

COVID-19 Safety Policy on Masks, Vaccination, and Testing

The Legal Aid Society is taking precautions and implementing safety measures to help prevent the spread of Covid-19 and to comply with New York City's requirements concerning Covid-19. All members of the Legal Aid community have a shared responsibility to support and comply with policies and protocols to protect the health and safety of our community.

This policy is an update from the version issued on September 1, 2021. The policy was updated to conform with the City's new vaccination mandate in Executive Order 83. "Covered Individuals" for this policy include all current and future employees, temps, and volunteers (interns, fellows, externs, clinic students, social work field placements, attorney and non-attorney volunteers) at Legal Aid until such time as this policy is rescinded by Legal Aid. This policy does not apply to Legal Aid clients or members of the public who seek services from Legal Aid.

All Covered Individuals in a Legal Aid office, regardless of their vaccination status, are required to wear a face covering at all times unless they are in a room by themselves with the door closed or actively eating or drinking. Eating and drinking is expressly prohibited in client meetings as those activities would necessitate the removal of masks. Furthermore, regardless of vaccination status, all Legal Aid staff must wear a face mask while performing work duties and representing Legal Aid in courthouses and other community settings. Based on current expert advice, KN95 or N95 respirators are the most effective means of personal protection. Each office is stocked with KN95 and N95 masks to maximize your safety and we encourage everyone to use these respirators instead of cloth or surgical masks in high density and / or enclosed spaces.

All Covered Individuals are required to provide Legal Aid with proof of full vaccination using an FDA- or WHO- approved COVID-19 vaccine unless they have been approved by Legal Aid for an ADA or religious exemption from vaccination.

All Covered Individuals who are approved by Legal Aid for an ADA or religious exemption, or who have a pending application for such a request, must provide a weekly record of a negative PCR or PRC rapid test for COVID-19.

If the covered employee received a two-dose vaccine, the employee must provide documentation that the second dose has been administered within 45 days of the first dose.

Documentation

All vaccination records, exemption requests, and COVID-19 test results will be kept separate from personnel records in a confidential folder. Covered Individuals should submit their documentation to Legal Aid's Covid-19 Safety Mandate App by October 29, 2021.

- **Documentation of Vaccination** – Covered Individuals who have completed at least two shots of the Pfizer or Moderna Covid-19 vaccine OR at least one shot of the J&J Covid-19 vaccine should

submit documentation of vaccination via a photo or scan of the front of their CDC immunization card a screenshot of their NYS Excelsior Pass.

- Individuals who are partially vaccinated should also remit documentation of their first vaccination shot and return to the Covid-19 Safety app within 45 days of their first vaccination date to remit revised documentation of their second vaccination shot.
- Religious or ADA Exemption Requests – These requests must be remitted to the Covid-19 Safety app using Legal Aid’s template forms. The forms can be accessed at this link: <http://covidsafetypolicy.legal-aid.info>
- Documentation of Testing – Documentation of negative PCR tests (rapid or non-rapid) should be from a healthcare provider or pharmacy. Documentation should only include information about vaccination status or the Covid-19 test results and should not include any other medical information or any genetic information. Home tests, antigen tests, and antibody tests are expressly not suitable for this policy and any such documentation would be considered non-compliant. Under the new policy, there are only two possible scenarios where someone may be submitting testing results.
 1. Covered Individuals who did not complete two shots of Pfizer or Moderna or the single-shot J&J Covid-19 vaccine on or before October 29 must submit documentation of Covid-19 testing on a weekly basis until they are fully vaccinated (two weeks after the last dose in their vaccination series), at which point they should submit documentation of vaccination. There is no grace period for partially vaccinated individuals who received their first dose after October 29 to be exempt from providing weekly testing documentation. Individuals who received their first dose of a two-dose vaccine on or before October 29, and who are waiting to receive their second dose, are not required to submit to weekly PCR testing.
 2. Individuals who have approved or pending religious or ADA exemption requests are to provide Covid-19 PCR test results on a weekly basis.

Work Time for Testing – Unvaccinated employees are encouraged to get tested for Covid-19 during non-work hours and permitted to spend up to 2 hours per workweek (including commute time to / from the test site) for testing at the beginning or end of the workday. Time allotted for testing must not interfere with any necessary work duties. Given that free PCR testing is available in New York City for all persons who live or work in New York City, Legal Aid is not responsible for any fees or costs associated with an employee getting tested.

Pending Tests – Unvaccinated employees are responsible for tracking the dates of their prior tests and submitting new test results in a timely fashion where subsequent testing occurs no more than 7 days

after their prior test. If test results are pending, they may submit documentation that they were tested and provide documentation of their test results promptly when they are available.

Consequences for Non-Compliance with Remitting Vaccination Records OR Weekly Testing along with Exemption Requests – All Covered Individuals must remit either vaccination records OR, as applicable, an exemption request – these items are to be accompanied by any necessary testing results as described in the sections above. Unvaccinated individuals who are noncompliant with submitting documents or the weekly testing requirement will be subject to consequences. This policy will be revised to note the specific progressive consequences for non-compliance as they are determined in consultation with Legal Aid’s unions. The consequences for non-compliance for unionized and non-unionized employees will be the same.

Positive Tests – A Covered Individual who tests positive must not report to in-person work until all the following conditions are met:

- a. It has been at least 10 days since their symptoms began;
- b. They have not had a fever for at least 24 hours without the use of a fever reducer; and
- c. Other respiratory symptoms (cough, shortness of breath) have improved.

New Employees, Temps, or Interns – Covered Individuals who join Legal Aid after October 29, 2021 are subject to this policy. Prior to their start date, they must submit documentation of at least one vaccine dose. If the new employee is in progress of receiving a two-dose vaccine, they must provide documentation that the second dose has been administered within 45 days of the first dose as well as documentation of weekly testing until they are fully vaccinated (two weeks after the second dose).

Individuals seeking an ADA or religious exemption must submit the exemption request form prior to their start date along with test results within the last 7 days.

Telecommuters – All Covered Individuals, regardless of whether they are working in the office or remotely, must be in compliance with this policy.

Clients and Caretakers for Clients – Clients and their caretakers entering Legal Aid’s office are required to wear a face mask at all times unless they are alone in a room behind a closed door in instances where they are visiting Legal Aid’s offices for the purpose of attending a videoconference hearing. If Clients or their caretakers do not have a face mask, supplies will be available at the office.

Covered Individuals should not ask Clients or Caretakers for Clients about their vaccination status or ask to see documentation of recent Covid-19 test results. Clients and Caretakers for Clients must participate in the self-health screening by reviewing the posted screening questions outside office entrances. To the extent practicable, staff should share these questions with Clients in advance for their awareness.

Non-Client Visitors and Guests

All visitors and guests must wear a face covering at all times and participate in the self-health screening by reviewing the posted screening questions outside office entrances.

- Visitors where Legal Aid has a contractual relationship – Any sub-contractor/consultant who enters Legal Aid's offices will be asked to provide proof of either (1) their full vaccination status or (2) a negative COVID-19 test result from within the last seven days if they have a reasonable accommodation to exempt them from vaccination.
- Visitors where Legal Aid does not have a contractual relationship – If there are visitors to the office where Legal Aid does not have a contractual relationship but the visitor will be in close proximity to clients, then to the extent practicable, Legal Aid should request to see their vaccination or testing documentation.

Staff members are responsible for informing these visitors of these requirements for face coverings, self-health screenings, and performing a verification upon the guest's arrival that their CDC immunization record, NYS Excelsior Pass, or testing result matches their guest's name.

At this time, visitors are still limited to necessary individuals who are participating in client meetings or performing a service in the office. Personal guests or family members of staff are not permitted in a Legal Aid office at this time.

Continued Compliance with Legal Aid's Health and Safety Policies – Covered Individuals are reminded that this policy is intended to complement, but not replace, Legal Aid's existing health and safety policies. Covered Individuals will be expected to continue to comply with all such policies as Legal Aid has implemented or will implement to mitigate the spread of COVID-19. Legal Aid reserves the right to modify this policy at any time without prior notice in its sole discretion to adapt to changing circumstances or institutional needs, consistent with its commitment to maintaining a safe and healthy workplace.

Effective Date. This policy is effective on October 29, 2021.

Please direct any questions regarding this policy to the Covid-19 Task Force at covid19taskforce@legal-aid.org

Individuals who are unable to wear a face covering must apply for a reasonable accommodation by contacting Human Resources at humanresources@legal-aid.org

It's never been easier to get vaccinated in NYC: www.nyc.gov/vaccinefinder or by calling 877-VAX-4NYC (877-829-4692)

Testing sites: www.nyc.gov/covidtest or a free City-run testing site: www.nychealthandhospitals.org/test-and-trace/testing/