



Vaccine Mandate FAQ #1: September 3, 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 1.***

Mandate Specifics and Impact on Unvaccinated Staff Employment

What is the deadline to get vaccinated?

We are working with an October 7th deadline for all unvaccinated staff impacted by the vaccine mandate. The announcement that was sent out earlier mentioned that if you fall under the mandate, we cannot continue to have you working in our active workforce beyond that date, if you are not vaccinated or don't have a medical exemption by that time. I want to stress this is a New York State mandate. It applies to all hospitals, all nursing homes, and all home care in the entire state of New York, including licensed agencies, certified home health agencies, and hospices.

We also want to work closely with you or any other employees who are uncertain about getting the vaccination, who may want to apply for a medical exemption, or may want to consider other opportunities at VNSNY that would not require the vaccine mandate.

Is the October 7th deadline for the first shot, or to be fully vaccinated?

You must get your first COVID-19 vaccine by October 7th and submit proof of vaccination to us by that date, or we will remove you from our active workforce. If you get the Pfizer or Moderna vaccines, you will then need to follow up with your second dose as scheduled, and submit proof of that dose as well.

Will you assist in finding a position for unvaccinated staff that is not “face to face” with patients but can be performed at home or in the office? It’s disappointing that VNSNY would just terminate an employee instead of helping them to find a more appropriate (by their standards) position within the agency.

What will VNSNY’s protocol be for those that don’t get the vaccination? Will an employee be fired for not taking the vaccine?

If you choose not to get vaccinated, you will not be fired on the spot the day of the deadline. We do want to speak with you, certainly prior to that, and we encourage you to start those conversations early.

If you are interested in finding another position at VNSNY because you have decided that you will not get vaccinated, you should immediately start looking at our careers website to identify positions that might be appropriate for you, and speak with your supervisor about your intentions at this point as well. I would also implore you to think about getting the vaccine. Ultimately if you don't get vaccinated and remain in a position that requires vaccination, you won't be allowed to work and won't be paid.

I noticed there will be no option to test for COVID-19 weekly, which I find very disappointing. I don't see this on the NY State website — so was this the decision of VNSNY?

This is not a VNSNY decision. It is a mandate from the State of New York.

Will there be an option to take a leave of absence for staff who choose not to get vaccinated?

At this time, we are exploring that option. Please watch for more information.

If I already had COVID-19 and have COVID-19 antibodies, do I still have to be vaccinated?

Yes, you still have to be vaccinated if you had COVID-19 and have antibodies.

Impact on Benefits

If we choose not to get the COVID-19 and are terminated as a result, will we get paid out our PTO when we are fired?

Yes. Any PTO is payable when you leave the organization, regardless of the circumstances. Your accrued PTO is your accrued time in your bank. Regardless of why you might leave the agency, that money is paid to you.

Will frozen sick time be paid out in addition to paid PTO when an unvaccinated staff member is removed from employment?

No. Frozen sick time is not eligible to be paid out to staff who separate from employment, regardless of the reason.

If someone is fired because they are unvaccinated, will unemployment benefits be an available?

It is our understanding that unemployment benefits would not be paid to individuals who had refused to take the vaccination when it was a mandate for their jobs under the New York State mandate.

Will health insurance be affected in any way if an employee is not vaccinated?

Health insurance is not affected, but your employment might be affected if you don't get the vaccine. If you separate from employment or go on a personal leave of absence, your health insurance terminates at the end of the month.

Medical Exemptions

What are the medical exemptions that will be accepted in order not to get vaccinated?

We are working on obtaining the information for medical exemptions and will share as soon as it is available. If you have a medical exemption to submit, please contact ASK HR and we will review on a case-by-case basis.

Despite claims that the COVID-19 vaccine is safe, I am seeking a medical exemption due to pregnancy. Will this be “justified” as a valid exemption?

Yes, during your pregnancy, it is our understanding that this is a valid exemption. You must follow the process for requesting a medical exemption. Watch for details about the process.

What do we need to provide in order to get a medical exemption?

We're asking you to send a message into AskHR saying that you're seeking information about applying for a medical exemption. We are still gathering that information from the various guidance on medical exemptions that's come out from New York State, and making sure that we completely understand the guidance from the state and the CDC, before we issue full instructions on applying for a medical exemption. We expect to have the full answer to this question, and information on the full process of applying for a medical exemption in the next few days.

Home health aides should call the Partners in Care information line at (212) 609-4126 with questions or text their questions to the Partners' Employee Health Services Department at (646)-618-1907, or mail them to 245 E 41st Street, Ground Floor, NY, NY 10017, since they cannot access AskHR.

Please let us know the easiest way to access AskHR?

The easiest way to access AskHR is to click on the VNSNY intranet, then go down to where you see a row of icons for the different services that are available there. The next to the last one on the right says HR Connect. Click on that tile and it will bring you into your own personalized view

of the HR Connect materials that are appropriate for you. There in the upper right-hand corner, on the ribbon next to the search bar, it says AskHR. Click on that AskHR tab and it will open a screen for you to fill in your question. The topic would be "COVID-19." For the subject, you can just type in "Accommodation request, medical exemption," then describe your request and submit it. We will have all your contact information and will know exactly who you are, and we'll respond to you with the information you need.

Safety and Legal Issues

We hear that the COVID-19 vaccine is safe but no one knows its long-term effects. It hasn't been out long enough. Who will be held liable if employees react negatively to the vaccine? Especially since it is being forced on us to maintain our current positions?

Does VNSNY assume responsibility if I get sick as result of the COVID-19 vaccine?

This is a New York State mandate, and unfortunately there hasn't been any mention of liability in any of the guidance that's been issued from the state. However, the Health Resources and Services Administration of the federal government has a website with information about covering COVID vaccine-related injuries.

Why not negotiate with the State to extend the deadline until all 3 vaccines are FDA approved, so we are not forced to take the mRNA gene therapy as opposed to the J&J shot, which is a viral vector?

This is a mandate from the State. We also need to correct the "gene therapy" terminology in the question. mRNA is not gene therapy. Rather, it is a means of transmitting the immunogenic particle rather than injecting it directly.

As for extending the deadline, the expectation is that since the Pfizer vaccine was approved first, for emergency use, and the others received similar emergency use approval shortly thereafter, that we'll see the same pattern with full approval of the other vaccines occurring in the coming weeks.

Since the mandate has changed to require vaccines, will changes be considered within VNSNY? For example, if someone's position is working under a Community Mental Health Services contract, receiving city funds, but they do not have contact with the public, will VNSNY allow the employee to maintain their position if they are not vaccinated?

In Community Mental Health Services virtually all employees have contact with the public. Either they work in a location that has the public coming into it now, or they will be working in a site that has the public coming into it. At this point, we will not be changing our position on this.

Community Mental Health Services staff can apply for a religious exemption or a medical exemption — as opposed to in other parts of the organization that are state-mandated, where

there is no religious exemption allowed. For this reason, no religious exemption is allowed in hospice, in our certified home health agency, and in our licensed home health agency.

Since a mandate is not a law, what happens if a court issues an injunction to put a hold on the mandate?

We have to follow whatever the State mandate is.