

## AMENDED EMPLOYEE COVID-19 MANDATORY TESTING COMPLIANCE POLICY

Adopted September 23, 2021

**The below Policy pertains to COVID-19 Mandatory Outbreak Testing and COVID-19 Mandatory Surveillance Testing related to only the Rockingham County Rehabilitation and Nursing Center (the facility). This Policy will be in effect from the date of the adoption of this Policy (noted above), and supersedes and replaces the Employee COVID-19 Mandatory Testing Compliance Policy previously adopted by the Rockingham County Board of Commissioners on July 22, 2021. This Policy will remain in place unless further amended or discontinued by the Rockingham County Board of Commissioners in the Board's discretion and/or unless and until updated guidance is released by the U.S. Department of Health and Human Services and the Centers for Medicare and Medicaid Services, at which time this Policy may be amended or discontinued, as appropriate. This Policy also may be amended or discontinued, as appropriate, as the COVID-19 pandemic evolves and as guidance and/or requirements are issued by other federal or State of New Hampshire authorities. All facility staff within the Rockingham County Rehabilitation and Nursing Center MUST adhere to this Policy pertaining to Mandatory Outbreak Testing, and Mandatory Surveillance Testing.** For purposes of this Policy, "facility staff" includes employees, consultants, contractors including vendors, volunteers, and caregivers who provide care and services to residents on behalf of the facility, and, if applicable, students in the facility's nurse aide training programs or from affiliated academic institutions. For the purpose of testing, facilities should prioritize those individuals who are regularly in the facility (e.g., weekly) and have contact with residents or staff. For purposes of this Policy, an "outbreak" is defined as a new COVID-19 infection in any healthcare personnel (HCP) or any nursing home-onset COVID-19 infection in a resident of the Rockingham County Rehabilitation and Nursing Center. For purposes of this Policy, "fully vaccinated" refers to a person who is post 14 days following receipt of the second dose in a two-dose series, or post 14 days following receipt of one dose of a single-dose vaccine. For purposes of this Policy, "unvaccinated" refers to a person who does not fit the definition of "fully vaccinated," including people whose vaccination status is not known. As noted above, this Policy applies to only Mandatory Outbreak Testing and Mandatory Surveillance Testing not to (1) other forms of routine COVID-19 testing, including but not limited to a facility staff member's individualized need to undergo COVID-19 testing based on the facility staff member's personal circumstances; or (2) any other testing or interactions with health care providers or testing facilities, including but not limited to visits to healthcare providers or wellness checks.

On August 25, 2020, the Centers for Medicare and Medicaid Services (CMS), a division of the U.S. Department of Health and Human Services (DHHS), published an interim final rule which establishes Long-Term Care (LTC) Facility Testing Requirements for Staff and Residents. This rule requires facilities to test residents and staff for COVID-19 based on parameters set forth by the Health and Human Services Secretary. On April 27, 2021, CMS published a revised version of the interim final rule which provided updated guidance on COVID-19 testing requirements. Testing requirements were updated by CMS on September 10, 2021. The testing is aimed at preventing COVID-19 from entering nursing homes, detecting cases quickly and stopping transmission. CMS and Rockingham County are committed to taking critical steps to ensure our facility continues to respond effectively to the COVID-19 pandemic.

### **MANDATORY SURVEILLANCE TESTING**

Per current state guidelines, when Rockingham County Rehabilitation and Nursing Center is not in COVID-19 Mandatory Outbreak Testing as determined by DHHS, routine Surveillance Testing for COVID-

19 in asymptomatic, unvaccinated facility staff, without a known COVID-19 exposure, will occur. Facility staff members who are fully vaccinated will not be required to participate in Surveillance Testing. The frequency of Surveillance Testing is determined by the COVID-19 community transmission rate per the CDC in the County of Rockingham as a whole. The table below identifies frequency of routine testing by County COVID-19 level of community transmission.

<b><i>Level of COVID-19 Community Transmission</i></b>	<b>Minimum Testing Frequency of Unvaccinated Staff<sup>+</sup></b>
<b><i>Low (blue)</i></b>	<b><i>Not recommended</i></b>
<b><i>Moderate (yellow)</i></b>	<b><i>Once a week*</i></b>
<b><i>Substantial (orange)</i></b>	<b><i>Twice a week*</i></b>
<b><i>High (red)</i></b>	<b><i>Twice a week*</i></b>

<sup>+</sup>Vaccinated staff do not need *to* be routinely tested.

\*This frequency presumes availability of Point of Care testing on-site at the nursing home or where off-site testing turnaround time is <48 hours.

These guidelines are subject to change as determined by CMS and/or DHHS. During Surveillance Testing, the test collection method will be the anterior nares swab.

### **Notice of Surveillance Testing**

1. When 100% of unvaccinated facility staff are required to be tested as defined in this Policy, Surveillance Testing will occur for all unvaccinated facility staff at the Rockingham County Rehabilitation and Nursing Center. Advance notice of the date(s) and time(s) of the Surveillance Testing and the testing timeframe will be provided. The Surveillance Testing will be provided on County property.

### **Testing Location for 100% Surveillance Testing**

2. If an unvaccinated facility staff member is on-shift during the designated 100% Surveillance Testing timeframe, he/she must be tested on-site at the County.
3. If an unvaccinated facility staff member is off-shift during the 100% Surveillance Testing timeframe, in order for the County to best manage costs associated with the Surveillance Testing, the unvaccinated facility staff member must come to the County for the 100% Surveillance Testing that is conducted on-site at the County.
4. Upon approval from Human Resources, if an unvaccinated facility staff member is off-shift during the 100% Surveillance Testing timeframe and is unable due to extenuating circumstances to come to the County for the 100% Surveillance Testing that is conducted on-site at the County, he/she shall be tested at a recognized off-site testing facility and during the 100% Surveillance Testing timeframe. Please note that a personal preference to receive 100% Surveillance Testing at an off-site testing facility is not in itself an extenuating circumstance. For purposes of this Policy, a recognized off-site testing facility is any of the following which offer COVID-19 testing: an urgent care facility, a pharmacy, a walk-in clinic or a primary care provider's office. Unvaccinated facility staff members testing off-site must obtain prior approval from Human Resources before undergoing the 100% Surveillance Testing at a recognized off-site testing facility. When requesting testing at a

recognized off-site testing facility, the acceptable type of testing is a PCR test; rapid tests will not be accepted. In order to facilitate off-site testing, the unvaccinated facility staff member must do the following:

- a. Contact Human Resources at 603-679-9337 and receive a Pre-Approval for OFF-SITE COVID-19 Testing form from Human Resources prior to the provided 100% Surveillance Testing date and before undergoing 100% Surveillance Testing at a recognized off-site testing facility.
- b. Receive 100% Surveillance Testing during the provided testing timeframe and use best efforts to obtain an appointment for the 100% Surveillance Testing to avoid unnecessary wait time at the recognized off-site testing facility.
- c. Provide confirming documentation from the testing facility which confirms that the 100% Surveillance Testing was performed during the testing timeframe, and the completed Pre-Approval for OFF-SITE COVID-19 Testing form to Human Resources which confirms the starting and ending time of the 100% Surveillance Testing appointment or visit for the 100% Surveillance Testing.
- d. Forward COVID-19 test results to Human Resources as soon as they are available.

#### **Timecard Guidance for Surveillance Testing**

5. Unvaccinated facility staff members who are Rockingham County employees, as well as contracted workers, will only be paid by their respective employers for the time they spend on-site awaiting and undergoing Surveillance Testing, or with prior approval from Human Resources if unable due to extenuating circumstances to come to Rockingham County, at a recognized off-site testing facility awaiting and undergoing 100% Surveillance Testing.

6. Rockingham County non-exempt employees, as well as non-exempt contracted workers, who are on-shift during the Surveillance Testing timeframe shall receive the Surveillance Testing on-site at the County and remain punched in and not perform any additional time clock punches until either the end of their scheduled shift or at the conclusion of their Surveillance Test, whichever is later.

7. Rockingham County non-exempt employees, as well as non-exempt contracted workers, who are off-shift and come on-site for the Surveillance Testing must punch in at the Kronos time clock located in the café upon arrival at the County and prior to getting in line to be tested. Immediately after receiving the Surveillance Testing, off-shift Rockingham County non-exempt employees, as well as non-exempt contracted workers, should punch out at the Kronos time clock located in the café, unless that out punch would occur after the start of a scheduled shift for the non-exempt employee or non-exempt contracted worker in question. In this specific instance, the individual should just report for their scheduled shift and not punch out.

8. Rockingham County salaried-exempt employees per their specific timekeeping policy, and any salaried-exempt contract workers, should not punch for their time while undergoing the Surveillance Testing because these individuals are already compensated for their time.

9. Rockingham County non-exempt employees or non-exempt contracted workers awaiting and undergoing 100% Surveillance Testing at a recognized off-site testing facility will only be paid from their check-in time at the recognized off-site testing facility through the check-out time after testing has been completed. As noted above, proof of this information must be provided to Human Resources and will be required to ensure and maintain accurate records for payroll or accounts payable purposes.

10. To the extent that any unvaccinated facility staff member is a Rockingham County employee and also a bargaining unit member subject to a current collective bargaining agreement (CBA) which contains call-back provisions which are applicable to this Surveillance Testing, the applicable provisions of the CBA would govern any payment due to the bargaining unit member in question.

### **Cost of Surveillance Testing**

11. As noted above, unvaccinated facility staff members must receive 100% Surveillance Testing on-site at Rockingham County, unless they are unable to do so due to extenuating circumstances. If the unvaccinated facility staff member is a Rockingham County employee and has received prior approval from Human Resources to test at an off-site facility due to an extenuating circumstance, he/she must coordinate the following with Human Resources in order to obtain reimbursement for any out-of-pocket expenses for the 100% Surveillance Testing:

- a. Rockingham County employees who maintain health insurance through the County must submit the claim for the off-site COVID-19 testing through the insurance carrier. An Explanation of Benefits (EOB) and an itemized receipt for out-of-pocket expenses associated with the asymptomatic 100% Surveillance Testing must be provided to Human Resources as soon as it becomes available.
- b. Rockingham County employees who do not maintain health insurance through the County but have health insurance through other group health coverage must submit the claim for the off-site COVID-19 testing through the insurance carrier. An Explanation of Benefits (EOB) and an itemized receipt for out-of-pocket expenses associated with the asymptomatic 100% Surveillance Testing must be provided to Human Resources as soon as it becomes available.
- c. Rockingham County employees who do not have health insurance must submit an itemized receipt for out-of-pocket expenses associated with the asymptomatic 100% Surveillance Testing along with a written attestation confirming the absence of health insurance to Human Resources as soon as it becomes available.

12. The costs associated with 100% Surveillance Testing for unvaccinated facility staff members who are not Rockingham County employees, but rather a contracted worker who is employed by a Vendor or a third party (such as persons who serve as Agency workers or Travelers), and who test offsite due to extenuating circumstances will be borne by the applicable Vendor or third party, and not by Rockingham County.

### **Communications with Human Resources for Individuals in Leave Status**

13. If you are in a leave status or on approved time off during the week of 100% Surveillance Testing, you must contact Human Resources at 603-679-9337 and speak to an HR representative for guidance about whether it is necessary for you to participate in the 100% Surveillance Testing based on the circumstances and duration of your leave or time off. Depending on the County's community transmission rate and when an unvaccinated facility staff member returns from approved time off, he/she may need to receive a PCR COVID-19 test within seven days of returning to work. Based on the length of a leave, an unvaccinated facility staff member who is returning from a leave status may need to receive a PCR test and provide proof of a negative test result prior to returning to work. Therefore, you must contact Human Resources prior to returning to work.

### **Consequences of Refusal to Undergo Surveillance Testing**

14. If an unvaccinated facility staff member refuses to undergo the 100% Surveillance Testing, he/she will need to remain out of the facility and contact Human Resources at 603-679-9337 and speak to an HR representative for guidance on returning to work. If he/she is able to work from home and his/her O/DD approves, he/she will be expected to do so during this time. As applicable, the unvaccinated facility staff member must utilize his/her own Rockingham County accrued time until he/she is cleared to return to work. If the unvaccinated facility staff member has exhausted his/her Rockingham County accruals, the time away from the facility will be unpaid and the facility member will be expected to pay the employee's share of applicable health insurance premiums. The resulting absences are not to be considered disciplinary in nature unless an unvaccinated facility staff member willfully neglects his/her obligation to receive the 100% Surveillance Testing, and the County determines that this neglect prohibits an unvaccinated facility staff member from performing their essential job functions resulting in an undue hardship on the County. The facility staff member must contact Human Resources upon refusal of the Surveillance Test to confirm the facility staff member's status, as set forth above, during the unvaccinated facility staff member's time out of the facility. The unvaccinated facility staff member will also need to contact Human Resources prior to returning to work.

### **MANDATORY OUTBREAK TESTING**

In the event there is an outbreak as defined in this Policy, Mandatory Outbreak Testing will occur at the

Rockingham County Rehabilitation and Nursing Center as outlined in the table below.

Testing Trigger	Staff	Residents
Symptomatic individual identified	Staff, vaccinated and unvaccinated, with signs <i>or</i> symptoms must be tested.	Residents, vaccinated and unvaccinated, with signs <i>or</i> symptoms must be tested.
<i>Newly identified COVID-19 positive staff or resident in a facility that can identify close contacts</i>	<i>Test all staff, vaccinated and unvaccinated, that had a higher-risk exposure with a COVID-19 positive individual.</i>	<i>Test all residents, vaccinated and unvaccinated, that had close contact with a COVID-19 positive individual.</i>
<i>Newly identified COVID-19 positive staff or resident in a facility that is unable to identify close contacts</i>	<i>Test all staff, vaccinated and unvaccinated, facility-wide or at a group level if staff are assigned to a specific location where the new case occurred (e.g., unit, floor, or other specific area(s) of the facility).</i>	<i>Test all residents, vaccinated and unvaccinated, facility-wide or at a group level (e.g., unit, floor, or other specific area(s) of the facility).</i>

Under limited circumstances and at the discretion of the Infection Preventionist, fully vaccinated facility staff members may receive a rapid test onsite at the County while awaiting the results from a PCR test. Provided the rapid test produces a negative result, the vaccinated facility staff member may be approved to work prior to the return of the PCR test result.

**Notice of Mandatory Outbreak Testing**

1. Identified facility staff members will receive advanced notice of the date and time of the Mandatory Outbreak Testing and the 24-hour testing timeframe pertaining to the Mandatory Outbreak Testing, and the Mandatory Outbreak Testing will be provided on County property.

**Testing Sites for Mandatory Outbreak Testing**

2. If a facility staff member is on-shift during the designated Mandatory Outbreak Testing 24-hour timeframe, he/she must be tested on-site at the County.
3. If a facility staff member is off-shift during the Mandatory Outbreak Testing 24-hour timeframe, in order for the County to best manage costs associated with the Mandatory Outbreak Testing, the facility staff member must come to the County for the Mandatory Outbreak Testing that is conducted on-site at the County.
4. If a facility staff member is off-shift during the Mandatory Outbreak Testing timeframe and is unable due to extenuating circumstances to come to the County for the Mandatory Outbreak

Testing that is conducted on-site at the County, he/she shall be tested at a recognized off-site testing facility and during the Mandatory Outbreak Testing 24-hour timeframe. Please note that a personal preference to receive Mandatory Outbreak Testing at an off-site testing facility is not in itself an extenuating circumstance. For purposes of this Policy, a recognized off-site testing facility is any of the following which offer COVID-19 testing: an urgent care facility, a pharmacy, a walk-in clinic or a primary care provider's office. Facility staff members testing off-site must obtain prior approval from Human Resources before undergoing the Mandatory Outbreak Testing at a recognized off-site testing facility. When requesting testing at a recognized off-site testing facility, the acceptable method of testing is a PCR test; rapid tests will not be accepted. In order to facilitate off-site testing, the facility staff member must do the following:

- a. Contact Human Resources at 603-679-9337 and receive a Pre-Approval for OFF-SITE COVID-19 Testing form from Human Resources prior to the provided Mandatory Outbreak Testing date and before undergoing Mandatory Outbreak Testing at a recognized off-site testing facility.
- b. Receive Mandatory Outbreak Testing during the provided testing 24-hour timeframe and use best efforts to obtain an appointment for the Mandatory Outbreak Testing to avoid unnecessary wait time at the recognized off-site testing facility.
- c. Provide confirming documentation from the testing facility which confirms that the Mandatory Outbreak Testing was performed during the testing 24-hour timeframe, and the completed Pre-Approval for OFF-SITE COVID-19 Testing form to Human Resources which confirms the starting and ending time of the Mandatory Outbreak Testing appointment or visit for the Mandatory Outbreak Testing.
- d. If the facility staff member is a Rockingham County employee, provide to Human Resources a written receipt for any out-of-pocket cost of the Mandatory Outbreak Testing procedure itself for reimbursement by the County. If the facility staff member is not a Rockingham County employee, but rather a contracted worker employed by a Vendor or a third party (such as persons who serve as Agency workers or Travelers), the facility staff member should submit any requests for reimbursement to the Vendor or third party who is their employer.
- e. Forward test results to Human Resources as soon as they are available.

#### **Payment for Mandatory Outbreak Testing for Rockingham County Employees and Contracted Workers**

5. Facility staff members who are Rockingham County employees, as well as contracted workers, will only be paid by their respective employers for the time they spend on-site testing awaiting and undergoing Mandatory Outbreak Testing, or if unable due to extenuating circumstances to come to Rockingham County, at a recognized off-site testing facility awaiting and undergoing Mandatory Outbreak Testing.

6. Rockingham County non-exempt employees, as well as non-exempt contracted workers, who are on-shift during the Mandatory Outbreak Testing time frame shall receive the Mandatory Outbreak Testing on-site at the County and remain punched in and not perform any additional time clock punches until either the end of their scheduled shift or at the conclusion of their Mandatory Outbreak Test, whichever is later.
7. Rockingham County non-exempt employees, as well as non-exempt contracted workers, who are off-shift and come on-site for the Mandatory Outbreak Testing must punch in at the Kronos time clock located in the café upon arrival at the County and prior to getting in line to be tested. Immediately after receiving the Mandatory Outbreak Testing, off-shift Rockingham County non-exempt employees, as well as non-exempt contracted workers, should punch out at the Kronos time clock located in the café, unless that out punch would occur after the start of a scheduled shift for the non-exempt employee or non-exempt contracted worker in question. In this specific instance, the individual should just report for their scheduled shift and not punch out.
8. Rockingham County salaried-exempt employees per their specific timekeeping policy, and any salaried-exempt contract workers, should not punch for their time while undergoing the Mandatory Outbreak Testing because these individuals are already compensated for their time.
9. Rockingham County non-exempt employees or non-exempt contracted workers awaiting and undergoing Mandatory Outbreak Testing at a recognized off-site testing facility will only be paid from their check-in time at the recognized off-site testing facility through the check-out time after testing has been completed. As noted above, proof of this information must be provided to Human Resources and will be required to ensure and maintain accurate records for payroll or accounts payable purposes.
10. To the extent that any facility staff member is a Rockingham County employee and also a bargaining unit member subject to a current collective bargaining agreement (CBA) which contains call-back provisions which are applicable to this Mandatory Outbreak Testing, the applicable provisions of the CBA would govern any payment due to the bargaining unit member in question.

#### **Cost of Mandatory Outbreak Testing**

11. As noted above, in order to control costs associated with the Mandatory Outbreak Testing, facility staff members must receive Mandatory Outbreak Testing on-site at Rockingham County, unless they are unable to do so due to extenuating circumstances. Please note that the costs associated with Mandatory Outbreak Testing for facility staff members who are not Rockingham County employees will be borne by the applicable Vendor or third party, and not by Rockingham County.

#### **Communications with Human Resources for Individuals on Leave Status**

12. If you are in a leave status or on approved time off during Mandatory Outbreak Testing, you must contact Human Resources for guidance about whether it is necessary for you to undergo

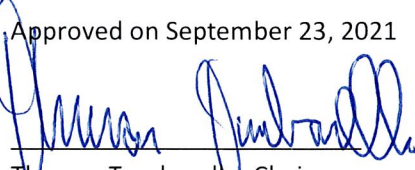



mandatory outbreak testing based on the circumstances and duration of your leave or time off, and you also must contact Human Resources prior to returning to work.

**Consequences of Refusal to Undergo Mandatory Outbreak Testing**

13. If a facility staff member refuses to undergo a Mandatory Outbreak Test, he/she will need to remain out of the facility and contact Human Resources at 603-679-9337 and speak to an HR representative for guidance on returning to work. If he/she is able to work from home and his/her O/DD approves, he/she will be expected to do so during this time. As applicable, the facility staff member must utilize his/her own Rockingham County accrued time until he/she is cleared to return to work. If the facility staff member has exhausted his/her Rockingham County accruals, the time away from the facility will be unpaid and the facility staff member will be expected to pay the employee's share of applicable insurance premiums. The facility staff member must contact Human Resources upon refusal of the Mandatory Outbreak Test to confirm the facility staff member's status, as set forth above, during the facility staff member's time out of the facility. The facility staff member will also need to contact Human Resources prior to returning to work.

This Employee COVID-19 Mandatory Testing Compliance Policy was established to ensure that Rockingham County is in adherence with mandated Federal and State Surveillance Testing requirements and guidelines for long-term care facilities. Please understand that these are also precautionary measures to help prevent you, your coworkers, and the individuals we serve from becoming infected, and we thank you in advance for your participation in the Surveillance and Outbreak Testing.

Approved on September 23, 2021  
  
Thomas Tombarello, Chair

  
Brian Chirichiello, Vice Chair

  
Kathryn Coyle, Clerk