



State of New Jersey

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VETERANS BULLETIN 22-01

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COVID-19 VACCINATION OF NJ VETERANS HOME HEALTHCARE PERSONNEL

1. **PURPOSE.** The NJ Department of Military and Veterans Affairs (DMAVA) recognizes its responsibility to provide employees a workplace free of recognized hazards. This Policy is intended to maximize COVID-19 vaccination among NJ Veterans Memorial Home personnel and individuals providing services within the Veterans Memorial Homes (VMH). This Policy is to be read in conjunction with the Medicare and Medicaid Programs and the Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule promulgated by the Centers for Medicare and Medicaid Services published on November 5, 2021 and was upheld by the United States Supreme Court on January 13, 2022, that Final Interim Rule establishes COVID-19 vaccination requirements for all staff at long-term care facilities. A copy of the rule can be found at <https://www.govinfo.gov/content/pkg/FR-2021-11-05/pdf/2021-23831.pdf>. The goal is to protect residents, employees, other healthcare personnel affiliated with the VMHs, and the broader community, from COVID-19 infection.

2. **SCOPE.** This Policy applies to the following:

a. The vaccination requirements apply to all VMH personnel, to include employees, contracted staff, consultants, temporary workers, trainees, volunteers, students, vendors, union representatives and non-employee personnel who provide services in the VMH.

b. Additionally, the vaccination requirements apply to DMAVA support staff that are required to perform non-remote work in the VMH.

c. This Policy does not cover VMH residents and visitors.

d. The exemptions section of this Policy only applies to DMAVA State employees. Exemption requests for volunteers and contractors will be presumptively denied and reviewed on an as needed basis.

3. DEFINITIONS

Acceptable COVID-19 Vaccines: The following COVID-19 vaccines are considered in compliance with the DMAVA Veterans Home Vaccination Policy: Pfizer-BioNTech COVID-19 vaccine (interchangeable with the licensed Comirnaty vaccine), Moderna COVID-19 vaccine, and the Janssen (Johnson & Johnson) COVID-19 vaccine. The following COVID-19 vaccines are also acceptable: a vaccine listed by the World Health Organization (WHO) for emergency use that is not approved or authorized by the FDA, and a COVID-19 vaccine received during participation in a clinical trial.

Accommodation / Reasonable Accommodation: Any change to a job, the work environment, or the way things are usually done that allows an individual with an exemption to perform all of their essential job functions in the workplace.

Contraindication: A specific situation in which a drug, procedure, or surgery should not be used because it may be harmful to the person.

Exemption: An exception granted to an employee under federal law that authorizes the employee to forego the COVID-19 vaccination for medical or religious reasons.

Veterans Memorial Home (VMH): Within the physical or recognized borders of the Menlo Park, Paramus, and Vineland Veterans Memorial Homes where work is done by individuals to whom this Policy applies.

4. POLICY

a. All VMH personnel, to include all personnel and individuals outlined in the Section II above must receive a COVID-19 vaccine or possess an approved exemption or accommodation to enter the VMH.

b. All individuals to whom this Policy applies must do one of the following:

1) Receive the COVID-19 vaccine(s) and provide proof of immunization to Human Resources. Proof of immunization must include a copy of documentation indicating the date the vaccine was received and which vaccine was administered as well as the next scheduled dose of a multi dose vaccine if appropriate.

2) Comply with the designated procedure for requesting a permissible exemption or accommodation as outlined below.

5. EXEMPTIONS. All requests for exemptions will only be considered once the required documentation is completed and submitted to the VMH Human Resources Office as soon as possible but **no later than January 26, 2022**. DMAVA has the discretion to review, consider, and approve/deny requests. Any requests submitted after this date will result in a delay in processing the request, which may have an impact on the requestor's employment.

a. Medical Exemptions

1) Certain allergies or recognized medical conditions may provide grounds for a medical exemption. With regard to recognized clinical contraindications to receiving a COVID-19 vaccine, facilities should refer to the CDC informational document, *Summary Document for Interim Clinical Considerations for Use of COVID-19 Vaccines Currently Authorized in the United States*, accessed at <https://www.cdc.gov/vaccines/covid-19/downloads/summary-interim-clinical-considerations.pdf>. In general, the CDC considers a history of a severe allergic reaction (e.g., anaphylaxis) after a previous dose or to a component of the COVID-19 vaccine, are an immediate (within 4 hours of exposure) allergic reaction of any severity to a previous dose, or known (diagnosed) allergy to a component of the COVID-19 vaccine, to be a contraindication to vaccination with COVID-19 vaccines.

Medical exemption documentation must specify which authorized or licensed COVID-19 vaccine is clinically contraindicated for the staff member and the recognized clinical reasons for the contraindication. The documentation must also include a statement recommending that the staff member be exempted from the facility's COVID-19 vaccination requirements based on the medical contraindications.

A staff member who requests a medical exemption from vaccination must provide documentation signed and dated by a licensed practitioner acting within their respective scope of practice and in accordance with all applicable State and local laws.

2) If an employee declines to be vaccinated because of a known medical contraindication, they must submit a medical exemption form and provide documentation to support the request for a medical exemption from a medical professional to the VMH Human Resources Office. Please see the medical exemption form for additional guidance a copy of this form can be provided to staff by the VMH Human Resources Office.

3) The VMH Human Resources Office will evaluate each medical exemption request individually and either grant the request if a reasonable accommodation can be granted or deny the request.

Accommodations for medical exemptions may include reassignment within the Veterans Memorial Home or an alternate work location.

b. Religious Exemption

1) Exemptions to the required COVID-19 vaccination may be granted if receiving the vaccine would conflict with a sincerely held religious belief.

2) If an employee declines vaccination because of a sincerely held religious belief, they must submit a religious exemption form and provide documentation to support the request for a religious exemption to the VMH Human Resources Office. Please see the religious exemption form for additional guidance. A copy of this form can be provided to staff by VMH Human Resources Office.

3) The VMH Human Resources Office will evaluate each religious exemption request individually and either grant the request if a reasonable accommodation can be granted or deny the request.

4) Accommodations for religious exemptions may include increased PPE, Covid testing or reassignment.

§483.80(i)(3)(iii) Requires each Veterans Memorial Home to ensure those staff who are not yet fully vaccinated, or who have a pending or been granted an exemption, or who have a temporary delay as recommended by the CDC, adhere to additional precautions that are intended to mitigate the spread of COVID-19. There are a variety of actions or job modifications a facility can implement to potentially reduce the risk of COVID-19 transmission including, but not limited to:

- Reassigning staff who have not completed their primary vaccination series to non-patient care areas, to duties that can be performed remotely (i.e., telework), or to duties which limit exposure to those most at risk (e.g., assigning to residents who are not immunocompromised, unvaccinated),
- Requiring staff who have not completed their primary vaccination series to follow additional CDC-Recommended precautions, such as adhering to universal source control and physical distancing measures in areas that are restricted from patient access (e.g., staff meeting rooms, staff breakrooms, etc., even if the facility or service site is located in a county with low to moderate community transmission.
- Requiring at least weekly testing for exempted staff, and staff who have not completed their primary vaccination series for until the regulatory requirement is met, regardless of whether the facility or service site is located in a county with low to moderate community transmission, in addition to following CDC recommendations for testing unvaccinated staff in facilities located in counties with substantial to high community transmission.
- Requiring staff who have not completed their primary vaccination series to use a NIOSH APPROVED N95 or equivalent or higher-level respirator for source control, regardless of whether they are providing direct care to or otherwise interacting with patients.

All employees who are not yet fully vaccinated or have received an exemption must commit to the wearing of a NIOSH APPROVED N-95 while on the premises of the VMH and comply with all accommodation requirements. Failure to follow accommodation requirements may result in discipline up to and including termination of employment. Questions regarding the use of approved facemasks should be addressed to the director of nursing.

6. **COMPLIANCE.** Any person covered by this Policy who fails to comply with the vaccination requirement by the dates stated in the Section 7 below will be denied access to the Veterans Memorial Home. Such persons will also be subject to the relevant disciplinary procedures, as it relates to condition of employment, appointment, or access. Non-compliance may result in an immediate suspension up to, and including, termination of employment. If an employee

expects to be non-compliant by the dates listed below, it is the employee's responsibility to inform the VMH Human Resources Office.

7. RESPONSIBILITIES

a. Covered VMH and DMAVA personnel, Contracted Personnel, and Volunteers

1. Must receive their first dose of COVID-19 vaccine by **January 27, 2022**, and if taking a 2-dose COVID vaccine, **complete the series by February 28, 2022**, or complete the designated process for a permissible exemption or accommodation. Booster shots for Moderna and Pfizer-BioNTech should be received five months after completing the two dose series but no later than **7-28-2022**. Booster shot for the one dose Johnson & Johnson's Janssen should be received two months after the initial dose but no later than **4-28-22**. **Please note in accordance with Executive Order number 283 those employees of the Veterans Memorial Home who completed their Moderna or Pfizer-BioNTech series of vaccination on or before 12-28-2021 are to have received their COVID-19 booster shot no later than 2-28-2022. In addition, those individuals who received the one does Johnson & Johnson/Janssen vaccination on or before 12-28-2021 should have received their booster shot no later than 2-28-2022.**

2. If applicable, submit exemption requests as soon as possible but not later than **January 26, 2022**.

3. If granted an accommodation, staff must comply with the following accommodation requirements.:

- Staff are required to wear NIOSH APPROVED N-95 MASK when in contact with residents, co-workers or visitors to the facility.
- Staff are to avoid common areas of the facility where employees or residents congregate.
- Staff should socially distance and actively avoid contact with employees, residents and visitors to the greatest extent possible.
- Staff must consume food outside of the facility and, are not permitted to take breaks in the facility's common areas.
- Staff are to routinely clean frequently touched objects and surfaces, including doorknobs, keyboards, telephones, etc. The goal being to reduce the spread of contagion.
- Staff are expected to practice safe hygiene by covering their nose and mouth prior to sneezing or coughing as well as frequently washing your hands.

A staff member's failure or refusal to wear an approved mask or follow the bullet points as referenced above will lead to disciplinary action up to and including termination of employment.

4. Must notify VMH Human Resources Office if their COVID-19 vaccination must be temporarily delayed, as recommended by the CDC, due to clinical precautions and considerations. For example, the recent receipt of monoclonal antibodies or convalescent plasma.

5. If unvaccinated, personnel may receive a vaccination at the scheduled vaccination clinics in the VMH or request a vaccination from the Employee Health Nurse.

b. DMAVA Human Resources Office

1. Evaluate all medical and religious exemption requests.
2. Issue approval and denial letters.
3. Establish reasonable accommodation parameters if possible and ensure staff compliance with the accommodation established.
4. Document and track all exemption requests and outcomes.

c. DMAVA Employee Relations Office

1. Assist Human Resources in the evaluation of medical and religious exemption requests by interpreting applicable law and guidance from regulating entities.
2. Enforce the discipline Policy for violations of this Policy as appropriate.

d. Director of Veterans Healthcare Services

1. The Director of Veterans Healthcare Services has the authority to delegate their responsibilities as the Director sees fit and within reason.
2. Assist Human Resources personnel in the evaluation of medical exemptions with the assistance of the medical directors or other medical professionals as the Director sees fit.
3. Assist Human Resources personnel in establishing reasonable accommodations for exemptions ensuring infection prevention and control needs are met.
4. Make contingency plans in consideration of staff that are not fully vaccinated in order to ensure that they will soon be vaccinated and will not provide care, treatment, or other services for the Veterans Memorial Home or its residents until such time as such staff have completed the primary vaccination series for COVID-19 and are considered fully vaccinated, or, at a minimum, have received a single-dose COVID-19 vaccine, or the first dose of the primary vaccination series for a multi-dose COVID-19 vaccine.
5. Assist the VMHs in setting up vaccination clinics before the deadline dates and educate residents and staff on the COVID-19 vaccines.
6. Ensure overall compliance with the Medicare and Medicaid Programs and the Omnibus COVID-19 Health Care Staff Vaccination Rule promulgated by the Centers for Medicare and Medicaid Services.
7. Track and securely document the vaccination status of each staff member with the assistance of the VMH Employee Health Nurses and Human Resources staff, including those for whom there is a temporary delay in vaccination, such as recent receipt of monoclonal antibodies or convalescent plasma. This documentation will be an ongoing process as new staff are hired.
8. Ensure the Human Resources Office is notified of any employees in non-compliance.
9. Serve as subject matter expert in hearings for the Human Resources Office and the Office of Employee Relations.

e. Employee Health Services (EHS)

1. Evaluate organizational healthcare personnel vaccination rates. These rates will be reported to the Infection Control Committee, the VMH CEO, and other agencies as required. Lists of personnel who are non-compliant by the prescribed deadline will be provided to the VMH CEO and Human Resources for action.

f. Supervisors and Managers

1. Ensure that all individuals covered by this Policy are vaccinated against COVID-19 unless an exemption or accommodation has been granted as described in this Policy.
2. Enforce the mask-wearing provisions of this Policy as directed by the Division Director of Veterans Healthcare Services who establishes patient safety standards.
3. Initiate the appropriate disciplinary action for personnel who do not comply with this Policy.
4. Notify the VMH Human Resources Office if a subordinate that is regularly assigned to duties outside of

the VMH that they must enter VMH to perform assigned work.

8. **DISSEMINATION.** This Policy will be disseminated by (1) In-Service training; (2) new employee orientation; and/or (3) by electronic mail.

9. **REVIEW CYCLE.** This Policy will be reviewed as necessary but no less than annually.



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