

COUNTY OF DUKES COUNTY

VACCINATION POLICY

WHEREAS, vaccination is the most effective tool for combating the 2019 novel Coronavirus ("COVID-19") and the County of Dukes County can join others in promoting policies to ensure the health and safety of its workers, residents and the public; and

WHEREAS, widespread vaccination is the only means the Commonwealth and its subdivisions, including Dukes County, has over the long-term to ensure protection from COVID-19 in all its variations and to end the many negative consequences COVID-19 produces in our daily lives; and

WHEREAS, COVID-19 vaccines are safe and effective, as evidenced by the fact that COVID-19 vaccines have satisfied the U.S. Food and Drug Administration's rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to permit widespread use and distribution, and to date, more than 357 million doses of COVID-19 vaccines have been safely administered in the United States, with more than 9 million safely administered in the Commonwealth, and negative side effects have proven exceedingly rare; and

WHEREAS, the Commonwealth leads the nation in nearly every measure of progress in vaccinating its residents, with over 64 percent of the Commonwealth's population fully vaccinated and over 74 percent of persons 18 and older fully vaccinated, both as reported by the Centers for Disease Control and the County can contribute to that effort; and

WHEREAS, the COVID-19 vaccine is a proven measure at preventing hospitalization and severe disease; and

WHEREAS, achieving full vaccination among the County workforce is necessary to ensure that the County can provide the full measure of public services due to the employees, residents, and visitors of the County;

NOW, THEREFORE, the Board of County Commissioners does hereby adopt this policy as follows:

The County of Dukes County prioritizes the safety and well-being of its employees, residents and the public. Over the last several months, the cooperation and support of our employees has been essential to the County's operations during the COVID-19 pandemic. Notwithstanding our efforts, the COVID-19 pandemic remains a significant challenge in Massachusetts and the United States because of the recent spread of the highly contagious Delta variant and breakthrough cases as well as other Covid issues.

Protecting the health, safety and economic recovery of our community requires that we work together to prevent further spread of the COVID-19 virus. To date, the most effective tools for achieving this goal are widespread vaccinations and continuous testing.

For these reasons, the County will require its employees to be vaccinated unless an exemption is sought and approved. The purpose of this policy is to minimize exposure to and transmission of the COVID-19 virus in the County and specifically the County workplaces by providing

occupational protection to all County employees and preventing exposure to members of the community we serve.

The term employees mean all county employees, elected officials, interns, volunteers and contractors working for Dukes County who have regular access to any of the county buildings (County Administration Building, Dukes County Registry of Deeds, Vineyard Health Care Access building). Employees are required to submit a proof that they are fully vaccinated to the County Manager no later than October 30th. This policy will also apply to any new hires. County Manager will assure that all submitted documents are kept confidential.

(Please note: this does not apply to Board or Committee members.)

The County is required to explore reasonable accommodations for employees who have a medical condition or sincerely held religious belief that would preclude vaccination.

The Equal Employment Opportunity Commission (EEOC) guidance on vaccines recommends that managers and supervisors be trained in recognizing requests for exemptions as requests for accommodations, and in directing such requests to the right person for full consideration. The Dukes County Commissioners are designating the County Manager as the person to whom claims of exemption should be presented.

There are two grounds for applying for an exemption from a mandatory vaccination rule: medical and religious. The standard for whether an accommodation is reasonable for persons seeking an exemption based on a medical disability is different from the standard for those seeking an exemption for a sincerely held religious belief.

Title I of the Americans with Disabilities Act (ADA) requires employers to provide reasonable accommodation to qualified applicants and employees with a disability unless the employer can demonstrate that doing so creates an undue hardship to the employer or poses a direct threat to the safety of the employee or others in the workplace.

Employers also have an obligation to accommodate an employee's sincerely held religious belief under Title VII of the Civil Rights Act (Title VII), unless the accommodation creates an undue hardship. A sincerely held religious belief can include an employee's religious-based objection to vaccinations.

A request for exemption due simply to a personal preference not to receive a vaccine is not protected by law and therefore the employee must be vaccinated completely by October 30, 2021.

For more information, please contact the County Manager Martina Thornton.

This policy was adopted by the Dukes County Commissioners at their meeting on September 20, 2021.

Christine Todd

Christine Todd, Chair
Dukes County Commissioners