



MINNESOTA STATE

August 24, 2021

Minnesota State adoption of Minnesota Management and Budget (MMB) HR/LR Policy # 1446 COVID-19 Proof of Vaccination and Testing of Employees - FAQs

Policy Scope, Basic Terms, and Conditions

1. What are the requirements of the COVID-19 Proof of Vaccination and Testing policy?

All Minnesota State employees are required to provide proof of COVID-19 vaccination status or participate in weekly testing for COVID-19 if the employee:

- Is assigned to the workplace (campus, system office, etc.), or
- Wishes to access the workplace (campus, system office, etc.) for more than 10 minutes, or
- Otherwise provides Minnesota State college and university services outside the staff member's home

This includes telework-only employees traveling, either in-state or out-of-state, on Minnesota State business.

2. Who are considered "employees, contractors, vendors, volunteers, and interns"?

All Minnesota State faculty and staff, including student workers, those on work study assignments, graduate assistants, contractors, and vendors serving as an extension of campus or system office staff and providing services on behalf of Minnesota State (including but not limited to food service contractors, bookstore contractors, and security contractors) and Foundation employees.

The following are NOT subject to the policy: construction contractors, referees and officials, contractors who do not have a long-term engagement on campus such as guest speakers/presenters, specific project or training consultants, individuals providing repair or technical services, etc. In addition, those non-Minnesota State entities leasing space on Minnesota State campuses (Workforce Centers, Libraries, Independent School District [ISD] employees and students), etc.) are also not included.

3. Does this policy apply to work-study students, student workers, and/or graduate assistants?

Yes. Students employed in these categories are covered under this policy consistent with Minn. Stat. 43A.08. Also, by doing so we are being consistent with how we have been treating student workers under broad state mandates such as the wage notice law and unemployment insurance.

Proof of Vaccination

4. What vaccinations are approved by the U.S. Food and Drug Administration (FDA) or the World Health Organization (WHO)?

This is the current list of WHO approved COVID vaccines, plus the foreign market/trade names (if any):

- Pfizer-BioNTech COVID-19 vaccines (e.g., Comirnaty, Tozinameran)
- Moderna COVID-10 vaccine
- Janssen (Johnson & Johnson) COVID-19 vaccine
- AstraZeneca-Oxford COVID-19 vaccines (e.g., Covishield, Vaxzevria)
- Sinopharm COVID-19 vaccine

The FDA has issued an Emergency Use Authorization (EUA) for the use of the:

- Pfizer-BioNTech COVID-19 vaccines (e.g., Comirnaty, Tozinameran)
- Moderna COVID-19 vaccine
- Janssen (Johnson & Johnson) COVID-19 vaccine

Sources: Minnesota Department of Health, COVID-19 Higher Education Update 08-04-2021, page 3 and [COVID-19 Frequently Asked Questions | FDA](#)

5. What does it mean to be “fully vaccinated” under this policy?

According to the CDC, in general, people are considered fully vaccinated against COVID-19:

- 2 weeks after their second dose in a 2-dose COVID-19 vaccination series approved by the U.S. Food and Drug Administration (“FDA”) or the World Health Organization (“WHO”):
 - Pfizer-BioNTech COVID-19 vaccines (e.g., Comirnaty, Tozinameran)
 - Moderna COVID-10 vaccine
 - AstraZeneca-Oxford COVID-19 vaccines (e.g., Covishield, Vaxzevria)
 - Sinopharm COVID-19 vaccine,

OR

- 2 weeks after a single-dose COVID-19 vaccine approved by the FDA or the WHO
 - Janssen (Johnson & Johnson) COVID-19 vaccine.

Individuals who do not meet these requirements are NOT fully vaccinated.

6. What will be considered proof of vaccination?

Proof of vaccination will be:

- An original CDC COVID-19 vaccination card;
- A paper or electronic copy of a CDC COVID-19 vaccination card; or
- An original or copy of an alternative official vaccination record, as proof of FDA- or WHO-approved COVID-19 vaccination status, if vaccinated in another country.

Proof of full vaccination against COVID-19 must legibly show, at a minimum:

- Name of the individual vaccinated
- Date of birth of the individual vaccinated
- The manufacturer of the vaccine
- The date(s) on which the vaccine was administered

7. Can employees request an exemption from the proof of vaccination requirement?

Individuals have the right to refuse to receive a COVID-19 vaccination and to refuse to provide an attestation reflecting their COVID-19 vaccination status, but those individuals will be considered to be unvaccinated for the purposes of this policy and be required to participate in weekly testing if they are assigned to the workplace (campus or system office); wish access the workplace (campus, system office, etc.) for more than 10 minutes, or otherwise provide Minnesota State college and university services outside of their home.

8. Can an individual provide a positive antibody test and be exempt from the testing requirement?

No. A previous COVID-19 infection reflected in a positive antibody test has no impact on the testing requirement. The only allowance in the policy to be exempt from the testing requirement is to provide proof of vaccination.

9. How will attestation of vaccination and weekly testing be collected and documented? Will weekly reports be available?

The system will deploy a systemwide technology solution that can track both COVID-19 vaccination attestations as well as weekly testing. This solution will be used for all Minnesota State campuses and the system office. Information Technology is working with Human Resources and the CIO advisory group on identifying one solution that can be deployed to your campuses, ideally for both employees and students. The target is to have something in place no later than September 8.

10. What happens to the data collected under this policy? Who has access?

Campuses and the system must maintain the confidentiality of employee COVID-19 test results and vaccination status as provided by law. All information gathered under this new policy, including test results, vaccination status, attestation forms and signed COVID-19 Testing

Consent forms, will be retained by HR according to the applicable retention schedule and in a secure medical file separate from the employee's personnel file. Once HR staff has verified proof of vaccination status, original or paper copies will be returned and any electronic copies of proof of vaccination will be deleted.

Testing information may be shared with the designated testing laboratory, the designated vendor, the Minnesota Department of Health, local public health, limited HR staff, campus safety administrator, limited campus and system employees with a business need to know, and others authorized by law.

11. COVID-19 vaccination status may be shared with agency HR staff, agency safety administrator, members of the agency's staff with a business need to know, and others authorized by law. Who should monitor compliance with the policy?

In most cases, this process should be managed by the campus HR office as a single point of contact, given that as noted in the policy statement that human resources will review the attestation form and proof of COVID-19 vaccination. However, campuses may determine that additional support may be needed to implement this policy, along with the Chancellor's requirements for testing students involved in specific activities. If additional staff are involved in monitoring compliance, campuses should be aware that test results, vaccination status, attestation forms and signed COVID-19 Testing Consent forms may be shared with campus HR staff, campus safety administrator, campus employees with a business need to know, and others authorized by law. Additionally, campuses may choose who collects data on contractors, vendors, volunteers, and interns subject to this policy.

12. Who is responsible for monitoring if an employee who normally teleworks is on campus for more than 10 minutes?

The employer is responsible for monitoring individuals who come to campus for more than 10 minutes. In this type of circumstance, the individuals should not be allowed on campus unless there is a legitimate business need to do so.

Weekly COVID-19 Testing

13. What kind of test is required for individuals who do not submit proof of vaccination?

If there is no on-site testing available, the employer can determine which test is acceptable and from which locations. The primary forms of testing are PCR testing for both symptomatic and asymptomatic individuals (usually, results provided in a matter of days) and antigen testing, most often indicated for symptomatic individuals (usually, results provided in minutes or hours). We are working with MDH to get further detail on available locations and testing options. We also are awaiting additional guidance from MMB.

Current testing sites are listed here: [Find Testing Locations in Minnesota / COVID-19 Updates and Information - State of Minnesota \(mn.gov\)](#)

14. Who is responsible for the costs associated with testing? If we do not have on-site testing, do we have to pay mileage?

The employer is responsible for the costs associated with testing. Mileage will be reimbursed according to applicable Minnesota State policies if on-site testing is unavailable. In addition, travel time will count as work time.

15. Will an individual's health insurance be billed for testing even if college or university pays for the testing?

It may depend on the provider and whether the testing is indicated by symptoms or whether it is regular weekly surveillance testing as required by this policy. SEGIP has indicated that regular testing required to access a work site will not be covered by SEGIP health insurance policies.

16. Are individuals cleared to work while waiting for test results if one week has lapsed since the previous test? How long is a negative test good for?

Yes, individuals may continue to work while waiting for test results. The employer will determine testing dates, which will occur at least weekly. An individual's negative test is valid until the next testing date determined by the employer.

17. Should we consider teleworking for individuals who refuse to submit to the weekly testing?

Individuals may have the option to telework at the sole discretion of the college, university, or system office if their performance is at least satisfactory and if it meets the business needs of the institution. Individuals must work with their supervisor on telework options.

18. How should we work with individuals who cannot readily access testing due to their work schedules, work locations, or other barriers to testing?

Employers should work with individuals and search the availability of testing options, including in home testing options. Find testing at: [Find Testing Locations in Minnesota / COVID-19 Updates and Information - State of Minnesota \(mn.gov\)](#)

Miscellaneous Questions

19. Should we include information about this policy in job postings?

No. The policy applies only once employment begins, so it is not required to be included in job postings. However, it would be best practice to inform finalist candidates of the requirements

prior to making a job offer, and to include information about the requirement in new hire letters. MMB will provide recommended language for this purpose.

20. Can individuals request ADA accommodations related to this policy?

Requests for an accommodation under the ADA are handled on a case-by-case basis. Seek counsel from your Human Resources staff and/or Labor Relations representative.

21. Does this policy impact plans for return to campus and in-person activities?

Campuses may review their current return to work plans and make adjustments to the timing as circumstances dictate. However, unless directed to do otherwise, individuals are expected to report to work on-site as regularly scheduled.

22. Does the COVID-19 Proof of Vaccination and Testing Policy change Minnesota State's posture on masking or other mitigation strategies?

No, the Minnesota State policy remains that if a campus is in:

- A county that is categorized as having **Substantial** or **High** transmission by the CDC, you must require face coverings for all faculty, staff, students, and visitors.
- A county that is categorized as **Low** or **Moderate**, you may require face coverings after consulting with Vice Chancellor Maki.
- Once masking is required, use [MMB HR/LR Policy #1442 Face Coverings for Agency Staff Policy](#) (mn.gov) updated 08/04/2021 for details on definitions, standards, and expectations.

As circumstance dictate, policy postures will be adjusted and communicated separately.

23. Will there be a screening tool associated with this policy?

No, there is currently no need for systemwide utilization of a screening tool. There are some specific circumstances covered in MnOSHA Occupational Exposure to COVID-19 Emergency Temporary Standard (ETS) that may require screening of certain individuals. Contact your campus safety director for details.