



## *Office of the President*

April 13, 2021

### **NORMATIVE LETTER NO. 2021-11**

**ATTENTION: ALBIZU UNIVERSITY COMMUNITY**

**SUBJECT: MANDATORY VACCINATION OF EMPLOYEES AGAINST COVID-19**

#### **Purpose**

As is generally known, the COVID-19 pandemic represents a global threat to health and life. In Puerto Rico and Florida, the current situation of the global pandemic of the SARS-CoV-2 virus, which causes the disease known as COVID-19, has required the issuance of numerous Executive Orders since last March 13, 2020, with the purpose of preventing the spread of the virus within this public health crisis, the Government of Puerto Rico, the Government of the State of Florida, and the Miami-Dade County have frequently emphasized that this pandemic is not a situation that may be only in the hands of the state.

To face the current situation, time is short. As a consequence, several pharmaceutical companies have taken on the task of working on the development of vaccines for COVID-19, in order to protect and safeguard public safety worldwide. Here we cannot sit idly by waiting exclusively for the result of government actions. The impact of COVID-19 in our community requires that we continue to take the appropriate and accurate measures that are necessary - although some may be uncomfortable - to minimize the risks of contagion.

Motivated by all of the above, Albizu University, in its faithful commitment to guaranteeing a suitable workplace for all its students, employees, clients, contractors, and in harmony with the government guidelines issued, has made the decision to incorporate vaccination against COVID as an employment requirement, both for active teaching and non-teaching employees, as well as for any applicant. Consequently, this Normative on the Mandatory Vaccination of Employees against COVID-19 has been implemented.

The priority assigned by the corresponding governments in the order of vaccination reflects the prevailing need as a public policy to minimize the risks of contagion in our work area, where hundreds of students congregate and given the nature of the profession, also clients. In a context where numerous interactions between students, clients and employees occur daily, there is the potential direct risk that a single asymptomatic carrier could be in contact with hundreds of people. It is imperative to act for the benefit of the common good in order to aspire to the return of face-to-face education.

We recognize that there may be individual rights around which an employee could raise the existence of a conflict with the obligation of safety and life established in these normative. However, after weighing these against the compelling collective health and safety interest of employees, students, clients, and our community in the historical circumstances we live in today, we understand that the former must yield. Today the pressing interest in security and life forces us, for the moment, to displace other rights of the same or similar hierarchy, including some of constitutional stock. A crisis of the magnitude we are facing requires drastic, rigorous, and timely measures for the health of our people. In harmony with everything previously expressed, this normative is approved.

### **Normative**

As a condition of employment that all Albizu University employees are required to receive a COVID-19 vaccine.

This document defines the normative and the protocol to work with the prevention of transmission of the virus that causes COVID-19 through vaccination. The normative is intended to maximize vaccination against COVID-19 among our staff.

Our goal is to protect employees, students, clients, contractors, as well as the families of all the aforementioned and the community in general, from the direct risk of contracting COVID-19.

If the mandatory vaccination is not required for all our employees, it could constitute a direct risk of contagion for the health and safety of colleagues, students, contractors, and clients. That direct risk is now within our grasp the opportunity to minimize it. It is necessary to act.

### **Scope**

This normative applies to all employees and candidates for employment at Albizu University. Aware that by way of exception there may be certain meritorious requests for exemption, we will attend to each request on a case-by-case basis in an objective and weighted manner.

## **Definitions**

1. University: Refers to Albizu University, including all campuses and units.
2. COVID-19 Vaccine: It refers to any of the vaccines duly approved by the federal agency known as the Food and Drug Administration, which are available during the term of this normative.
3. Employee: Refers to any person who provides services in exchange for a salary, regardless of their occupational classification or the number of hours in which they provide services, whether full or part time. Includes teaching and non-teaching staff.

## **Requirements and Protocol**

1. Obligation: Every employee who is offered the opportunity to be vaccinated in the order of priority established by the relevant agencies, will be obliged to comply with the vaccination against COVID-19 as a condition of employment.
2. Obligation with a conditional date: Vaccination projections indicate that an order of priority will be established for the people to be vaccinated. For this reason, initially not all employees or candidates for employment at the University will have the opportunity to be vaccinated.
3. Documentation: The employee must present to the Human Resources Department evidence of having received the COVID-19 vaccine, which must be administered in a health center or authorized office.
4. Exemption Request: In the alternative, an employee may submit in writing to the Department of Human Resources a request for exemption from vaccination against COVID-19 and in detail the reasons (for example, sincere religious beliefs, health conditions, among others) that justify by way of exception your request.
  - i. Evaluation: Each application will be evaluated individually by the Human Resources Department to determine if the exemption can be granted for meritorious reasons or what adjustment can be implemented.

ii. Additional Information: If deemed necessary, the University - at its sole discretion - may request from the individual any additional information or documentation that may support their request, in compliance with applicable laws or even interview them.

iii. Answer: The University will respond in writing to each request within twenty (20) days or within the term that is possible, if circumstances do not allow a response within twenty (20) days. Failure to respond within the identified term will not be considered a consent to the petition presented. The Employee is responsible for following up on the request.

iv. Denial: If the requested exemption is not granted, the individual must comply with this normative on the date indicated in the University's response to his request to proceed with his vaccination, under penalty of the corrective or disciplinary action to be imposed.

v. Acceptance: If a temporary or permanent exception is granted, the individual must sign the corresponding document to be bound to comply with all the security measures required for persons not vaccinated against COVID-19 in the work area at that time, including but not limited to the use of an appropriate mask during all the time you are exercising your work functions inside or outside the University facilities. Likewise, after the corresponding evaluation, the University may implement changes in the work schedule, in the workplace, employee classification, licensing or other reasonable measures, so as to try to meet the employee's request and at the same time the risk to the health and life of all is minimized. The purpose and objective of these possible measures will be to minimize the risk of contagion for the benefit of the health and life of all.

5. Vaccination Program: The University will notify all its employees to whom this normative applies the place, dates, and times where the COVID-19 vaccines will be available or the authorized vaccination centers, as applicable, to be administered to the staff in the order of priority established by the relevant agencies. The employee may choose to be vaccinated in other authorized centers, but if so, they must provide evidence of their vaccination to the University. Once the employee is notified of his opportunity to be vaccinated, the vaccination obligation will be activated as a condition of employment for that person, who already has the opportunity to be vaccinated.

6. Interpretation: The University has complete authoritative and final discretion for its interpretation and application of this normative. This normative displaces any other regulation(s), standard(s), guide(s), procedure(s), or information that conflicts with it. This normative is intended to serve as an institutional guide. Unforeseen situations could arise on the

basis of which some professional determination could justify the actions that are necessary, even if they are contrary to this normative or are not contemplated in this normative.

7. Amendment: The terms of this normative are subject to change or termination by the University at any time. This normative is put into effect in compliance with and subject to applicable state and federal laws and regulations, as well as the guidelines of regulatory agencies such as the Puerto Rico Department of Health, the Florida Department of Health, and the Infection Control Centers (“CDC”).

### **Breach**

Failure to comply with any part of this normative, standard, guide or protocol may result in denial of access to the work area, transfer of area or reclassification, in addition to disciplinary action that may include termination of employment, contract, service or relationship with the University, or the withdrawal of the job offer in the case of job candidates. In addition, state and federal agencies may take action, in accordance with the applicable laws and regulations that exist at the time of the breach.

The University may deliver any evidence related to illegal actions to the pertinent authorities, to determine any action contrary to the law.

### **Disciplinary measures**

In the case of University employees, discipline for breaching this normative will be imparted according to the risk presented in their work areas, which could lead to its permanent and immediate termination.

### **Reservation of Rights**

The University reserves the right to interpret this normative and any ambiguity in it. Furthermore, the University reserves the right to add, modify, amend, or eliminate this normative with or without prior notification. Likewise, the University reserves the right to implement corrective measures in addition to or in substitution of the disciplinary measures outlined above, with the purpose of safeguarding the health and life of all.

### **Separability**

If any section of this normative is declared invalid for any reason, the rest of the provisions of the normative will continue in force and validity. If the court declares any section of this normative

invalid, but that by limiting it, the defect could be cured, the clause will be considered as drafted in the manner in which the court has modified it.

### **Validity**

This Policy will enter into force on the effective date established in this document. We trust with the faithful fulfillment of everything here previously expressed.

In San Juan, Puerto Rico, on April 13, 2021.

Cordially,



José Pons Madera, PhD  
President

## **Attachment A**

### **Waiver Request for Exemption from the Mandatory Vaccination of Employees against Covid-19**

I \_\_\_\_\_ (name), request exemption from the Mandatory Vaccination of Employees against Covid-19 for the following reasons:

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

Printed name

---

Position

---

Department

---

Date

---

Signature