



Governor's Office of Employee Relations

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Governor

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Director

MEMORANDUM

October 5, 2021

TO: Directors of Human Resources

FROM: Michael Volforte

SUBJECT: COVID-19 Vaccination Verification and Testing

Background and Purpose

Commencing on October 12, 2021, all State employees in Executive controlled agencies, who are not subject to a mandatory vaccination requirement shall be tested for COVID-19 weekly unless they are fully vaccinated.

Individuals are considered fully vaccinated for COVID-19 when at least 2 weeks have passed after receiving either

- (1) the second dose in a 2-dose series (e.g., Pfizer-BioNTech or Moderna), or
- (2) a single-dose vaccine (e.g., Johnson & Johnson [J&J]/Janssen),

authorized for emergency use or approved by the U.S. Food and Drug Administration or a vaccination that holds an emergency use listing by the World Health Organization.

By October 12, 2021, the expectation is that employees will be fully vaccinated for COVID-19 or they will be subject to weekly testing until fully vaccinated. The following policy provides information for agencies and employees as to how to submit proof of COVID-19 vaccination.

Employee Vaccination Submission Portal

The Office of Information Technology Services has created a secure employee vaccination and test result submission portal (portal) that allows employees to submit

proof of COVID-19 vaccination and employee COVID-19 test results and allows agencies to review that proof against rosters of employees. This portal is accessible at <https://covidsubmit.ny.gov/>. Included with the memorandum are instructions on portal use for agencies and employees.

With the launch of this portal, agencies shall inform their employees of the availability of the portal and request that employees go to the portal to immediately start the process of providing proof of vaccination. Proof of vaccination is done either by scanning or uploading their Excelsior Pass/Excelsior Pass Plus QR Code or by uploading a picture of their CDC Vaccination Card. Other acceptable documentation that can be uploaded includes a copy of their NYIIS/CIR (New York State Immunization Information System/Citywide Immunization Registry) record, or a copy of their Electronical Medical Record from their provider. For assistance with Excelsior Pass/Excelsior Pass Plus agencies should refer employees to <http://on.ny.gov/epass-help>.

Employees can access the portal from work computers or from their own personal devices. They can use office equipment to scan a copy of their CDC vaccination card (or other acceptable information) and sign up for Excelsior Pass from their work computer. If an employee does not have access to a computer or mobile device they should contact their human resources office to arrange for submission of information to verify vaccination status.

Employees are required to submit information into the portal by **October 8**. Employees who become fully vaccinated after this date should enter information into the portal as soon they have that information.

Please note that in order to be fully vaccinated by October 12, and not subject to the testing requirement, employees would have had to have received their single dose of a single dose COVID-19 vaccination, or the second dose of a two-dose series by September 27, 2021.

To assist unvaccinated employees who want to get vaccinated, please refer them to <https://covid19vaccine.health.ny.gov> where they can get information on making appointments at either a State-run vaccination site or other vaccination sites, like pharmacies, near where the employees live. Also, employees are eligible for paid leave for their jobs to get vaccinated. Information on that paid leave is available at https://www.cs.ny.gov/attendance_leave/PolBull21-01-a.cfm and should be shared with employees as well.

Proof of Vaccination

Agencies will access their list of employees from within the secure portal. Agencies will be able to see the following for their employees:

- (1) Excelsior Pass information was entered and there is an exact match.

- (2) Excelsior Pass information was entered and there is not an exact match.
- (3) A CDC Vaccination Card was uploaded as the proof of vaccination.
- (4) No known vaccination status (these employees will be subject to weekly COVID-19 testing unless the agency otherwise verifies vaccination status).

For those employees whose vaccination status is an exact match as reported through Excelsior Pass, the agency does not need to take further action.

For those employees whose vaccination status is not an exact match as reported through Excelsior Pass, the agency will need to contact that employee and obtain more information to confirm that the employee is fully vaccinated including, but not limited to, a copy of the employee's CDC Vaccination Card and/or verifying the employee's date of birth. Once the employee's fully vaccinated status has been confirmed, there is nothing more to do. If the employee's fully vaccinated status is not confirmed, the employee will be subject to the weekly testing requirement until confirmation is obtained.

For those employees who submit a CDC Vaccination Card as proof of vaccination, agencies will review the CDC Vaccination Cards in the portal to make sure that the card entered matches your employee by reviewing the employee's name and date of birth and reviewing the information about the vaccine dose, or doses, they received. If the agency cannot verify a match, the agency will need to contact that employee and request an actual copy of the employee's CDC Vaccination Card.¹ Please note that CDC Vaccination Cards will only be accessible in, and stay within, the portal, which is secure. Agencies will not be able to download those cards. Once the employee's vaccination status has been confirmed, the agency must determine if the employee will be fully vaccinated by October 12. If so, there is nothing more to do. If they will not be fully vaccinated by October 12, the employee will be required to be tested weekly until fully vaccinated. For new hires, agencies should direct those individuals to the portal as well.

Record Retention and Tracking – Vaccination Status

Agencies must keep any proof of vaccination status submitted directly to the agency by an employee in a secure location separate from personal history folders such as in an employee's medical folder with limitations on access to those folders.

Agencies should maintain a final spreadsheet of all employees' vaccination status in a secure location with limited access to that document. If an employee does not submit any information into the portal, the agency will need to request proof of vaccination from each employee and track that information for compliance separately from the portal.

¹ Agencies may use information already in their possession to verify a CDC vaccination card, such as any card submitted by an employee to get paid time off pursuant to Civil Service Law §159-c. If they already have a submitted card that allows them to determine vaccination status, they do not have to contact the employee.

Agencies will also need to develop a system to track individuals who have started the vaccination process but are not yet fully vaccinated so that they can be removed from the weekly testing requirement. This will include verification when an employee has received a second dose, where applicable.

Other than the use of the portal to upload vaccination information during an employee's regular work hours, where practical and permitted, no time spent uploading the information shall be compensable.

Testing - General

By October 12, 2021, the expectation is that employees will be fully vaccinated for COVID-19 or they will be subject to weekly testing until fully vaccinated. The following provides information for agencies and employees concerning the weekly testing program for individuals who are not fully vaccinated.

Employees will use the same portal to submit proof of COVID-19 test results. This portal is accessible at <https://covidsubmit.ny.gov/>. ITS will be supplying agencies and employees with instructions on portal use for testing result submission.

Testing for State employees subject to this requirement is available from the testing vendor(s) selected by the State. Information on the vendor(s) and the program process will be shared with agencies by 10/8 or as soon as it is available.

For all testing done pursuant to this program, testing samples will either be a saliva specimen or a nasal specimen. Nasal specimens are collected using a swab that is inserted into the nasal cavity; these are NOT nasopharyngeal specimens which require insertion of the swab deep into the sinuses.

Agencies will inform employees who are not vaccinated that they are required to take a weekly test until such time as they are vaccinated and submit the results by the start of their next regular workday.

Testing – Registration

Employees will follow the instructions for the testing vendor by registering on that vendor's web- or app-based system. Depending on the vendor, the employee will be registering for a test at the Patient Services Center of a testing vendor (if they have one near an employee) or to receive an at-home test. For those who choose the at-home testing model, the tests must be mailed to an individual's home.

Testing – Taking the test

Protocol for taking the test will depend on the vendor and method of testing selected. Each testing vendor who offers an at-home test will provide instructions to the employee on how to take the test, secure the completed test, and transmit it back to the testing vendor. While it is preferable that at-home tests be taken at-home, an agency shall permit employees to take the test during their workday, where practicable, so long as the employee can properly transmit the completed test in accordance with the testing vendor procedures.

Testing – Reporting Results

Employees will receive their results from the testing vendor. Employees must transmit the results received by the start of their next scheduled workday after receiving the results. Results must be submitted through the portal. If results cannot be submitted through the portal, they can be delivered to agency human resources in accordance with procedures they establish. All testing results shall be kept securely and confidentially apart from personal history folders and other records in accordance with applicable federal and state law.

Testing Program – Eligibility

The testing option is strictly for those employees identified by each agency who have not reached full vaccinated status. Agencies must message eligibility to employees on a weekly basis. Other uses of the testing contract are strictly prohibited and costs associated with unauthorized use will be the responsibility of the agency and/or individual employee.

Agency human resource representatives will be provided training in use of the portal as it relates to utilizing their employee roster information to identify those employees who have not been fully vaccinated and are therefore subject to the weekly testing requirement.

Record Retention and Tracking – Testing

Agencies must keep any proof of tests submitted directly to the agency by an employee in a secure location separate from personal history folders such as in an employee's medical folder with limitations on access to those folders.

Agencies will also need to develop a system to track individuals who have started the vaccination process so that they can be removed from the weekly testing requirement when fully vaccinated. This will include verification when an employee has received a second dose, where applicable.

No time spent registering for testing appointment or receipt of an at-home test, taking a test at a Patient Services Center, transmitting the completed test in accordance with the testing vendor's procedure or submitting test results will be considered compensable work time due to the de minimis time anticipated to be spent on these activities.

If an agency has any questions regarding this policy, they should contact the Governor's Office of Employee Relations.