

RESOLUTION 21-105

RESOLUTION ADOPTING A VACCINATION/WEEKLY COVID TESTING MANDATE FOR RVRSA EMPLOYEES, ADOPTING A FINANCIAL INCENTIVE PROGRAM FOR NON-UNION RVRSA EMPLOYEES AND AUTHORIZING NEGOTIATION OF THE SAME FINANCIAL INCENTIVE FOR UNIONIZED RVRSA EMPLOYEES

WHEREAS, the Delta variant of COVID-19 continues to pose a public health threat to the country and to the State of New Jersey, and has already affected the health and safety of employees of the Rockaway Valley Regional Sewerage Authority (RVRSA); and

WHEREAS, the Delta variant of COVID-19 has affected the RVRSA workplace despite the fact that RVRSA has consistently followed workplace infection prevention measures recommended by the United States Centers for Disease Control (CDC) and mandated by the Executive Orders of Governor Philip D. Murphy; and

WHEREAS, the CDC recommendations currently in effect require that all unvaccinated employees who have had close contact with a fellow employee who tests positive for COVID-19 be quarantined for up to fourteen (14) days, whereas employees who are fully vaccinated need not quarantine but may rely on alternative infection prevention measures such as indoor masking and self-monitoring; and

WHEREAS, because a significant number of RVRSA employees remain unvaccinated, the quarantining recommended by the CDC has resulted, and will continue to result, in the understaffing of critical RVRSA functions and operations, to the detriment of the residents and citizens living and working in the RVRSA service area; and

WHEREAS, because RVRSA does not have an approved remote working policy, and because many of RVRSA's most vital functions cannot be performed remotely, it is of critical importance that RVRSA take steps to avoid such significant reductions in its available manpower and staffing; and

WHEREAS, evidence from across the country indicates that the vast majority of infections, hospitalizations, and deaths from the Delta variant of COVID-19 are among the unvaccinated; and;

WHEREAS, although fully vaccinated individuals enjoy greater protection against infection, hospitalization, and death from the Delta variant of COVID-19, they remain at risk of incurring so-called "breakthrough infections" from other infected persons and possibly spreading the Delta variant of COVID-19 to others even if they do not become ill themselves; and

WHEREAS, RVRSA's "Contagious or Life-Threatening Illness" Policy, as set forth in the RVRSA "Personnel Manual/Policies and Procedures" (revised in part December 2018), requires

RVRSA “to obtain appropriate medical direction, when necessary, to ensure that an employee’s communicable condition does not pose a significant risk of substantial harm to him/herself or to other employees;” and

WHEREAS, the State of New Jersey has by Executive Order imposed a “vaccine mandate,” calling for employees to become fully vaccinated by a date certain or else be subjected to mandatory weekly COVID-19 testing, for all public, private, and parochial preschool programs, elementary and secondary schools, charter and renaissance schools, health care facilities, State and county correctional facilities, secure care facilities operated by the Juvenile Justice Commission, licensed community residences and certified day programs for individuals with intellectual and developmental disabilities and traumatic brain injury, and licensed community residences for the mentally ill; and

WHEREAS, the State of New Jersey is also imposing such a “vaccine mandate” upon all workers at state agencies, authorities and public colleges and universities effective October 18, 2021; and

WHEREAS, the RVRSA Board of Directors has determined that the adoption of a similar “vaccine mandate,” calling for RVRSA employees to become fully vaccinated by October 22, 2021, or else be subjected to mandatory weekly COVID-19 testing, is in the best interests of RVRSA, its officers and employees, and the residents and citizens living and working in the RVRSA service area, and is also consistent with RVRSA’s “Contagious or Life Threatening Illness” Policy; and

WHEREAS, the RVRSA Board of Directors also deems it appropriate to supplement the aforesaid “vaccine mandate” by providing a reasonable financial incentive to encourage RVRSA employees to become vaccinated.

NOW, THEREFORE, BE IT RESOLVED by Rockaway Valley Regional Sewerage Authority on this 9th day of September, 2021, as follows:

1. The Recitals set forth above are incorporated into this Resolution by reference.
2. RVRSA strongly encourages all employees to receive one of the three vaccines recognized in the United States of America as safe and effective preventative measures against COVID-19 and to comply with all recommendations to achieve and maintain full vaccination as appropriate for the specific vaccine received, subject to the exceptions set forth in paragraph 6, below.
3. Subject to the exceptions set forth in paragraph 6, below, all RVRSA employees are expected to achieve full vaccination status by October 22, 2021. Employees who have not provided adequate proof by that date that they have been fully vaccinated must submit to weekly COVID-19 testing on an ongoing basis until they present adequate proof of full vaccination.
4. For purposes of paragraph 3, above, “adequate proof” of full vaccination shall constitute the following: (a) the CDC COVID-19 Vaccination Card issued to the employee by the vaccination site or an electronic or physical copy of that Card; (b) an official record from

the New Jersey Immunization Information System (NJIS) or other State immunization registry; (c) a record from a health care provider's portal/medical records system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse, or pharmacist; (d) a military immunization or health record from the United States Armed Forces ; or, (e) a docket mobile phone application or any state specific application that produces a digital health record. "Full vaccination" shall mean (a) the employee has received the complete number of vaccinations required to achieve full vaccination status for the specific vaccine the employee has received, and (b) fourteen days have elapsed since the employee received the final vaccination required to achieve full vaccination status for the specific vaccine the employee has received.

5. Effective October 22, 2021, employees who have not presented adequate proof of full vaccination status shall be required to obtain and submit the results of at least one COVID-19 PCR test each calendar week, in accordance with such specific policies and procedures as the Executive Director may prescribe for that purpose. Employees who produce a positive COVID-19 PCR test result shall be required to quarantine and/or take other preventative measures as set forth in RVRSA policies then in effect.
6. RVRSA recognizes that persons who present adequate documentation of medical or religious objections to vaccination cannot be required to become vaccinated. Nothing in this Resolution shall be interpreted as recommending or requiring that persons who present adequate documentation of medical or religious objections to vaccination become vaccinated. Notwithstanding the foregoing, persons who present adequate documentation of medical or religious objections to vaccination will nonetheless be required to submit to weekly COVID-19 testing as set forth in paragraph 5 of this Resolution.
7. As a further incentive to encourage employees to become vaccinated, the RVRSA Board adopts the following program for non-union employees, confidential employees, and managerial executives, effective immediately:
 - a. Employees who have produced adequate proof of full vaccination, as defined in paragraph 4, above, and who are subsequently required to quarantine for reasons related to COVID-19 shall receive full pay during their quarantine period without charge against their accumulated paid time off.
 - b. Employees who have not produced adequate proof of full vaccination and who are required to quarantine for reasons related to COVID-19 shall be required to use their accumulated paid time off and shall be placed on unpaid leave status once their accumulated paid time off is exhausted. However, if any such unvaccinated employee presents proof that he or she has achieved full vaccination status (as defined in paragraph 4, above) no later than October 22, 2021, that employee shall have his or her paid time restored and shall retroactively receive full pay for their quarantine period without charge against accumulated paid time off. No such restoration/retroactive pay shall be offered to any unvaccinated employee who does not achieve full vaccination status by October 22, 2021.
 - c. For purposes of this paragraph 7 only, employees who present adequate documentation of medical or religious objections to vaccination shall be treated the same as fully vaccinated employees.

8. The Executive Director is hereby authorized to offer the incentive program set forth in paragraph 7, above, to IBT Local 125 and to obtain that union's agreement to extend the incentive program to the employees represented by IBT Local 125.
9. This Resolution shall take effect immediately, and shall remain in effect until amended, modified, or repealed.

I hereby certify that this Resolution was adopted at a meeting of Rockaway Valley Regional Sewerage Authority held on the 9th of September, 2021.

On motion of Commissioner Howarth

Seconded by Commissioner Schorno

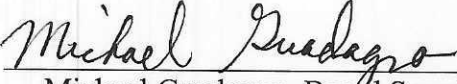
And a Roll Call Vote as Follows:

Yeas: (6) Andes, Cegelka, Corbett, Farrell, Howarth, Schorno

Nays: (3) Guadagno, Isselin, Recchia

Abstain: (0)

Absent: (1) Zuppa



Michael Guadagno, Board Secretary