

## Banyan Air Service's Vaccination, Testing and Face Covering Policy

### **Purpose:**

*Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. Banyan Air Service encourages all employees to receive a COVID-19 vaccination to protect themselves and other employees. However, should an employee choose not to be vaccinated, this policy and any future policy could change based on the CDC, WHO and any other federal government guidelines. Sections on testing and face coverings are subject to change and will apply and be enforced accordingly. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).*

### **Scope:**

*This COVID-19 Policy on vaccination, testing, and face covering use applies to all employees of Banyan Air Service except for employees who do not report to a workplace where other individuals (such as coworkers or customers) are present and employees while working from home.*

*All employees are encouraged to be fully vaccinated. Employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses. For example, this includes two weeks after a second dose in a two-dose series, such as the Pfizer or Moderna vaccines, two weeks after a single-dose vaccine, such as Johnson & Johnson's vaccine, or two weeks after the second dose of any combination of two doses of different COVID-19 vaccines as part of one primary vaccination series. **Employees who are not fully vaccinated will be required to provide proof of weekly COVID-19 testing and wear a face covering at the workplace.***

*All employees are required to report their vaccination status and, if vaccinated, provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if not fully vaccinated, their testing results. Employees not in compliance with this policy will be subject to discipline.*

**Discipline for not following the ETS guidelines can include unpaid suspension, up to termination of employment.**

*Employees may request an exception from vaccination requirements (if applicable) if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated through the People Relations department. All such requests will be handled in accordance with applicable laws and regulations and Banyan's Teammate Handbook.*

### **Procedures:**

**Created on January 10, 2022**  
**Revised on January 13, 2022**

## Overview and General Information

### Vaccination

Any Banyan Air Service teammate that chooses to or is required to be vaccinated against COVID-19 must be fully vaccinated no later than January 10<sup>th</sup>, 2022. Any employee not fully vaccinated by January 10<sup>th</sup>, 2022 will be subject to the regular testing **and** face covering requirements of the policy.

To be fully vaccinated by January 10<sup>th</sup>, 2022, an employee must:

- Obtain the second dose of a two-dose vaccine no later than January 10<sup>th</sup>, 2022.
- Obtain one dose of a single dose vaccine no later than January 10<sup>th</sup>, 2022.

Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine as stated above. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine.

The People Relations department will be maintaining all documentation regarding the ETS vaccination policies and statuses. For any questions on the policy, please see the People Relations team.

**\*\*\*Addendum to above mandate:** On January 13<sup>th</sup>, the Supreme Court overruled the above mandate and now employers with 100 or more employees are not required to test weekly. However, Banyan Air Service will continue to conduct weekly testing until further notice on a voluntary basis

### Testing and Face Coverings

All employees who are not fully vaccinated as of January 10<sup>th</sup>, 2022, will be required to undergo regular COVID-19 testing **and** wear a face covering when in the workplace. Policies and procedures for testing and face coverings are described in the relevant sections of this policy.

## Vaccination Status and Acceptable Forms of Proof of Vaccination

### Vaccinated Employees

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted in-person at the People Relations office.

Acceptable proof of vaccination status is:

1. The record of immunization from a health care provider or pharmacy.
2. A copy of the COVID-19 Vaccination Record Card.
3. A copy of medical records documenting the vaccination.
4. A copy of immunization records from a public health, state, or tribal immunization information system; or
5. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).

*Proof of vaccination generally should include the employee's name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances Banyan Air Service will still accept the state immunization record as acceptable proof of vaccination.*

*If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:*

*"I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties."*

*An employee who attests to their vaccination status in this way should to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine.*

**All Employees**

*All employees, both vaccinated and unvaccinated, must inform Banyan Air Service of their vaccination status. The following table outlines the requirements for submitting vaccination status documentation.*

<i>Vaccination Status</i>	<i>Instructions</i>	<i>Deadline(s)</i>
<i>Employees who are fully vaccinated.</i>	<i>Submit proof of vaccination that indicates full vaccination.</i>	<i>January 10<sup>th</sup>, 2022</i>
<i>Employees who are partially vaccinated (i.e., one dose of a two dose vaccine series).</i>	<i>Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose when it is obtained.</i>	<i>January 10<sup>th</sup>, 2022</i>
<i>Employees who are not vaccinated.</i>	<i>Submit statement that you are unvaccinated, but are planning to receive a vaccination by the deadline.</i>	<i>January 10<sup>th</sup>, 2022</i>
	<i>Submit statement that you are unvaccinated and not planning to receive a vaccination.</i>	<i>January 10<sup>th</sup>, 2022</i>

**\*\*\*Please note addendums**

## Supporting COVID-19 Vaccination

*An employee may take up to four hours of duty time per dose to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of duty time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of duty time will be granted. Employees who take longer than four hours to get the vaccine must send their supervisor/manager an email documenting the reason for the additional time (e.g., they may need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated.*

*Employees may utilize up to two workdays of sick leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to two days of additional sick leave immediately following each dose if necessary.*

*The following procedures apply for requesting and granting duty time to obtain the COVID-19 vaccine or sick leave to recover from side effects:*

**Please notify your supervisor/manager of the time you are requesting off along with vaccination appointment documentation.**

## Employee Notification of COVID-19 and Removal from the Workplace

*Banyan Air Service will require employees to promptly notify their supervisor when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.*

*Banyan Air Service will be following all CDC guidelines and/or a medical professional's guidance in response to a positive COVID-19 diagnosis.*

### Medical Removal from the Workplace

*Banyan Air Service has also implemented a policy for keeping COVID-19 positive employees from the workplace in certain circumstances. Banyan Air Service will immediately remove an employee from the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate).*

### Return to Work Criteria

*For any employee removed because they are COVID-19 positive, Banyan Air Service will keep them removed from the workplace until the employee receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing; meets the return to work criteria in CDC's "Isolation Guidance"; or receives a recommendation to return to work from a licensed healthcare provider.*

*Under CDC's "[Isolation Guidance](#)," asymptomatic employees may return to work once 10 days have passed since the positive test, and symptomatic employees may return to work after all the following are true:*

- *At least 10 days have passed since symptoms first appeared, and*
- *At least 24 hours have passed with no fever without fever-reducing medication, and*

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- *Other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).*

*If an employee has severe COVID-19 or an immune disease, Banyan Air Service will follow the guidance of a licensed healthcare provider regarding return to work.*

### **COVID-19 Testing**

*All employees who are not fully vaccinated will be required to comply with this policy for testing.*

*Employees who report to the workplace at least once every seven days:*

*(A) must be tested for COVID-19 at least once every seven days; and*

*(B) must provide documentation of the most recent COVID-19 test result to [the supervisor] no later than the seventh day following the date on which the employee last provided a test result.*

*Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace):*

*(A) must be tested for COVID-19 within seven days prior to returning to the workplace; and*

*(B) must provide documentation of that test result to [the supervisor] upon return to the workplace.*

*If an employee does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result.*

*Employees who have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.*

*All COVID-19 testing costs will be paid for, if applicable, by the employee.*

### **Face Coverings**

*Banyan Air Service will require all employees who are not fully vaccinated to wear a face covering. Face coverings must: (i) completely cover the nose and mouth; (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source); (iii) be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers; (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings. Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.*

*Employees who are not fully vaccinated must wear face coverings over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes. Policies and procedures for face coverings will be implemented, along with the other provisions required*

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by OSHA's COVID-19 Vaccination and Testing ETS, as part of a multi-layered infection control approach for unvaccinated workers.

**Face coverings are to be self-provided by employee and to be always worn while indoors.**

The following are exceptions to Banyan Air Service's requirements for face coverings:

1. When an employee is alone in a room with floor to ceiling walls and a closed door.
2. For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.
3. When an employee is wearing a respirator or facemask.
4. Where Banyan Air Service has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee's mouth for reasons related to their job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).

**\*\*\*Addendum to above mandate:** On January 13<sup>th</sup>, the Supreme Court overruled the above mandate and now employers with 100 or more employees are not required to wear face coverings. However, Banyan Air Service will continue follow CDC guidelines and recommendation and will enforce face masks if or when it becomes necessary

#### **New Hires:**

All new employees are required to comply with the vaccination, testing, and face covering requirements outlined in this policy as soon as practicable and as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment.

#### **Confidentiality and Privacy:**

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

#### **Questions:**

Please direct any questions regarding this policy to your direct Supervisor/Manager or the People Relations department.

This model plan is intended to provide information about OSHA's COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this model plan is not itself a standard or regulation, and it creates no new legal obligations.