

# **Mandatory Employee COVID-19 Vaccination Policy**

## **(Dated August 6, 2021)**

Ford's Theatre Society ("the Society") wants to assure you that it is committed to the safety and health of all employees and that we are taking additional measures to protect you, your coworkers, and your families from contracting and spreading COVID-19.

Certain COVID-19 vaccines have been approved for Emergency Use Authorization by the US Food and Drug Administration ("FDA") and are readily available to the general public in the DC region. We are implementing a mandatory vaccination policy for all employees entering the workplace, including temporary workers and independent contractors, subject to the exceptions in this policy (explained below).

This policy is based on guidance from the Centers for Disease Control and Prevention ("CDC") and the Equal Employment Opportunity Commission and is designed to comply with all applicable federal, state, and local laws.

Employee compliance with this policy is a condition of employment. We ask that you please read this policy carefully. Employees who have any questions or concerns about how to safely comply with this policy should ask the Director of Finance and Administration for assistance.

This policy is not intended to preclude or dissuade employees from engaging in legally protected activities under state or federal law, including the National Labor Relations Act, such as discussing wages, benefits, or terms and conditions of employment.

### **Information About COVID-19 Vaccines**

The CDC has promoted the benefits and safety of approved COVID-19 vaccines. More information about COVID-19 vaccines and the vaccine approval process is available and frequently updated on the CDC's website at: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/>.

### **Continued Applicability of Other Infection Control Policies and Protocols**

This Mandatory Vaccination Policy is a key part of our overall strategy and commitment to maintaining a safe and healthy workplace in light of the COVID-19 pandemic. This policy is designed for use together with, and not as a substitute for, other COVID-19 prevention measures that the Society has implemented or may implement from time to time.

We need your full cooperation and compliance with this and other health and safety workplace policies to make them effective.

### **Vaccination Requirements**

Consistent with the CDC's guidance and the guidance of the District of Columbia Health Department, to prevent the infection and spread of COVID-19, and as an integral part of its public health and safety measures, the Society requires that all employees entering the workplace, including temporary workers and independent contractors, get vaccinated against

COVID-19 and show proof of an FDA-approved COVID-19 vaccine or a COVID-19 vaccine granted Emergency Use Authorization by the FDA by September 17, 2021 or start date of employment, unless an exemption from this policy has been granted as an accommodation or otherwise. For more on the accommodation and exemption process, see Accommodation and Exemption Requests below.

Employees who fail to comply with these requirements will be barred from entering the worksite and subject to disciplinary measures, up to and including termination of employment, subject to reasonable accommodation and other requirements of applicable federal, state, and local law.

### **Vaccine Administration**

You are responsible for scheduling and obtaining all recommended doses of an FDA-approved COVID-19 vaccine or a COVID-19 vaccine granted Emergency Use Authorization by the FDA. You may get the vaccine during your regularly scheduled work hours, if feasible.

The Society will pay nonexempt employees for time travelling to or spent getting the vaccine if done during your regular work hours. The Society will reimburse all employees for documented vaccine costs not fully covered by insurance, including any unreimbursed vaccine administrator fees, and other expenses incurred getting the vaccine, such as parking at vaccination sites, and other incidental costs, in accordance with the Society's policy for reimbursement of business expenses.

### **Proof of Vaccination**

You must provide written proof of vaccination from the vaccine administrator or a CDC-issued vaccination card, including the vaccination place, date(s), and name, by September 17, 2021 or start date of employment. Do not include any medical or genetic information with your proof of vaccination. The Society will keep your vaccination information confidential.

### **Accommodation and Exemption Requests**

#### Disability Accommodation

In accordance with Section 3.2 of the Ford's Theatre Society Employee Handbook, the Society provides reasonable accommodations, absent undue hardship, to qualified individuals with disabilities that enable them to perform their job duties. Reasonable accommodation may include appropriate adjustment or modifications of employer policies, including this Mandatory Vaccination Policy.

If you believe that you have a disability that requires an accommodation regarding this policy, you should advise the Director of Finance and Administration of your particular needs so that you can engage in discussions about what accommodation may be appropriate. To the extent reasonably possible, information concerning individuals' disabilities and their need for accommodation will be handled with the utmost discretion by the Society.

### Religious Accommodation

Further, the Society provides reasonable accommodations, absent undue hardship, to employees with sincerely held religious beliefs, observances, or practices that conflict with getting vaccinated or receiving the type of vaccine currently available.

If you believe you need an accommodation regarding this policy because of your sincerely held religious belief, you should advise the Director of Finance and Administration of your particular needs so that you can engage in discussions about what accommodation may be appropriate.

### Interactive Process

The Society will engage in an interactive dialogue with you to determine the precise limitations of your ability to comply with this mandatory vaccination policy and explore potential reasonable accommodations that could overcome those limitations. The Society encourages employees to suggest specific reasonable accommodations. However, the Society is not required to make the specific accommodation requested and may provide an alternative effective accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the Society or posing a direct threat to you or others in the workplace.

### Exemption for Other Medical Reasons

If you believe your ability to comply with this policy is affected by a medical condition that is a contraindication to the COVID-19 vaccine, even if it does not qualify as a disability under federal, state, or local law, you should advise the Director of Finance and Administration of your particular needs so that you can engage in discussions about what accommodation may be appropriate. The Society will engage in an interactive dialogue with you to determine whether an exemption is appropriate.

### How to Request an Accommodation or Other Exemption

You may request a reasonable accommodation or other exemption from this policy orally or in writing from the Director of Finance and Administration.

When requesting an accommodation, please provide all relevant information, including:

- A description of the accommodation or exemption requested.
- The reason for the requested accommodation or exemption.

The Society reserves the right to request additional documentation supporting the need for an accommodation or request for any other exemption. The Society will keep confidential any medical information obtained in connection with your request for a reasonable accommodation or other exemption. However, we ask that you not provide any genetic information to the Society when responding to a request for additional information or providing proof of vaccination in compliance with this policy (*see* GINA Safe Harbor below).

### Determinations

The Society makes determinations about requested accommodations and exemptions on a case-by-case basis considering various factors and based on an individualized assessment in each situation. The Society strives to make these determinations expeditiously and in a fair and nondiscriminatory manner and will inform you after we make a determination. If you have any

questions about an accommodation or exemption request you made, please contact the Director of Finance and Administration.

### **GINA Safe Harbor**

The Genetic Information Nondiscrimination Act of 2008 (“GINA”) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Society asks that you not provide any genetic information when responding to a request for medical information.

“Genetic information,” as defined by GINA, includes:

- An individual’s family medical history.
- The results of an individual’s or family member’s genetic tests.
- The fact that an individual or an individual’s family member sought or received genetic services.
- Genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### **Policy Administration and Questions**

The Director of Finance and Administration is responsible for administering and enforcing this policy. If you have any questions about this policy or about health and safety issues that are not addressed in this policy, please contact the Director of Finance and Administration.

### **Policy Modification**

Government and public health guidelines and restrictions and business and industry best practices regarding COVID-19 and COVID-19 vaccines are changing rapidly as new information becomes available and further research is conducted. The Society reserves the right to modify this policy at any time in its sole discretion to adapt to changing circumstances and business needs, consistent with its commitment to maintaining a safe and healthy workplace.

### **Enforcement and Non-Retaliation**

Failure to comply with or enforce this policy may result in discipline, up to and including termination of employment.

The Society prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting a violation of this policy or any other health and safety concern. Employees also have the right to report work-related injuries and illnesses, and the Society will not discharge or discriminate or otherwise retaliate against employees for reporting work-related injuries or illnesses or good faith health and safety concerns.