

township of wayne



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**Office of the Business Administrator
D. Talib Aquil, MPA**

July 30, 2021

Dear Staff:

This letter is intended to notify you that Township of Wayne (the “Township”) is implementing a COVID-19 Vaccination Policy for all employees. Please contact Debra Mullen-Esposito in Human Resources if there are any matters that are not sufficiently addressed within this notice.

TOWNSHIP OF WAYNE **COVID-19 VACCINATION POLICY**

I. PURPOSE

The Township is obligated by State and Federal law to provide a safe and healthy workplace that is free from recognized hazards that endanger the health, safety and welfare of its employees. With respect to the ongoing COVID-19 pandemic, the Township must implement policies consistent with current COVID-19 public health guidance and legal requirements to protect its employees and members of the public as it returns to in-person operations. This policy, which is based on State and Federal public health guidance, is intended to protect against the continued and unnecessary spread of COVID-19.

II. GENERAL INFORMATION

The New Jersey Department of Health (“NJDOH”), the U.S. Centers for Disease Control and Prevention (“CDC”), and the U.S. Equal Employment Opportunity Commission (“EEOC”) have issued guidance that the Township is relying upon to develop and modify workplace operations to protect the health and safety of all Township employees and members of the public during the ongoing COVID-19 pandemic.

According to NJDOH and CDC, COVID-19 continues to pose a risk to our community, especially to individuals who are not fully vaccinated, and certain health and safety measures are necessary to prevent the continued spread of COVID-19.

In May 2021, Governor Murphy issued Executive Order No. 242 and Executive Order No. 243, which require employers to take specific measures to protect employees from

COVID-19, including enforcing masking and quarantine requirements for employees who are unvaccinated or for whom the employer does not have documentation verifying they are fully vaccinated. Unvaccinated employees pose a greater risk of contracting and spreading COVID-19 in the workplace and to members of the public who depend on Township services.

The State of New Jersey has expanded COVID-19 vaccine eligibility to all individuals age 12 and over who live, work and study in New Jersey.¹ In addition, NJDOH² and CDC³ recommend that all eligible individuals become “fully vaccinated” against COVID-19, which means:

- 2 weeks after second dose in a two-dose vaccine series (e.g., Pfizer or Moderna); or
- 2 weeks after a single-dose vaccine (e.g., Johnson & Johnson/Janssen).

Currently, the U.S. Food and Drug Administration (“FDA”) has approved three COVID-19 vaccines (Pfizer, Moderna and Johnson & Johnson/Janssen) for Emergency Use Authorization. Pursuant to EEOC guidance, employers may require employees to be fully vaccinated against COVID-19, with limited exceptions, and may require employees to provide proof of vaccination.⁴

III. MANDATORY COVID-19 VACCINE POLICY

In order to comply with State and Federal requirements to maintain a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm to Township employees and to best protect Township employees and continue to fulfill the Township’s obligations to the public, **it is the Township’s policy that all Township employees must, as a condition of employment be fully vaccinated against COVID-19 and provide documentation to verify vaccination status no later than September 17, 2021.**

This policy is effective immediately. All employees have **until September 17, 2021** to report their vaccination status and provide documentation verifying that status to Debra Mullen-Esposito in Human Resources.

Employees are advised not to provide any medical or genetic information as part of the proof of vaccination. The Township will keep any proof of vaccination and/or request for an accommodation confidential and will maintain same in a confidential medical record separate and apart from the employee’s personnel file.

New hires will be required to provide documentation verifying COVID-19 vaccination status if they are hired on or after **August 1, 2021**.

IV. ACCOMMODATIONS

- A. An employee may be entitled to an accommodation from the mandatory vaccine policy if the employee:

¹ <https://covid19.nj.gov/pages/vaccine>.

² https://www.state.nj.us/health/cd/documents/topics/NCOV/Public_FAQ.pdf.

³ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/your-vaccination.html>.

⁴ <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#K>.

- i. Has a disability that precludes them from getting a COVID-19 vaccine;
 - ii. Has been specifically advised by their doctor not to get the COVID-19 vaccine while pregnant or breastfeeding; or
 - iii. Has a sincerely held religious belief, practice or observance that precludes them from getting a COVID-19 vaccine.
- B. Employees must request an accommodation in writing as soon as possible. Please contact Debra Mullen-Esposito via **by no later than August 13, 2021** to request or inquire about an accommodation.
- C. The Township will consider requests for a reasonable accommodation on an individualized, case-by-case basis. The Township reserves the right to request supporting information or documentation regarding an employee's request for an accommodation. Each employee's accommodation request is fact-specific and the Township will work with each employee regarding potential exemptions from the mandatory vaccine policy for disability, medical or religious reasons. Requests for accommodations may be denied if the Township determines that providing the accommodation would impose an undue hardship on the operations of the Township's business or pose a direct threat to the health or safety of others, despite a reasonable accommodation

V. ENFORCEMENT

- A. Township employees who have not provided proof of vaccination and have not submitted a request for an accommodation by **September 17, 2021** will be deemed non-compliant with this policy. Due to the extreme danger of the ongoing COVID-19 pandemic, non-compliant employees will be prohibited from working within any Township buildings, facilities or in the public.
- B. **A non-compliant employee will not be paid for any time when they are not working.** The pay of a salaried non-compliant employee will be reduced in proportion to that portion of their workweek that the non-compliant employee did not work. A non-compliant employee may use vacation or personal leave for days that they are unable to work as a result of their non-compliance. A non-compliant employee may not, however, use accumulated sick leave for those days.
- C. If there is a need to fill the position of a non-compliant employee, that non-compliant employee will be given fifteen (15) days' written notice that their employment is in jeopardy. **If the employee remains non-compliant, they may be terminated.**

VI. AMENDMENTS TO POLICY

The Township reserves the right to suspend or amend this policy as needed, including, but not limited to, the right to change the deadlines set forth above based on the availability of the COVID-19 vaccine and/or additional public health guidance.

