

DATE: June 8<sup>th</sup>, 2021  
TO: Board of Trustees  
FROM: Lara Florea  
SUBJECT: COVID 19 Vaccine & Proposed Health & Safety Incentives

The availability of the COVID 19 vaccine created questions for all employers, but especially those with staff who are potentially more exposed to the virus. What should the BCRSD do? Mandate it, incentivize it, educate only, or do nothing? That was narrowed down to the following two options:

### **Mandate**

This option would require a large amount of administrative time and education. Including but not be limited to tracking vaccination records, setting timelines and following EEOC requirements on exemptions. With multiple vaccines available, and the possibility of booster vaccines at some point, it could easily be an ongoing additional administrative function that may meet with resistance.

Consequences would also need to be set and maintained such as disqualifying new hires, and the possibility of suspensions and/or terminations. Legal liabilities would need to be considered as well.

### **Incentivize**

Many companies have chosen to provide incentive programs. It is considered a more positive approach that may avoid employee resistance and can be incorporated into current incentive programs offered. This approach would have minimal need for education, legal consultation and administrative hours. As of May 28<sup>th</sup>, the EEOC clarified their guidelines for employers regarding vaccine incentives. <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#K.15>

### **Employer Incentives For COVID-19 Voluntary Vaccinations Under ADA and GINA**

#### ***ADA: Employer Incentives for Voluntary COVID-19 Vaccinations***

K.16. Under the ADA, may an employer offer an incentive to employees to voluntarily provide documentation or other confirmation that they received a vaccination on their own from a pharmacy, public health department, or other health care provider in the community? (5/28/21)

Yes. Requesting documentation or other confirmation showing that an employee received a COVID-19 vaccination in the community is not a disability-related inquiry covered by the ADA. Therefore, an employer may offer an incentive to employees to voluntarily provide documentation or other confirmation of a vaccination received in the community. As noted elsewhere, the employer is required to keep vaccination information confidential pursuant to the ADA.

After reading multiple legal and business articles and talking with other municipalities, organizations, and the Health Department, the second option is recommended. The goal is to be a workplace that promotes the health and safety of all employees, which in turn benefits all aspects of the organization and this options helps achieve that goal.

The BCRSD currently offers a safety incentive and a professional development incentive of \$50 each, BCRSD also covers expenses for employees to participate in a health fair and flu vaccines are encouraged but not mandated.

In order to keep it simple and easy to find, the proposed addition consolidates these incentives into one section with an easy to track and administer monetary incentive for them all. Instead of focusing only on the COVID 19 vaccine, the proposed policy includes all vaccines most recommended for wastewater workers from the CDC and the Boone County Health Department.

Below is the proposed Health & Safety Incentive to add to the current Personnel Policy. Staff recommend that it be retroactive to January 1<sup>st</sup>, 2021.

## **SECTION 5: ALLOWANCES & INCENTIVES**

### **PROPOSED 5.4: HEALTH AND SAFETY INCENTIVES:**

- 1. Vaccinations** – The vaccine list below is based on the recommendations of The Centers for Disease Control and Prevention, and the Boone County Health Department.
  - a. COVID 19
  - b. Flu
  - c. Hepatitis A & B
  - d. Tetanus

If an employee of the District voluntarily receives any of the recommended vaccines, that employee will receive a per vaccine bonus of fifty dollars (\$50).

**Out of pocket expense:** As of July 2021, BCRSD's insurance fully covers these vaccinations and there is no fee for the COVID 19 vaccination. However, depending on the medical provider, a copay may apply. See the employee page on the website for the most up to date Health Department data or contact a supervisor for more information.

Current vaccine records submitted to District administration for confidential record keeping is required for compensation.

- 2. Annual Health Fair** - If an employee of the District participates in Boone Electric Cooperatives Annual Health Fair (Sign up at BCRSD, attend event and receive basic health screenings offered), that employee will receive a bonus of fifty dollars (\$50). Offered once per year as availability of health fair permits.
- 3. Annual Safety Incentive** – If an employee of the District has completed a full year (December through November) with no preventable accidents, that employee will receive a bonus of fifty dollars (\$50) paid by the 2<sup>nd</sup> pay period in December. Accidents are presented & discussed in the BCRSD Safety/Staff Meetings, preventability is determined by vote.