



Vaccine Mandate FAQ #3: September 17, 2021

*The following FAQs were adapted from questions submitted by VNSNY staff for the Vaccine Mandate Conference Call hosted by Andria Castellanos on **Wednesday, September 15.***

Impact on Employment Status and Benefits

For how long would the Leave of Absence last if I don't get vaccinated? What if I am on Leave of Absence and the mandate is rescinded?

If you are an employee in Hospice, the Certified Home Health Agency, Business Development, the Care Management Organization, a Partners in Care Nurse or Community Mental Health Services, you will be eligible to remain on personal leave status for a period of up to three (3) months until January 7, 2022, or until VNSNY is otherwise permitted to return you to work under New York State regulations. In the event you receive your first COVID-19 vaccine dose while on leave of absence and submit proof of vaccination to VNSNY, you will immediately be returned to active status and will resume working in your current position.

If you are a Home Health Aide we will communicate shortly with you on what happens to your employment status after October 7th.

Could I continue paying privately for my health insurance, and if so at what cost?

For this question there could be a few different answers depending on your specific status with VNSNY. But assuming that you leave employment and you have been at VNSNY for an excess of a year, you would be eligible to pick up COBRA benefits. You would be sent a notice and will be given the opportunity to continue your health insurance at that cost. COBRA benefits would be available to anyone in that position for a period of 18 months.

	Monthly COBRA Rates		
	MAP PPO	UFT RN PPO	UFT LPN PPO
Employee only (single)	\$ 931.75	\$ 1,032.71	\$ 933.81
EE+ Child(ren)	\$ 1,677.15		\$ 1,680.86
EE + Spouse	\$ 1,863.49		\$ 1,961.02
Family	\$ 2,795.26	\$ 2,536.53	\$ 2,801.44

What happens to my healthcare and childcare spending contributions and remaining funds in that account?

Depending on the fund, there are different rules that apply. The best thing to do would be to check HR Connect or contact HR for that information.

What happens to your banked sick time if you want to work with the agency later? For example, if you eventually take the vaccine and you want to return to work. Do you have to reapply to HR as a new employee? (Question asked by a UFT member.)

Frozen sick time will not be available for pay out during the period you're on leave that follows October 7th if you are placed on a leave of absence. We also want to be clear that if we're putting you on personal leave, our hope is that you will decide to get vaccinated, and we will be able to reactivate your employment. In that case, there should be no impact on your frozen sick bank. It will be available to you upon that reactivation under the same circumstances that are available to you today.

In the event your employment is terminated, your frozen sick time balance will be reinstated so long as you are rehired within six (6) months of termination. Your frozen sick time balance would be available to you at that time, as it is today.

If I don't get my vaccine by October 7th and I leave the employment of Visiting Nurse Service of New York, will I get unemployment insurance?

We do not know the answer for sure, but we have reached out to a number of sources and we're being told that it is unlikely that the Department of Labor will allow individuals who have refused to comply with the vaccine mandate, and have therefore become unable to work or separated from work, to collect unemployment benefits.

If we are placed inactive, why wouldn't we be paid our full accrued vacation time? Why just 2 weeks?

We want to ensure that staff who are placed on leave and decide to get vaccinated and return to active status are not left without any PTO in their banks.

Medical and Religious Exemptions

Can I apply for both a religious and a medical exemption if applicable?

Yes, you can.

If a religious exemption is approved, will we be able to continue in our current position as field staff?

This is an interesting and complicated question that depends on your role. We are hoping that if an exemption is approved and there are no other extenuating circumstances and that we will be able to permit the employee with the exemption to continue working. However, there is a possibility that we will implement additional mitigating measures like testing in the event that the COVID situation worsens. If you happen to be in one of the programs that is also covered by the New York City mandate, which was rolled out several weeks ago, then you should know that even if you are approved for a religious exemption after October 7th, you will work but you will need to continue to submit to weekly testing because we are still bound by that rule at the city level.

How do we apply for a religious exemption?

Partners in Care Home Health Aides can apply for religious exemptions by going to the HHA Resources Center and going to <https://frontline.vnsny.org/partners-in-care/latest-vaccine-news/> for the form.

All other VNSNY employees can submit a religious exemption by going to Workday: select Requests, then click on Create a Request. When the “Request Type” box appears, click on the three horizontal lines in the right side of the box, and select “All,” then select “Accommodation Request Form —Human Resources” and click “OK”. This will take you to the online form. Fill out the form completely, then click “Submit.” The form will be sent directly to Human Resources for review and determination.

I had a reaction after taking the first vaccine dose and my doctor didn't recommend that I take the second dose. Do I need a medical exemption?

There are detailed instructions for contraindications. You will need to download the form and have your doctor fill it out with all the required information. Instructions for the Medical Exemption form can be found by going to the VNSNY Intranet and clicking on the Vaccinate VNSNY banner. Partners in Care Home Health Aides can go to <https://frontline.vnsny.org/partners-in-care/latest-vaccine-news/> for the form.

What would happen if you put in a medical exemption form by September 27th and it is denied? What are your other options to the vaccine mandate deadline?

You can submit a medical and religious exemption or get vaccinated for COVID-19. If we do not have an approved medical or religious exemption or proof of COVID-19 vaccination by the October 7th date, we will be required to remove you from our workforce.

Vaccine Related

Will we be asked to take booster shots in the future?

This is to be determined. We've seen in the news that there are still studies being conducted on the effectiveness of a booster. Once we get that information, we'll be sure to provide it.

I am fully vaccinated. How can I submit the proof of vaccination?

Employees with access to the VNSNY Intranet can submit proof of vaccination to:

- Use AskHR on HRConnect section of Intranet
- Fax to 212-290-4646
- Email to 2122904646@vnsny.org

Partners in Care Home Health Aides can submit proof of vaccination to:

- Text to 646-618-1907
- Mail to Partners in Care Health Services, 245 E 41st Street, Ground Floor, NY, NY 10017
- Fax to 212-290-3184
- Email to PAR_EmployeeHealthServices@vnsny.org

Does VNSNY allot any time off after receiving doses for recovery if you are not feeling well? Or does this time come out of our personal time?

Earlier this year, the Governor released guidance clarifying that time off needed for minor recovery time following vaccination is to come out of time that is provided pursuant to the New York Earned Sick and Safe Time Act. VNSNY complies with this Act through its PTO program. So if you are vaccinated and require time off to recover, you are expected to use your regular PTO. If you do not have any PTO accrued, we do have a donated PTO bank that may be available.

Safety and Legal Issues

What happens now that a court injunction has been placed that has ended the mandate?

There was a temporary restraining order issued by a judge sitting in upstate New York yesterday. It did not invalidate the vaccine mandate. The mandate is still valid. It will still go into effect on the effective date of October 7th barring any further developments. However, what the judge has done is to preclude the government from enforcing the piece of the mandate that previously said employees could not apply for or receive

religious exemption. What that means is that VNSNY will be accepting applications from covered staff for religious exemptions. We'll be following the applicable laws, and there are several layers of them in reviewing the applications and making determination. We encourage anyone who thinks they may qualify for a religious exemption to submit their applications as soon as possible, because submitting it doesn't guarantee that it will be approved. The team will definitely need some time to ensure that we are reviewing and making determinations in accordance with the law.

A lot of our clients in the program are at an age where they are unable to be vaccinated, which still puts some of our families at risk. Will we only service clients and families who are vaccinated as well since we are mandated to be vaccinated?

No, we are going to serve all clients. That's our job. Which is why it's so important to get vaccinated. We take care of all families and all patients, and we will serve everyone. It's important to note that currently only children below the age of 12 are not eligible for the vaccine. The elderly respond quite well to these vaccines.

How does VNSNY feel the vaccine will protect our clients from the virus, being that the vaccine does not stop you from catching the virus and that vaccinated individuals are still unknowingly able to transfer the virus?

The latest data from several studies that the CDC reviewed indicate that someone who's been vaccinated is five times less likely to become infected and therefore infectious to someone else than an unvaccinated person, which is a fivefold benefit. There's a 10-to-11-fold benefit in terms of decreased risk of becoming seriously ill or hospitalized.

The other point that you probably have heard is that some vaccinated individuals have been shown to shed large amounts of the COVID virus, which is true. However, the shedding is less prolonged in those who have been vaccinated. On both counts you're less likely to become infectious, and you'll be infectious for a much shorter period of time if you've been vaccinated. Those are clearly benefits to exposed individuals.

Do patients/members have the right to know the vaccination status of a VNSNY employee? What about confidentiality?

VNSNY will not generally disclose vaccination status of its employees unless required to do so. However, many patients/members will only accept an aide or clinician who is vaccinated. The decision to disclose one's vaccination status to the individual patient/member rests with the individual clinician or aide.

Please comment about HIPAA laws and the administration knowing the status of vaccinations for employees and patients. Sometimes, there are alerts written in the HCHB snapshot section of the chart whether or not the patient is vaccinated. Is that essential and minimally necessary information?

An employee's vaccination status is not protected by HIPAA, unless the employee was vaccinated by VNSNY through its Vaccination Clinic. However, VNSNY treats employees' vaccination status as confidential health information regardless of where the employee was vaccinated.

For questions about HIPAA-related guidance, please contact the compliance team at HIPAAandPrivacy.Team@vnsny.org.