

COVID-19 Vaccination Requirement Frequently Asked Questions

A. OVERVIEW

1. What is VTA’s vaccination requirement and where can I find more information?

VTA employees and affiliates, as defined in the COVID-19 Vaccination Policy (“Policy”), are required to be fully vaccinated as a condition of employment or as a condition to work at VTA. This policy is being implemented to help prevent infection and transmission of COVID-19 within the workplace, at VTA facilities, and to members of the public who depend on VTA services.

More information can be found on the [VTA Hub under COVID-19 Resources Page](#) and on the VTA website at <https://www.vta.org/VTACOVVIDVaxPolicy>.

2. When does the COVID-19 Vaccine Policy take effect?

All employees and affiliates must be fully vaccinated, as defined in the Policy, against COVID-19 or receive an exemption, by no later than April 29, 2022.

3. Why did VTA implement a vaccine requirement?

The World Health Organization (“WHO”), the Centers for Disease Control and Prevention (“CDC”), the California Department of Public Health (“CDPH”) and the Santa Clara County Health Officer (“County Health”) have determined that *vaccination is the most effective way of preventing the spread of COVID-19, protecting against both transmission and serious illness or death.*

Since the beginning of this pandemic, VTA has implemented a number of safeguards for employees to stay healthy against the COVID-19 virus, including mandatory mask wearing and other Personal Protection Equipment (PPE), physical distancing and installed barriers, enhanced cleaning and disinfecting, and advocacy at the highest levels with our union partners to prioritize vaccinations for front-line workers which became official March 15, 2021. Even with all these efforts, and almost one year after vaccinations became readily available, our employee-reported vaccination rate of 61% remains well below the County average and lowest among our Bay Area transit agency peers, most of whom have already implemented a similar vaccination policy.

VTA’s COVID-19 Prevention Program, issued on October 1, 2021, was part of our commitment to the safety, health and well-being of our employees and customers. VTA is devoted to this ongoing commitment. Requiring all employees to be vaccinated is a further safeguard and response to the increase in COVID-19 positive cases at VTA (over 100 positive cases have been reported by VTA employees and family members since December 27, 2021) during variant spikes that have largely affected the unvaccinated.

4. Why does VTA have the authority to implement this Policy when the federal government has not been successful in mandating vaccinations?

As an employer, VTA may put in place certain job requirements that promote and protect the health and safety of its employees. This policy does not mandate a person to take the vaccine. This policy provides that it is a condition of employment to ensure that VTA can maintain a healthy and safe workplace for all its employees.

Separately, the federal government has successfully required its own employees and contractors to be fully vaccinated. Once that effort was achieved, the federal government, through OSHA, issued Emergency Temporary Standards (Order) requiring all other employers with 100 or more employees to ensure their employees were fully vaccinated or tested weekly. OSHA has since rescinded that Order and is now in the process of developing a permanent regulation requiring employers in certain industries that have contact with members of the public to put in place a requirement that their employees are vaccinated or tested weekly.

5. Does the vaccine requirement include a testing option in lieu of vaccination?

No. As indicated earlier, *vaccination is the most effective way of preventing the spread of COVID-19, protecting against both transmission and serious illness or death.* In addition, unvaccinated individuals who contract the virus hold onto the virus longer, giving the virus more time to mutate into an even deadlier and more contagious virus. Also, VTA carefully considered the impacts that weekly testing would have on its departments and their ability to provide adequate staffing and reliable service and decided against offering a testing option. However, an exemption to the vaccination requirement will be provided to those employees who have a qualifying medical condition or restriction, or a sincerely held religious belief that prevents them from receiving the vaccination. The process to request an exemption is explained below in the section “Requesting an Exemption”

6. Who is subject to this Policy?

The Policy applies to all VTA employees (full-time, part-time, extra-help), and all affiliates which includes all contractors, consultants, other temporary workers, vendors, interns, or volunteers working for VTA, on VTA property or at VTA facilities.

7. Does the vaccine requirement apply to employees on leave? Can an employee on extended leave of absence request a deferral of the vaccination requirement?

Any VTA employee, whether on short or long-term leave, must be fully vaccinated or have received an exemption by no later than April 29, 2022. No deferrals may be requested.

8. Does this requirement apply to employees working remotely?

Yes. This requirement applies to all VTA employees and does not offer exemptions based on whether your duties are performed on or offsite.

9. If a contractor or provider works on VTA "property", it appears that they would be required to adhere to this Policy. However, what happens to providers that do not work on property but do work at VTA bus stops (i.e., ACE Shuttle operators)?

Anyone doing business with VTA, interacting with VTA employees and/or customers, must comply with this Policy. Managers holding contracts with organizations should provide them with a copy of this Policy to ensure that they are fully aware and adhere to these requirements. Any affiliate who fails to comply will be precluded from reporting to work at any VTA facility or property.

10. What happens to employees who fail to comply with VTA's Vaccination Policy?

Failure to comply with any of the requirements of this Policy will result in discipline or separation from employment with VTA for failure to comply with the Policy and/or failure to meet the minimum qualifications of the job.

11. What happens if an employee gets an extreme adverse reaction to the vaccine (permanent disability or death), will VTA liable since it is being forced to them?

If the vaccine was administered properly, any injuries to an employee arising from an adverse reaction to the vaccination required as a condition of employment may be covered by Workers' Compensation Insurance. It is important to note that a severe adverse reaction to a COVID-19 vaccine is extremely rare and the likelihood of injury or death associated with NOT getting vaccinated is significantly greater than that of experiencing a severe reaction to a COVID-19 vaccine.

B. Compliance with Vaccine Requirement

1. What timeframe must employees be vaccinated to comply with the requirement?

All employees and affiliates must be fully vaccinated against COVID-19, or have received an exemption pursuant to Section 4.4 of the Policy, by no later than April 29, 2022.

2. Which COVID-19 vaccines apply toward the requirement?

VTA will accept any of the Food and Drug Administration's (FDA) licensed or authorized for emergency use vaccines:

- Pfizer/BioNTech (Comirnaty): Full FDA approval for ages 16 and older with emergency-use authorization for ages 5-15. It is given in two doses, 21 days apart.
- Moderna: FDA emergency-use authorization for ages 18 and older. It's given in two doses, 28 days apart.
- Johnson & Johnson (Janssen): FDA emergency-use authorization for ages 18 and older. It's given in one single dose.

3. How does VTA define “fully vaccinated?”

An employee will be considered fully vaccinated when VTA receives (via submission through the vta.covid-19.rpt@vta.org email address or other means designated by the Human Resources Department) documentation showing that the employee has received, at least 14 days prior, all required doses of the COVID-19 vaccine. Vaccines must be FDA approved; have an emergency use authorization from the FDA; or, for persons fully vaccinated outside the United States, be listed for emergency use by the World Health Organization (WHO).

4. Does “fully vaccinated” include booster shots?

No. You are not required to have received the COVID-19 booster to be considered fully vaccinated. However, the definition of fully vaccinated may change depending on federal, state and local mandates and VTA will keep you posted. If you have received a COVID-19 booster, please submit an updated vaccination card to vta.covid-19.rpt@vta.org.

5. What are the acceptable documents for compliance with this requirement?

Acceptable forms of documentation include any one or more of the following:

- A record of immunization from employee’s health care provider or pharmacy;
- A copy of the employee’s COVID-19 Vaccination Record Card;
- A copy of the employee’s medical records documenting vaccination; and/or
- A copy of documentation that contains the type of vaccine administered and the name of the health care professional or clinic that administered the vaccine.

6. How do I submit my vaccine records to VTA?

Please submit your vaccine record as follows:

- Take clear and unobstructed photos or photocopies of the front and back of your CDC Vaccine Record Card.
- Write your employee ID# on the copy of the front of the card.
- Email to VTA.COVID-19.RPT@VTA.org
- Do NOT bring your Vaccine Record Card to your supervisor or other individual for submission. If you have trouble submitting your vaccine record, call (408) 952-4110.

C. Requesting an Exemption

1. Can I request an exemption from the Policy?

Yes. Any employee who believes they are exempt from this Policy due to a qualifying medical condition or restriction or based on a sincerely held religious belief may request an exemption from the vaccine requirement.

2. Who will be responsible for reviewing the requests for exemption?

The Human Resources (HR) Department is responsible for tracking the COVID-19 vaccination status of VTA employees. To help HR facilitate exemption requests, VTA has hired a third-party consultant, Shaw HR Consulting, to provide compliance services and ensure the COVID-19 related accommodation options are explored to best support our employees.

3. What is the process for applying for an exemption?

Visit www.shawhrconsulting.com/SantaClaraVTA to complete the online intake form indicating whether the request for a COVID-related accommodation for a vaccine exemption is due to a medical condition or sincerely held religious belief, practice or observance. The site will automatically send the individual requesting the exemption an email along with the appropriate verification forms to be completed.

Completed form must be submitted no later than February 17, 2022. Exemption requests will be reviewed on a case-by-case basis through an interactive process. Once the verification form is received back, you will be notified of the next steps. ***Please be advised that if you do not submit the completed form by the designated date, your interactive process may conclude.***

4. What documentation will this process require?

In addition to a completed exemption form, under the Americans with Disabilities Act (ADA), you may be required to provide a note from a primary physician detailing your disability or medical condition. For exemptions based on a sincerely held religious belief, VTA may also seek additional documentation. All information will be kept confidential and used only for the purpose of determining your exemption request.

5. What guidelines will VTA's team use to approve/deny exemptions?

VTA will consider all exemption requests in accordance with applicable laws and guidance provided by the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC) governing Reasonable Accommodations and Religions Exemptions. VTA retains the discretion to determine whether an accommodation is reasonable, feasible, and what accommodations are available to provide.

6. Can I continue to work while under exemption consideration?

Yes. While their exemption request is pending, the employee will be allowed to work subject to masking and other related health requirements.

7. What happens if my exemption is approved?

If an employee is determined to be exempt from this Policy, the employee must take a COVID-19 test every seven (7) days and provide documentation to their supervisor or dispatcher showing

a negative test result to report to work. Regular testing, masking and continued physical distancing will be required.

8. What happens in my exemption is denied?

If an employee is determined *not to be exempt* from this policy, the employee must provide proof that they are fully vaccinated by April 29, 2022. Failure to provide that proof by the compliance date may result in discipline or termination.

9. If my request for exemption is denied, can I appeal the decision?

An employee who believes they are being discriminated against on the basis of medical condition or religion may contact the VTA Office of Civil Rights at ocrcomplaints@vta.org or 408-952-8901 or California Department of Fair Employment and Housing at contact.center@dfeh.ca.gov or 800-884-1684.

The deadline to comply with the Policy will remain April 29, 2022.

10. How will the third-party vendor responsible for the exemption process keep my medical information confidential?

Any information gathered will be used for this exemption process only. The third-party vendor will not be asking for any information pertaining to your possible medical condition(s) or treatment plan(s) and therefore we ask that you work with your provider to ensure that this is not provided. We will not be asking for protected health information, only a confirmation that you are medically restricted from vaccination, a listing of any related work restrictions or functional limitations and the duration of those conditions as applicable.

11. How will managers and supervisors be notified of their staff members who are at risk of not meeting these new job requirements?

An employee's failure to comply with the Policy will result in discipline or separation from employment with VTA for failure to comply with the Policy and/or failure to meet the minimum qualifications of employment. Employee Relations will notify managers and/or supervisors of any disciplinary actions to be taken, with a copy to the employee's union, if applicable.

D. Other COVID-19 Related Questions

1. I am fully vaccinated. May I return to work after being identified as a close contact if I don't have any COVID symptoms?

No, not unless you have received a booster. Due to the risks posed by the latest variant(s) of COVID-19, if you have been identified as a close contact, and you have NOT received a COVID-19 booster, you are required to follow the quarantine requirements for Non-Vaccinated

Employees listed under VTA’s “Return to Work Criteria for Close Contact Cases,” found on page 22 of [VTA’s COVID-19 Prevention Program](#). However, you may return to work prior to the expiration of the quarantine period if you have a doctor’s note indicating that it is safe for you to do so.

If you have been identified as a close contact, you are not experiencing any symptoms, *and you have submitted documentation showing that you have received your COVID-19 vaccine booster*, you may return to work at any time. However, you must also test on the 5th day following your close contact with the person who had COVID-19. If you receive a positive test result, you must follow the steps listed below for individuals who have tested positive.

2. I am fully vaccinated but was exposed to a family member who lives in my house and tested positive. Can I continue to report to work?

Being exposed to someone who tested positive for COVID-19 makes you a close contact. Due to the risks posed by latest variant(s) of COVID, if you have been identified as a close contact, and you have NOT received a COVID-19 booster, you are required to follow the quarantine requirements for Non-Vaccinated Employees listed under VTA’s “Return to Work Criteria for Close Contact Cases,” found on page 22 of [VTA’s COVID-19 Prevention Program](#). However, you may return to work prior to the expiration of the quarantine period if you have a doctor’s note indicating that it is safe for you to do so.

If you have been identified as a close contact, you are not experiencing any symptoms, *and you have submitted documentation showing that you have received your COVID-19 vaccine booster*, you may return to work at any time. However, you must also test on the 5th day following your close contact with the person who had COVID-19. If you receive a positive test result, you must follow the steps listed below for individuals who have tested positive.

3. I am fully vaccinated and tested positive. When may I return to work?

If you test positive, you must follow the isolation requirements listed under the “Return to Work Criteria for COVID-19 cases” found on page 12 of [VTA’s COVID-19 Prevention Program](#). You may return to work prior to the expiration of the isolation period if you have a doctor’s note indicating that it is safe for you to do so.

4. How do I get paid while out due to COVID-19?

Employees may use accrued leaves for COVID-related absences that are caused by exposure or infection outside the workplace. If an employee does not have leave accruals, they may be placed on unpaid leave for the period of COVID-related absence. If an employee is exposed or infected at VTA while working and was compliant with all COVID-related workplace rules, that employee will be eligible for COVID-related paid leave.

5. Are we required to fill out a Supervisor Reporting Form (SRF) for each close contact identified in the SRF?

Yes, as stated in “Supervisor’s Responsibilities” found on page 18 of [VTA’s COVID-19 Prevention Program](#), a Supervisor Reporting form needs to be completed when an employee is identified as a potential exposure (close contact). The form may be found on the [Hub under the COVID-19 Resource Page under COVID Forms](#).

6. Are we required to fill out a SRF for employees who are experiencing COVID-19 related symptoms?

Yes, as stated in “Supervisor’s Responsibilities” found on page 18 of [VTA’s COVID-19 Prevention Program](#) a Supervisor Reporting form needs to be completed whenever an employee reports COVID-19 symptoms. The form may be found on the [Hub under the COVID-19 Resource Page under COVID Forms](#).

7. Can a department inquire about a job applicant’s vaccination status during the recruitment and hiring process?

After the recruitment process, when VTA determines that the applicant is qualified for a position with the agency, VTA may inquire about the applicant’s vaccination status in order to maintain the health and safety of its workplace before extending a job offer to the applicant.