

ISBE COVID-19 Vaccination Policy

EFFECTIVE DATE: November 15, 2021



**Illinois
State Board of
Education**

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Policy statement:

In order to safeguard the health and safety of its employees (and those with whom its employees come into contact), the Illinois State Board of Education (ISBE or Agency) requires that all of its employees, with certain exceptions, must be fully vaccinated against COVID-19 by November 15, 2021, as set forth below.

Policy:

Beginning November 15, 2021, to enter or work at or for ISBE, all ISBE employees must be fully vaccinated against COVID-19 and submit documentation confirming full vaccination status, unless an employee is exempt (or in the process of getting vaccinated) and complies with the required mitigation requirements, as set forth below.

All ISBE employees who are not fully vaccinated against COVID-19, as defined below, and who do not seek exemption, as set forth below, must have, at a minimum, the first dose of a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine by November 30, 2021, and the second dose of a two-dose COVID-19 vaccine series within 30 days following administration of the first dose.

Any employee who has not established that he or she is fully vaccinated against COVID-19 by November 15, 2021, must comply with the testing requirements set forth in the Mitigation section below until he or she is fully vaccinated against COVID-19, as defined below.

The Agency will approve two hours of approved medical time for employees to obtain each dose of the COVID-19 vaccination(s).

Effective upon implementation of this Policy, and apart from an employee's authorization to work remotely under ISBE's Work Remote Policy, ISBE's Return to Office Policy, or ISBE's COVID-19 Protocols, ISBE employees who provide proof they are fully vaccinated, as defined below, and those ISBE employees who have received an approved Disability Accommodation Exemption or Religious Belief, Practice, or Observance Exemption, as set forth below (Eligible Employees), shall receive ten (10) additional work remote days that they may use due to a COVID-19 quarantine or isolation or exclusion during which they otherwise would need to use benefit time under current ISBE policies, provided the quarantine or isolation is documented to ISBE's satisfaction and the employee still is able to perform his or her work duties.

Specifically, ISBE's COVID-19 Protocols (at pp. 4-6) identifies several scenarios under which an ISBE employee would be required to use benefit time rather than work remotely even when an ISBE employee is able to perform work. Eligible Employees under this Policy may use the additional work remote days to work remotely in such circumstances rather than use benefit time.

An Eligible Employee may use such work remote days when he or she lives with and is caring for an individual who is under an official COVID-19 quarantine and that person has not tested positive for COVID-19, provided the quarantine is documented to ISBE's satisfaction. An Eligible

Employee may use such work remote days when his or her child is subject to a COVID-19 school or daycare closing and the child has not tested positive for COVID-19, provided the quarantine or closing or exclusion is documented to ISBE's satisfaction and the employee is still able to perform his or her work duties. Similarly, an Eligible Employee may use such work remote days when his or her child otherwise is excluded from a school or daycare for reasons related to COVID-19 and the child has not tested positive for COVID-19, provided the quarantine or closing or exclusion is documented to ISBE's satisfaction and the employee is still able to perform his or her work duties. And an Eligible Employee may use such work remote days while awaiting COVID-19 test results.

Eligible Employees who ordinarily are not eligible to work remotely under ISBE's Work Remote Policy because their regular job duties cannot be performed remotely or cannot be performed remotely unless ISBE provides them with equipment are eligible to receive work remote days under this Policy. ISBE will provide such employees with work they can perform remotely or, where possible, provide them with equipment so that they are able to perform their job duties remotely.

In addition, an Eligible Employee under this Policy will:

- A. Receive one (1) additional personal day; and
- B. Become eligible for the Extension of Work Remote Days, as described below.

Extension of Work Remote Days: In order to avoid hardship, an Eligible Employee may be granted an additional 10 work remote days to use in the circumstances described above if the employee's work record warrants an extension of work remote days, the employee otherwise is eligible to work remotely under ISBE's Work Remote Policy, and the employee is able to perform work at home, subject to the approval of the Human Resources Department. Any such extension of work remote days will be charged against an employee's regular work remote days under ISBE's Work Remote Policy, i.e., the employee will be required to work in the office on regular work remote days under the Work Remote Policy until those in-office days equal the number of work remote days extended under this Policy.

An Eligible Employee must use the one (1) additional personal day under this Policy by June 30, 2022.

Work remote days extended under this Policy must be used by June 30, 2022 (but an employee's work remote days under the Work Remote Policy may be charged against the extension after June 30, 2022 to bring the totals into balance).

An Eligible Employee qualifies to receive the additional personal day and becomes eligible for the extension of additional work remote days at the time the employee provides proof of vaccination status or qualifies for an approved Disability Accommodation Exemption or Religious Belief, Practice, or Observance Exemption.

Definition of “Fully Vaccinated”:

An individual is “fully vaccinated against COVID-19” two weeks after receiving the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the U.S. Food and Drug Administration (FDA), or two weeks after receiving a single dose COVID-19 vaccine authorized for emergency use, licensed, or otherwise authorized by the FDA.

Exemptions:

An employee is exempt from this Policy’s requirement to be fully vaccinated against COVID-19 if:

- (1) vaccination is medically contraindicated, including any individual who is entitled to an accommodation exempting them from such vaccinations under the Americans with Disabilities Act or any other law applicable to a disability-related reasonable accommodation; or
- (2) vaccination would require the individual to violate or forgo a sincerely held religious belief, practice, or observance; or
- (3) the employee elects to undergo weekly testing for COVID-19, as set forth below, rather than receive a vaccination; and
- (4) the employee complies with the requirements of the Mitigation section of the Policy set forth below.

Exemption requests will be processed through Human Resources (in consultation with the Legal Department). Employees should submit an employee exemption request if they seek to be exempted from the vaccine requirement under the Policy.

To ensure timely consideration, exemption request forms must be submitted to the HR Office November 15, 2021.

Disability Accommodation Exemption: If an employee seeks exemption as a disability accommodation, the employee must complete the ISBE Accommodation Request forms, including documentation of the medical reasons, an estimated date on which the circumstances requiring the exemption are expected to end (if applicable), and the certification form completed and signed by his or her physician.

Religious Belief, Practice, or Observance Exemption: If an exemption based on religious grounds is requested, the employee must complete the COVID-19 Vaccination Religious Exemption Request Form. In assessing an employee’s request for an exemption based on a religious belief, practice, or observance, ISBE will apply the standard used by courts to assess such claims under Title VII of the Civil Rights Act of 1964, as amended.

All employees who demonstrate that they qualify for one of the exemptions from the vaccination requirement shall undergo, at a minimum, weekly testing, as provided in the Mitigation section below.

Mitigation:

Beginning November 15, 2021, to enter or work at or for ISBE, employees who qualify for an exemption from the vaccination requirement under this Policy (or who are not yet fully vaccinated against COVID-19, as defined above), must comply with the Mitigation requirements described below unless and until they can establish that they are fully vaccinated against COVID-19, as defined in this Policy:

- (1) ISBE employees who are not fully vaccinated against COVID-19 must undergo testing for COVID-19 once per week and present proof they have tested negative for COVID-19 within the immediately preceding 72 hours before they begin their regularly scheduled work week;
- (2) The testing must be done using a test that either has Emergency Use Authorization by the FDA or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services;
- (3) ISBE employees who are not fully vaccinated against COVID-19 must wear masks at all times inside ISBE facilities except in personal offices, whether or not a mask-wearing mandate is in effect, and adhere to any physical distancing requirements set forth in ISBE's Return to Office Policy <http://isbecconnects.isbe.net/Documents/Return-to-Office-Protocols.pdf>; and
- (4) ISBE employees who are not fully vaccinated against COVID-19 must comply with the testing requirements set forth above on their own time, either outside regular work hours or using approved benefit time.

Noncompliance:

Failure of any ISBE employee to comply with this Policy may result in progressive disciplinary action up to and including dismissal.

Sunset:

This Policy shall become inoperative upon the expiration or rescission of Governor Pritzker's Executive Order 2021-22 or upon the expiration or rescission of any future Executive Order reissuing and extending Executive Order 2021-22, whichever is later.