

Vaccine Mandate FAQ #2: September 10, 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 8th.***

Mandate Specifics and Impact on Unvaccinated Staff Employment

Why are home health aides being forced to take this vaccine if we don't want to take it? Why aren't we allowed to get weekly testing?

The New York State Department of Health is requiring that all staff in our certified home health agency, Hospice, or licensed home care services agency who interact in person with patients and clients or who work in facilities where patients and clients visit must have received one dose of the COVID vaccine – and submitted proof of vaccination – by October 7 or they won't be able to work, unless they get a medical exemption. This group includes staff in VNSNY Home Care, VNSNY Hospice, and Partners in Care, including home health aides. The weekly testing option is not allowed under this New York State mandate. These are New York State regulations, and VNSNY has to comply with them.

If I don't take the vaccine before October 7 what will happen? Will I have to quit immediately?

We don't want to see anyone lose their job. We value all of our staff. However, the state mandate makes clear that we cannot allow individuals to work unless they comply with the mandate. We are reviewing our plan for unvaccinated staff if they are unable to work with senior leadership and will soon share additional information.

Is it true that the mandate is not a law and that it could be easily overturned, that lawsuits are currently working their way through the judicial system, and that an injunction to put a hold on the mandate can happen at any time?

The mandate is currently contained in valid New York State regulations. Although legal challenges to regulations are not uncommon, they do not always result in an invalidation of the regulations. If there are any changes to this regulation from New York State Department of Health, we will certainly implement those changes, but at this time, VNSNY is bound by the regulations as they stand.

Why not negotiate with the state to extend the October 7 deadline or put testing back as an option?"

As an individual provider, VNSNY is not in a position to “negotiate” directly over the state about a regulation that covers all of the industry and is also applicable to hospitals, nursing homes, and skilled nursing facilities.

Is it legal to mandate the vaccine?

Generally, yes. Vaccine mandates are not new, especially in healthcare. They've been widely used in the past, and there are a variety of authorities, including the American Civil Liberties Union, that have spoken out saying that there is nothing legally questionable about these mandates.

Where can I find work with a few patients if I don't get this vaccine?

All licensed home care agencies like Partners in Care in New York State must comply with the New York State mandate that all home health aides be vaccinated with a first dose by October 7. This is not unique to Partners in Care, so finding home care cases/assignments at other home care agencies will not be possible without vaccination or a valid medical exemption. If you go to any other agency, they are also going to require that you get your first vaccine dose by October 7 in order to work for them. The number of patients that you care for will not affect whether the mandate applies to you.

Impact on Benefits

Will leave of absence be allowed? And will unemployment benefits be provided if I can't work because I don't get the vaccine?

Leave of absence is being explored. Please watch for more information on this.

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

I read an article in the National Law Review that said employers mandating vaccine will be required to report all adverse reactions to OSHA and these will be considered work-related. Is this true, and if I do have an adverse reaction, will I get workers' comp?

OSHA moved away from this position, and at least through May of 2022 will not be requiring employers to report adverse effects. You can find more information about that directly on OSHA's web site.

After I take the vaccine, if I have any side effects, who will pay my bills if I lose income?

PTO can be used in the event of any side effects. A COVID PTO Bank also exists and may be available to support those who experience side effects from the vaccine but do not have any accrued PTO.

It is important to note that while side effects from the vaccines are not uncommon, they're almost entirely very short-term (one to two days) in duration and mild in extent. Prolonged absence from work due to vaccination is extraordinarily unusual.

Do we get a raise for taking the vaccine?

The vaccine does not come with a raise, but it does come with a payment for time off when you get vaccinated against COVID-19 during your scheduled workday/shift. You are not eligible for this paid time off if you are vaccinated during a day or at a time that you are not scheduled to work. If you are vaccinated during working hours, you will receive up to four hours of excused, paid time off from work per injection of COVID-19 vaccine, separate and apart from your usual PTO. If you require time off during the workday/shift for a vaccination appointment, please make a request for time off to your supervisor and indicate that it is for vaccination.

Also, any New York City resident who gets a first vaccine dose at a New York City-run vaccination site will immediately be issued a \$100 digital debit card from the city by email. Those without an email address will be mailed a physical prepaid debit card.

Exemptions

How do I submit a medical exemption?

For home health aides, please send your medical exemption request as soon as possible to Partners in Care Health Services by emailing PAR_EmployeeHealthServices@vnsny.org or by submitting it through regular mail to Partners in Care Health Services, 245 E 41st Street, Ground Floor, NY, NY 10017

If you are a VNSNY employee who uses Workday as your system of record, please go to HR Connect on the Intranet and send your request for a medical exemption through ASKHR. More information around these processes will follow shortly.

If I am exempt from the flu shot, can I also be exempt from taking the COVID vaccination if I get a medical exception from my doctor?

It depends on the reasons for the flu shot exemption. Currently, there are very few valid reasons that support medical exemption from the COVID-19 mandate. They include a history of documented allergy to one of the ingredients in the vaccine, or a COVID-19 infection within the last 90 days.

If I have a health condition, is it safe for me to take the vaccine?

It is very important that you speak with your healthcare provider to find out if the COVID-19 vaccine is safe and effective for you. If your healthcare provider recommends that you should be exempted from the COVID-19 vaccination, please apply for that exemption.

Why doesn't VNSNY allow religious exemptions?

The New York State mandate does not allow religious exemptions. VNSNY must follow the State's regulations.

What guarantee can VNSNY give us that if we do get vaccinated, this will be it and we won't have to get booster shots down the road?

There is a possibility that the boosters will be necessary. We have an annual flu vaccine because the virus changes every year, so it's conceivable that we're going to have a similar pattern with COVID-19.

Vaccine Specifics

Can I take only one shot?

The Johnson & Johnson vaccine is a single-shot vaccine, so if you receive that vaccine, you will only need to get one shot.

If you are receiving a two-shot vaccine — meaning either the Pfizer or the Moderna vaccine — then you must get both shots. You must get at least your first shot by October 7. You can then continue working as long as you get your second shot as scheduled, which is normally about three weeks after your first shot for the Pfizer vaccine and four weeks after your first shot for the Moderna vaccine.

If you can still get and spread COVID-19 after getting the vaccine, why is it being mandated; and if we still have to wear a mask after getting the vaccine, why is it being mandated?

It's true that you can still get infected after being vaccinated. This has been known from the earliest vaccine trials. And with the Delta strain, the amount of virus that people seem to shed when they get infected is significantly higher. If you receive a COVID-19 vaccine, however, you're much less likely to get infected, and if you do get infected, you shed the virus for a much shorter period of time if you've been vaccinated.

99% of the people in hospitals and in ICUs now with COVID-19 are unvaccinated, so the strongest reason to get vaccinated really should be personal protection. At the same time, you're also much less likely to infect anyone else if you've been vaccinated, although it's not impossible that you could transmit the infection. That's why masks are still recommended if

you're vaccinated. Wearing the mask both protects you from acquiring infection, and also protects others on the remote chance that you're infected, you're asymptomatic, and you're shedding the virus.

Why is proof of natural immunity not even an option?

Natural immunity basically means evidence, typically in the form of antibodies, that you had a prior infection. The problem is that natural immunity seems to be much, much less effective than vaccine-based immunity at preventing you from getting infected again or getting sick from COVID-19. We've seen that when a new COVID strain comes along, unvaccinated people do get infected and get sick again, whereas the vaccines are very effective at preventing infection with the newer strains.

If I have recently had COVID-19, is it safe to take the vaccine?

Yes, you should be vaccinated regardless of whether you already had COVID-19 because research has not yet shown how long you are protected from getting COVID-19 again after you recover from COVID-19. Vaccination helps protect you even if you've already had COVID-19. Evidence is emerging that people get better protection by being fully vaccinated compared with having had COVID-19. One study showed that unvaccinated people who already had COVID-19 are more than 2 times as likely than fully vaccinated people to get COVID-19 again.

However, if you were treated for COVID-19 with monoclonal antibodies or convalescent plasma, you should wait 90 days before getting a COVID-19 vaccine. Talk to your doctor if you are unsure what treatments you received or if you have more questions about getting a COVID-19 vaccine.