



Oregon

Governor Kate Brown

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MEMORANDUM

Updated October 1, 2021

To: Agency Heads and Agency Human Resources Directors

From: Madilyn Zike, Chief Human Resources Officer

Date: September 21, 2021

Subject: Addendum A – COVID-19 Vaccination Requirements policy 50.000.03

Emboldened and italicized text reflects revisions and additions to current policy language.

Policy Statement:

As of September 21, 2021, the following paid and unpaid leave provisions and personnel actions related to Executive Order 21-29 are in effect through June 30, 2022 or until Executive Order 21-29 is lifted, whichever is later.

Policy Authority: Executive Order 21-29

Applicability: *Classified unrepresented, management service, unclassified “executive” service, unclassified excluded, and unclassified unrepresented employees*

(1)(B) Employees will receive paid work time to receive their COVID-19 vaccination(s) and/or have the ability to flex their schedules to get the vaccine(s) on work time, when possible. FLSA non-exempt employees who cannot receive the vaccine(s) during their regular work hours will be compensated pursuant to the Fair Labor Standards Act policy 20.005.20 for the time it takes to receive the vaccine(s).

(C) Employees who suffer adverse reactions to the COVID-19 vaccine and are unable to work shall:

(a) Use accrued sick leave (SL) for the first eight (8) hours necessary to recover.

(b) Employees who do not have enough accrued sick leave to cover the entirety of their shift, shall receive miscellaneous paid leave (MPL) for the remainder of that shift.

(c) Employees unable to work after their first full shift shall use their accrued sick leave.

(d) Employees will receive MPL after the exhaustion of accrued sick leave for the remainder of the leave, as indicated by the employee's health care provider.

(e) Employees unable to work beyond the first shift after vaccination and who utilize sick leave with pay may be required to provide documentation from their healthcare provider.

(f) Employee who utilize MPL beyond the first shift after vaccination shall be required to provide documentation from a health care provider.

(2)(A) Employees who have begun, but not completed, the vaccination process as of October 18, 2021, shall be given a grace period until November 30, 2021 to fully complete the vaccination process before any personnel action is taken. The employee shall notify the agency of their status and expected date of full vaccination. During the time leading up to full vaccination, employees shall be allowed to work remotely. If remote work is not possible, employees shall be allowed to use vacation or compensatory leave or leave without pay (at the employee's choice) until full vaccination status is reached.

(B) Employees who have entered into the exception process on or before October 18, 2021 will be allowed to complete the exception application process before any personnel action is taken.

(C) After October 18, 2021, if the employee's request for an exception is denied, the employee will be given an opportunity to get vaccinated before personnel action is taken. The first dose of the vaccine must be received within seven (7) calendar days of the denial. The employee must complete the full series of the vaccine.

(a) The employee will be allowed to work remotely. If remote work is not possible, the employee will be allowed use of vacation or compensatory leave or leave without pay as outlined in section 82(A) above between the time of denial and when full vaccination status is reached.

(5)(A) An employee who has been vaccinated or who has received an exception may request donated leave when quarantining or recovering after a COVID diagnosis. Employees must provide documentation of the COVID diagnosis or the need to quarantine. Employees may request a maximum of eighty (80) hours for these purposes.

(B) The following provisions shall apply:

(a) Employees must have exhausted all of their accrued leave prior to requesting donated leave.

(b) DAS will solicit donations on a statewide basis. Interagency donations are subject to restrictions on the use of dedicated funding sources and/or other legitimate business reasons. Authorization for transfer of donated leave shall not be unreasonably denied.

(c) Employees may donate accrued vacation or compensatory time.

(d) Employees may donate accrued sick leave as long as they maintain a sick leave balance of at least sixty (60) hours.

Questions should be sent to CHRO.Policy@oregon.gov.