the employee. The review may include a request for additional information from the employee and/or their licensed physician, where applicable, which the employee must facilitate.
11. Employees who receive an approved exemption from the Division will be reasonably accommodated, using the Division's existing accommodation processes, up to the point of undue hardship. Subject to workplace and learning considerations, reasonable accommodations may include, but not be limited to:
  - 11.1 Remote working arrangements.
  - 11.2 Schedule changes.
  - 11.3 On-going testing requirements at the cost and coordination of the employee.
  - 11.4 Approved leave of absence without pay and benefits.
12. If the exemption request is under review or denied, the employee is subject to testing in accordance with section 5 until fully vaccinated.

### **Working at a Non-Division Building**

13. Employees whose worksites are located in buildings operated by organizations external to the Division are required to follow this regulation and requirements of the external organization. Other organizations may choose to impose additional, more stringent vaccination requirements. Employees must comply with the more stringent requirements.

### **On-site Partners, Contractors, Volunteers and Adults Attending Extracurricular Activities**

14. As of November 15, 2021, on-site partners, contractors and volunteers in any Division building who have direct contact with employees and/or Division students (within two metres) for 15 minutes or more are required to provide proof that they are fully vaccinated or proof of a negative rapid test, in accordance with section 18. The costs of all testing for non-employees shall be paid by the individual required to produce the test results. For further clarity, the Division shall not be responsible in any way for the costs of testing.
15. On-site partners and contractors must ensure their employees/post-secondary students are fully vaccinated or have proof of a recent negative rapid test, in accordance with section 18, prior to entering a Division building.
  - 15.1 On-site partners and contractors with employees/post-secondary students who attend a Division building on a regular or ongoing basis must provide a declaration of compliance to the Division.
    - 15.1.1 On-site partners and contractors are responsible to review proof of vaccination or rapid test results from their employees/post-secondary students.

- 15.2 Contractors who attend a Division building on a one-time or irregular basis must show proof of vaccination or a recent negative rapid test, in accordance with section 18, to designated Division staff on site upon entry.
16. Volunteers, including parent and guardian volunteers, must show proof of vaccination or a recent negative rapid test, in accordance with section 18, to designated Division staff on site.
  - 16.1 Volunteers who regularly volunteer with the Division have the option of providing a declaration of compliance to the principal, administrator or designate instead of showing proof of vaccination upon every entry into a Division building.
17. When a decision is made to welcome parents and guardians back to our schools, adults attending Division extracurricular activities must show proof of vaccination or a recent negative rapid test, in accordance with section 18, to designated Division staff on site.
18. For a rapid test to be considered recent, it must be completed within 72 hours prior to entering a Division building. Rapid test results are only valid for 72 hours from the time of testing.
19. The Division will not collect or store proof of vaccination or rapid test results from on-site partners, contractors, volunteers and adults attending extracurricular activities in Division buildings.

### **Non-Compliance**

20. Failure to comply with the requirements set out in this Administrative Procedure, including, but not limited to refusal to disclose vaccination status, refusal to comply with applicable testing requirements or the provision of false or misleading information, may result in the employee being subject to:
  - 20.1 Administrative action, including but not limited to removal from the worksite for failure to comply (which may be treated as a leave of absence without pay and benefits); and/or
  - 20.2 Discipline where appropriate.
21. With respect to any non-employees to which this Administrative Procedure is applicable, any individual, on-site partner, contractor, or volunteer who fails to comply with any part of this Administrative Procedure, including being found to have falsified vaccination or test results, will be considered to be in non-compliance with this Administrative Procedure. This will result in a request to immediately leave Division property and may further result in the termination of contract or participation in Division activities. With respect to any practicum students, any event of non-compliance may result in reporting the event of non-compliance to the appropriate post-secondary institution.

### **Continued Compliance with all Health and Safety Precautions**

22. All employees are expected and required to continue to comply with all applicable health and safety measures to reduce the hazard of COVID-19, including but not limited to compliance with screening protocols, wearing a mask or face covering, using provided PPE,

maintaining appropriate physical distancing and self-monitoring for potential COVID-19 symptoms daily prior to attending the workplace.

### **Protection of Privacy**

23. The Division will only collect, use and disclose any personal information regarding any individual subject to this Administrative Procedure in accordance with the *Freedom of Information and Protection of Privacy Act* (“FOIP”).
24. Information regarding any individual’s vaccination status, including but not limited to any individual’s Alberta Health COVID-19 Immunization Record will be kept confidential, stored in a secure location, and access and disclosure limited to that permissible by *FOIP*.

### **Prevention of Harassment, Bullying or Discrimination**

25. Harassment, bullying or discrimination of any type against individuals based on their vaccination status, compliance with this Administrative Procedure or any other reason will not be tolerated. Employees experiencing harassment, bullying or discrimination are encouraged to speak to their direct supervisor or the Associate Superintendent – Human Resources and Administration.

### **Administrative Procedure Review**

26. The Division recognizes and will act at all times in accordance with its obligations pursuant to the Education Act, the Alberta Human Rights Act, the Occupational Health and Safety Act, Regulation and Code and advice from the Office of the Chief Medical Officer of Health. Due to the evolving nature of this public health matter, and ongoing direction from public health officials and the Minister of Education, this Administrative Procedure will be updated as required from time to time.