

Administrative Procedure 417

WORKPLACE HEALTH AND SAFETY: COVID-19 HAZARD CONTROL VACCINATION STATUS AND RAPID TESTING PROCEDURE

Background

Since the onset of COVID-19 the Foothills School Division has diligently implemented risk-mitigation and health and safety measures in our school communities in collaboration with Alberta Education and Alberta Health Services. The Division is committed to a health and safety program that protects students, staff, property and other workers who enter Division property, the general public and the environment. The Division, in cooperation with the Provincial Government and Alberta Health Services, supports efforts to minimize risk through the pandemic and its disruption to the operational activities of the Division. Despite these significant measure COVID-19 continues to persist and present risk for students, families and staff; and the Division continues to consider risk-mitigation measures that best ensure safe working and learning environments for all. Numerous confirmed cases of COVID-19 have been reported in all schools since the beginning of the pandemic which compel an ongoing risk-mitigation response by the Division. The Division recently received a joint letter from the Ministers of Health and Education encouraging a mandatory proof of vaccination or negative test policy be implemented by all School Divisions. Foothills School Division continues to believe that health related policy is the jurisdiction of the Provincial Government.

Having said this, COVID-19 is also deemed an Occupational Health & Safety hazard by the Provincial Government. Our operational responsibility and commitment to COVID-19 harm reduction and ensuring safety is in accordance with standards outlined in the Alberta Occupational Health and Safety legislation. The Provincial Government and Health Officials have consistently advised that immunization against COVID-19 is the most effective means to prevent the spread of COVID-19, prevent outbreaks and ensure continuity of learning and operations for our students and staff team.

This administrative procedure (AP) applies to all employees. It also applies to all other persons performing contracted services or activities on Division property and volunteers of the Division. Any employees newly hired to the Division on or after December 1, 2021 will voluntarily provide COVID - 19 Vaccine status declaration require proof of vaccination or proof of rapid testing (at the new employee's cost) as a condition of employment.

This AP is considered temporary due to the evolving and dynamic nature of this public health matter, and ongoing direction, recommendations and advice from public health officials and Alberta Education.

DEFINITIONS

- A. “Fully Vaccinated” means:
- a. having received two doses of a vaccine considered valid by Health Canada in a two dose COVID-19 vaccine series, or one dose of a vaccine considered valid by Health Canada in a one dose COVID-19 vaccine series; and,
 - b. having fourteen days elapsed since the date upon which the person received the second dose of the COVID-19 vaccine considered valid by Health Canada of a two dose series, or one dose of the COVID-19 vaccine considered valid by Health Canada in a one dose vaccine series.
- B. “Partially Vaccinated” means:
- a. having received one dose of a vaccine considered valid by Health Canada in a two dose COVID-19 vaccine series; or,
 - b. have received the dosage series (typically two doses) but fourteen days have not elapsed since the date upon which the person received the second dose of the COVID-19 vaccine considered valid by Health Canada of a two dose series, or one dose of the COVID-19 vaccine considered valid by Health Canada in a one dose vaccine series.
- C. “Unvaccinated” not being in compliance with either Definition A or B as noted above.
- D. “Employee” means any individual employed by the **Foothills School Division** (the “Division”).
- E. “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:
- a. any kind of educational placement or practicum provided through an agreement between the Division and a post secondary educational institution (i.e. student teachers, educational assistants, nurses, psychologists, behaviour therapists, speech language pathologists etc.); or,
 - b. any internship, co-op placement or apprenticeship program.

PROCEDURE

EMPLOYEE RESPONSIBILITIES

1. COVID-19 HAZARD CONTROL VACCINE STATUS DECLARATION

- 1.1. For a January 3rd implementation of proof of vaccination or proof of rapid testing, The Employee shall voluntarily complete the provided COVID-19 Hazard Control Vaccine Status Declaration and upload required proof before December 1, 2021, through the secure employee SharePoint portal and declare one of the following:
 - 1.1.1. I affirm that I am fully vaccinated against COVID-19.
 - 1.1.2. I affirm that I have received my first dose and intend to receive my second dose at least 14 days prior to January 3rd, 2022.
 - 1.1.3. I affirm that I am not vaccinated against COVID-19, and will participate in Rapid Testing effective January 3, 2022.
 - 1.1.4. I affirm that I do not wish to disclose my personal health information related to COVID 19 and will participate in Rapid Testing effective January 3, 2022.
- 1.2. Employees who do not or cannot comply with 1.1 above in this Administrative Procedure have a duty to inform the Division, under Section 5 (Exemptions) and/or 6 (Non-Compliance).

2. PROOF OF VACCINATION OPTION

Employees who choose to voluntarily disclose their COVID 19 vaccination status shall follow the following procedure:

- 2.1. The employee must be fully vaccinated with a COVID-19 vaccine recommended by Health Canada or Alberta Health Services, no later than January 3rd, 2022.
- 2.2. When completing the COVID-19 Hazard Control Vaccine Status Declaration, the employee shall upload proof of vaccination from Alberta Health Services on the secure employee SharePoint portal, before December 1, 2021. Proof of vaccination includes:
 - 2.2.1. the employee's vaccination record received post-vaccination; or
 - 2.2.2. the record of vaccinations/immunizations/QR Code from Alberta Health Services; or
 - 2.2.3. where applicable, equivalent verifiable proof of vaccination from another Canadian Province or Territory or the Canadian Armed Forces will be accepted.

- 2.3. Uploaded vaccination documents shall be temporarily stored in SharePoint, but deleted when this Administrative Procedure is repealed. These documents shall not be part of the employee's personnel file.
- 2.4. All employees are entitled to paid leave to obtain a COVID-19 vaccination to the extent provided under s. 53.982 of the Employment Standards Code (Alberta).

3. SEMI-WEEKLY RAPID TESTING OPTION

Employees who do not wish to voluntarily disclose their COVID-19 vaccination status or choose not to be fully vaccinated shall comply with this Administrative Procedure by providing the results of rapid testing on a semi-weekly basis. Although the cost of testing is normally paid by the employee, in order to limit the burden of such costs and out of care and concern for all employees, Foothills School Division will provide Rapid Testing kits at no charge for employees who select this option. This measure will be reviewed monthly to determine if the Division supply of rapid testing kits at Division cost continues to be a feasible and the appropriate approach despite the Division's lack of legal obligation and funding to provide the rapid testing kits at its cost. To comply with this option, employees shall:

- 3.1. Complete online training on Public School Works by January 3, 2022.
- 3.2. Obtain Rapid Tests from Employee Services personnel at 129 - 4th Avenue SW. Rapid Tests will be distributed confidentially. Testing packages will be made available the week of December 13-17. Specific procedures for obtaining additional or required testing kits will be communicated to employees on a monthly basis.
- 3.3. Beginning the week of January 3rd, 2022, perform a Rapid Test at home on Sunday evening and Wednesday evening of each work week.
- 3.4. If the Rapid Test is negative
 - 3.4.1. upload a signed and dated Negative Covid Test Attestation form and indicate in SharePoint before Monday morning before 7:00 am and Thursday morning before 7:00 am each week. Proof of Rapid Testing remains valid for 72 hours from the time and date of the test. Rapid Testing documents will be temporarily stored in SharePoint, but deleted when this Administrative Procedure is repealed. These documents will not be part of the employee's personnel file.
- 3.5. If the Rapid Test is positive,
 - 3.5.1. book themselves absent (sick). Teachers will make Guest Teacher arrangements in ADS.
 - 3.5.2. inform the Division through their direct supervisor who will initiate the FSD positive case reporting process.

- 3.5.3. Schedule and complete mandatory AHS COVID-19 PCR testing as soon as possible but no more than 48 hours following confirmation of the results of the Rapid Antigen Screening test, and as directed by the Division;
- 3.5.4. follow provincial isolation protocols until the results of the COVID-19 PCR test are confirmed; and
- 3.5.5. Return to work following current provincial isolation requirements.

4. CONTRACTORS, VOLUNTEERS AND PRACTICUM STUDENTS

- 4.1. As of January 3, 2022 all contractors, volunteers and practicum students must be fully vaccinated or provide proof of a negative COVID-19 rapid antigen screening test or PCR test completed no more than 72 hours prior to the time they are entering any Division building where students and staff are present. Proof of full vaccination or in the alternative, a negative COVID-19 test, will be required/permitted and pursuant to the same rules as applicable to the employees of the Division. Contractors, volunteers and practicum students shall be responsible for obtaining their own laboratory or pharmacy test results on their own time and at their own cost. In the case of practicum student and school-based volunteers, Principals or designate shall be responsible for verifying proof of vaccination or negative test.

5. EXEMPTIONS

- 5.1. The Division recognizes its responsibilities and duties pursuant to the Alberta Human Rights Act. If an Employee is unable to be vaccinated due to a protected ground as defined by the Act, the Division will consider requests for exemption and reasonable accommodation to the point of undue hardship.
- 5.2. Any employee seeking a Human Rights (ie. medical or religious) exemption from compliance with this Administrative Procedure should notify Employee Services as soon as possible. Employee Services will advise any employee inquiring on applying for an exemption the required information to do so. All employees considering applying for an exemption should understand that this Administrative Procedure is purposely designed to provide an alternative for employees not able or wishing to be fully vaccinated, to remain compliant with this Administrative Procedure by providing the required regular COVID-19 negative rapid test result. As a result, it is anticipated in most cases that employees that have a proven legitimate Human Rights exemption to vaccination will be reasonably accommodated by participating in the regular COVID-19 testing procedures outlined above in this Administrative Procedure.

6. NON-COMPLIANCE

- 6.1. Any employee that does not comply with either voluntarily disclosing COVID-19 fully vaccinated status or acceptable proof of a negative COVID-19 rapid test, is considered non-compliant and the Division will review each non-compliant circumstance in its own context and circumstances, and at its discretion will determine available options including but not limited to:
 - 6.1.1. Leave of Absence without pay and benefits;
 - 6.1.2. Reassignment or modification of duties that would involve no or minimum in person contact with students and colleagues, understanding that the Division's ability to consider such alternative arrangements is likely very limited in most cases; and
 - 6.1.3. Conclusion of employment.

7. CONSEQUENCES FOR BREACH

- 7.1. Any failure to comply with this Administrative Procedure by an Employee, including the refusal comply with procedures 2-3 above, and/or the provision of false or misleading information on vaccination status or test results, may result in administrative or disciplinary action up to and including termination of employment, for just cause.
- 7.2. Any volunteers, independently contracted service providers or practicum students to which this Administrative Procedure is applicable, who fail 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 and must immediately leave Division property and cease performance of all duties as a volunteer, independently contracted service provider or practicum student interacting with the Division's staff or students. 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.

8. DIVISION RESPONSIBILITIES

Employee Services will:

- 8.1. Ensuring 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").

- 8.2. Ensuring regarding any individual's vaccination status or test results, including but not limited to any individual's Alberta Health COVID-19 Immunization Record has been collected pursuant to Section 33(c) of FOIP, will be kept confidential, stored in a secure location, and access and disclosure limited to that permissible by FOIP.
- 8.3. Destroying any notation or record in their possession gathered from the proof of vaccination or rapid testing results when this Administrative Procedure is repealed
- 8.4. Answering questions from employees with respect to the use, collection, and storage of information gathered under this Administrative Procedure

9. ADMINISTRATIVE PROCEDURE REVIEW

- 9.1. Pursuant to the current background and context set out at the beginning of this Administrative Procedure, this Administrative Procedure is considered temporary due to the evolving and dynamic nature of this public health matter, and ongoing direction, recommendations and advice from public health officials and the Alberta Education. As a result, this Administrative Procedure will be reviewed (monthly) and updated/amended as deemed necessary.