
	<b>STANDARD OPERATING PROCEDURE</b>	No.	SOP-1300-SAF-002
	<b>Mandatory SARS-CoV-2 Vaccination and Testing for All GWA Employees</b>	Effective Date	12/30/2021
		Final Approver	 Miguel C. Bordallo, P.E. General Manager
		Revision Letter	B

## 1.0 Purpose

To establish a mandatory SARS-CoV-2 vaccination policy for all Guam Waterworks Authority (GWA) employees and procedures for reporting and testing.

This policy is intended to comply with all federal and local laws and align with: 1) pandemic guidance issued by the Governor of Guam EO 2021-17<sup>1</sup>; 2) Guam Department of Public Health and Social Services (DPHSS), 3) U.S. Centers for Disease Control and Prevention (CDC), 4) U.S. Equal Employment Opportunity Commission (EEOC) technical guidance dated May 28, 2021, and June 1, 2021<sup>2</sup>; 5) U.S. Department of Justice Memorandum Opinion dated July 26, 2021<sup>3</sup>; 6) OSHA issuance, “Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace”<sup>4</sup>; 7) OSHA COVID-19 Vaccination and Testing; Emergency Temporary Standard, published on November 5, 2021; and 8) several U.S. Supreme Court decisions upholding the legality of compulsory COVID-19 vaccination.

The creation of this policy is necessary to maintain compliance with the Occupational Safety and Health Administration (OSHA) General Duty Clause and align with the US President Executive Orders: 1) Requiring Coronavirus Disease 2019 Vaccination for Federal Employees; and 2) Ensuring Adequate COVID Safety Protocols for Federal Contractors, both issued on September 9, 2021.

GWA has an obligation to protect workers from serious and recognized workplace hazards even where there is no published safety standard. Therefore, Employees are required to be fully vaccinated against SARS-CoV-2. This policy provides the highest degree of protection to Employees of Guam Waterworks Authority (GWA) and the public who are visiting GWA facilities from contracting COVID-19.

## 2.0 Scope

This policy applies to all GWA permanent, temporary, and limited-term employees, volunteers, interns, and individuals under contract, whether paid or unpaid, for the purpose of this policy hereinafter “Employees.” It does not apply to visitors or vendors.

<sup>1</sup> Relative to Requiring Government of Guam Executive Branch Workers to Vaccinate Against Covid-19.

<sup>2</sup> States that “Federal EEO laws do not prevent employers from requiring all Employees physically entering the workplace to be vaccinated for COVID- 19, subject to reasonable accommodations as provided in Title VII of the Americans with Disabilities Act and other federal employment discrimination laws, which may require an employer to provide reasonable accommodations for Employees who do not get vaccinated for COVID-19 because of a disability or a sincerely held religious belief, practice or observance”

<sup>3</sup> States that “Section 564 of the Federal Food, Drug and Cosmetic Act permits public and private employers alike to impose the COVID-19 vaccination as a condition of employment even when the vaccine is subject to Emergency Use Authorization”

<sup>4</sup> Suggesting that “employers consider adopting policies that require workers to get vaccinated or to undergo regular COVID-19 testing – in addition to mask wearing and physical distancing – if they remain unvaccinated”

### 3.0 Policy

As a condition for physical access to any of GWA facilities, equipment, and vehicles, all Employees are required to be vaccinated against COVID-19. All GWA Employees should have received a complete dose of vaccine against SARS-COV-2, as recommended by CDC or FDA beginning February 5, 2022. All prospective and newly hired Employees must be informed of the requirements of this Policy upon selection. New hires must provide proof of vaccination or show a negative PCR or antigen test result during the onboarding process with the Human Resources Department.

GWA Employees may seek exemption from this policy on the ground of sincerely held religious belief, disability accommodation, or medical condition, approval of which must be obtained through submission to the Safety Incident Officer (SIO) of the prescribed Accommodation Request Form (**Attachment 2**). Beginning February 5, 2022, all unvaccinated GWA Employees, including those with an approved exemption, are required to test for COVID-19 once every week.

An Employee that tests positive for COVID-19 is considered compliant with this policy insofar as a test was provided. Such employee will be allowed to use paid leave to recover from illness.

This SOP shall be updated annually or as needed to keep up to date with applicable federal and local laws and the Government of Guam, DPHSS, CDC, and OSHA's latest mandates relating to COVID-19.

### 4.0 Definitions

- 4.1. **Coronavirus Disease 2019 (COVID-19):** disease caused by SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2).
- 4.2. **COVID-19 test:** A test for SARS-CoV-2 that is: (1) cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the U.S. Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 virus (e.g., a viral test); (2) administered in accordance with the authorized instructions; and (3) not both self-administered and self-read unless observed by the employer or an authorized telehealth proctor.
- 4.3. **COVID-19 Testing Coordinator:** Individual responsible for administering on-site COVID-19 testing and assisting employees with secure COVID vaccine and testing portal.
- 4.4. **Employees:** For the purpose of this policy, all full-time and part-time, permanent, temporary, and limited-term Employees; volunteers; interns; and individuals under contract whether paid or unpaid.
- 4.5. **Emergency Use Authorization (EUA):** A mechanism the U.S. Food & Drug Administration (FDA) uses to review and approve the use of vaccines or other medications, during public health emergencies, such as the current COVID-19 pandemic, that ensures safety while still expediting approval in emergent situations.
- 4.6. **Exempted Employees:** GWA Employees who have obtained an approved exemption by the SIO from mandatory COVID-19 vaccination due to sincerely held religious belief, disability accommodation, or medical condition.
- 4.7. **FDA-Approved Vaccine:** A vaccine that has successfully passed the FDA's standard process to ensure a vaccine is safe and effective for the population who will receive the vaccine.

- 4.8. **Fully Vaccinated:** GWA Employees who have received a complete dose of vaccine against SARS-COV-2, as recommended by CDC or FDA. This applies to COVID-19 vaccines that have received U.S. FDA Emergency Use Approval (EUA).
- 4.9. **GWA Facilities:** Main offices/customer service locations (Upper Tumon, Fadian, and Julale), as well as warehouses, division offices, and operational water/wastewater facilities as shown in **Attachment 1**.
- 4.10. **Unauthorized Leave of Absence Without Pay (ULWOP):** An employee who is absent from duty without proper authorization.
- 4.11. **Non-Complying Employees:** Unvaccinated GWA Employees without approved exemptions who do not comply with testing protocols.
- 4.12. **Safety Incident Officer (SIO):** Safety Inspector Supervisor assigned to keep a log to record information on 1) Employees/visitors who exhibit flu-like symptoms to facilitate contact tracing should the individual test positive for COVID-19, 2) fully vaccinated and unvaccinated Employees, 3) exempted Employees, and 4) non-complying Employees. SIO may designate SIO duties through a written memo approved by the General Manager.
- 4.13. **Severe Acute Respiratory Syndrome Coronavirus (SARS-CoV-2):** The virus that causes coronavirus disease 2019 (COVID-19), which is highly infectious and spreads from person to person, including through aerosol transmission of particles produced when an infected person exhales, talks, vocalizes, sneezes, or coughs.

## 5.0 Roles and Responsibilities

5.1.	General Manager	Generally, supervises the implementation of this policy.
5.2.	Assistant General Manager- Compliance and Safety (AGM-C&S)	Oversees development, revision, and implementation of this policy as its Owner and ensures that appropriate resources are available to each division.  Monitors changes in the guidelines set by DPHSS, EEOC, CDC, OSHA, AWWA, and the Government of Guam in relation to COVID-19 and adopt provisions that are applicable to GWA.
5.3.	Assistant General Managers (AGMs) Chief Financial Officer Chief Engineer Staff Attorney (for Legal and GM's Office)	Enforce the guidelines and procedures set forth in this policy for their respective divisions and communicate any recommendations to the AGM-C&S for the proper execution of this policy.
5.4.	Managers, Administrators, and Supervisors	Ensure that Employees are informed of the guidelines and procedures stated in this policy.  Work with the SIO to ensure Employees' full compliance with this policy.

## Mandatory SARS-CoV-2 Vaccination and Testing for All GWA Employees

5.5.	HR Administrator	<p>Coordinates with the SIO or SIO designee to monitor non-complying Employees and initiates applicable progressive discipline or adverse action as stated in section 6.1.5. of this policy.</p> <p>Reports to the GM any Employees' issues arising from this policy.</p>
5.6.	Safety Inspector Supervisor and Safety Section	<p>Monitors and ensures compliance with this policy and associated 3<sup>rd</sup> party (EEOC, CDC, DPHSS, OSHA) guidance documents and procedures within GWA.</p> <p>Oversees and guides compliance with this policy and reports to AGM-C&amp;S any safety-related issues arising from this policy.</p> <p>Keeps records of compliance with this policy and roster of each employee's vaccination and test status.</p> <p>Coordinates with HR to monitor non-complying Employees.</p> <p>SIO is Safety Inspector Supervisor or designee.</p>
5.7.	Program Coordinator III	<p>Serves as the COVID-19 Testing Coordinator.</p> <p>Administers on-site testing and provides detailed instructions to employees to ensure proper testing.</p> <p>Observes the self-administered specimen collections and ensures proper handling, storing, and timely transfers of specimens to the GWA lab if needed.</p> <p>Assists employees with secure COVID vaccine and testing portal, maintains adequate testing supplies, oversees employee appointments, ensures complete data entry and communicates/records daily testing results to the Department of Public Health and Social Services.</p>
5.8.	Employees	<p>Strictly abide by the contents of this policy and conduct activities accordingly. When confronted by a situation not covered by this policy or requiring clarification, inquire with the respective manager, supervisor, or the Safety Division.</p>

### 6.0 Procedure Description

- 6.1. **General Guidelines:** All GWA Employees shall be fully vaccinated against SARS-COV-2 beginning February 5, 2022. Employees may utilize annual or sick leave to seek and/or recover from the vaccinations. The following guidelines apply:

- 6.1.1. Employees must complete the *Certification of Vaccination Status Form (Attachment 3)* and provide proof of vaccination such as the original vaccination card or DPHSS certificate of vaccination to the SIO. The SIO must maintain a complete list of GWA Employees' vaccination status and their position titles.

Employees hired after November 30 must submit a form during the onboarding process by the Human Resources Department. Employees shall submit a new Certification form upon any change of vaccination status.

- 6.1.2. From the effectivity date of this policy up to February 5, 2022, managers/supervisors should remind and encourage unvaccinated Employees to be vaccinated against COVID-19 or to seek for exemption as provided for under § 6.2. Employees are allowed up to four (4) hours of administrative leave or actual time is taken, whichever is less, with pay to get their vaccine shot if done during working hours. Employees using administrative leave must provide proof of their vaccination, or testing, to their supervisor or authorizing official and the SIO upon return to work.

- 6.1.3. Beginning February 5, 2022, unvaccinated Employees must make an appointment each week to be tested with the GWA COVID-19 Testing Coordinator prior to the start of their new workweek.

- 6.1.4. All unvaccinated Employees who do not comply with testing protocols shall not be allowed entry to any GWA facilities, or to access any GWA equipment and vehicles and shall be placed on Unauthorized Leave Without Pay (ULWOP) status. SIO shall report the status of unvaccinated Employees to their respective managers/supervisors on a weekly basis.

- 6.1.5. Program Managers/Administrators and Supervisors should warn non-complying Employees that their prolonged absence from work may result in progressive discipline or adverse action, including but not limited to counseling, written warning, suspension, and termination of employment in accordance with GWA Personnel Rules and Regulation (PR&R).

- 6.1.5.1. The first incident of non-compliance with testing protocols requires counseling with details by the Supervisor memorialized in writing.

- 6.1.5.2. The second incident of non-compliance with testing protocols requires a five (5) day suspension.

- 6.1.5.3. The third incident of non-compliance with testing protocols results in termination of employment.

All incidents shall be properly documented and forwarded to the HR Administrator for the General Manager's action.

- 6.2. **Exception to the General Guidance:** An employee who is seeking an exemption from the requirement of SARS-CoV-2 vaccination on grounds of sincerely held religious belief, disability accommodation, or medical condition must complete the *Mandatory SARS-CoV-2 Vaccination Request for Exemption* form as shown in **Attachment 2**, this form shall be covered by the rule on confidentiality under section 6.4 of this policy.

The Request for Exemption for existing Employees must be submitted to the SIO on or before February 5, 2022, and be based on one of the following:

- 6.2.1. **Religious Belief:** Employee with sincerely held religious beliefs, observances, or practices that conflict with getting vaccinated.
- 6.2.2. **Disability Accommodation:** Request for reasonable accommodation, absent undue hardship from qualified individuals with disabilities that enable them to perform their job duties.
- 6.2.3. **Medical Condition:** Exemptions for other medical reasons may be available on a case-by-case basis even if they do not qualify as a disability under federal, state, or local law.

The exemption shall be reviewed and approved by the General Manager. Employees hired after November 30 must submit the form during the onboarding process with the Human Resources Department.

- 6.3. **COVID-19 Test Result:** Beginning February 5, 2022, all unvaccinated Employees, including those with exemptions are required to test for COVID-19 once every week when reporting for duty. Employees must make an appointment to test and may be required to test on a regular day off (RDO). Test results shall be submitted to the SIO by GWA COVID-19 Testing Coordinator. Approved teleworkers who are not vaccinated may not be required to test depending on the potential for contact with other GWA Employees if authorized by the SIO.

Testing requirements on unvaccinated employees are temporarily suspended for 90 days following a positive COVID-19 test or diagnosis.

Employees with positive test results will be subject to isolation as prescribed by DPHSS. They shall not be allowed access to any GWA facilities, equipment, and vehicle until they complete the 10-day isolation period without any symptoms and/or submit a DPHSS "Completion of Isolation Clearance" to the SIO.

- 6.4. **Confidentiality of Vaccination Records:** The General Manager, SIO, and SIO designee shall have access to Employees' vaccination records, signed Mandatory SARS-CoV-2 Vaccination Request for an Exemption form, Certificate of Vaccination Status, and all documents submitted in compliance with this policy. All information shall be confidential unless otherwise provided by the law or lawful order of the court.
- 6.5. GWA may modify this policy at any time to adapt to changing circumstances and business needs, consistent with its commitment to maintaining a safe and healthy workplace.
- 6.6. **Policy on Workplace Safety Specific to COVID-19:** GWA Employees are still bound to observe the provisions of SOP-1300-SAF-001, "Workplace Safety Specific to COVID-19" despite being vaccinated.



## 7.0 Document Approvals

Role	Position	Name of Approver	Approval Signature	Date Approved
Author	Management Analyst	Elgine E. Alfonso	Approval on File	On File
Policy Owner	Assistant General Manager - Compliance & Safety	Paul Kemp, M. S, Analytical Chemist	Approval on File	On File
Final Approver	General Manager	Miguel C. Bordallo, P.E.	Page 1	Page 1

In accordance with existing Guam and Federal laws, the contents of this SOP were reviewed thoroughly by its policy owner and was found to be:

- ☒ appropriate for publication on the GWA website without compromising the security of GWA's system or the public's health and safety.
- ☐ not appropriate for publication on the GWA website because it might jeopardize the security of GWA's system or the public's health and safety.

## 8.0 Records of Revisions

All suggestions for improvement shall be directed to the Policy Owner indicated below. The Policy Owner will consider input received, develop recommendations on how to address the suggestions, and obtain authorization to make the recommended changes. Updates, revisions, corrections, and waivers to this SOP shall be made in writing and be approved by the GM.

8.1. Policy Owner: Assistant General Manager - Compliance & Safety

8.2. Authorization: General Manager

Effective Date	Revision Letter	Document Author	Description of Change
Page 1	B	Elgine E. Alfonso	Amended Policy/Procedure

## 9.0 References

- 9.1. OSHA COVID-19 Vaccination and Testing; Emergency Temporary Standard, published on November 5, 2021
- 9.2. U.S. Equal Employment Opportunity Commission ("EEOC") technical guidance dated May 28, 2021, and June 1, 2021
- 9.3. U.S. Department of Justice Memorandum Opinion dated July 26, 2021
- 9.4. Governor of Guam Executive Order 2021-17 dated August 6, 2021
- 9.5. Department of Administration Organizational Circular: 2021-025 dated August 13, 2021
- 9.6. GWA Drug and Alcohol-Free Workplace Policy (SOP-1200-HR-001), effective date October 1, 2019, approved by the Consolidated Commission on Utilities via Resolution No.27-FY2019
- 9.7. GWA Policy No. B.101 Bloodborne Pathogens, effective date January 13, 2009, approved by the General Manager

- 9.8. OSHA issuance, “Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace” posted on January 29, 2021, and latest update on August 13, 2021
- 9.9. US President Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees, 9 September 2021
- 9.10. US President Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors, 9 September 2021
- 9.11. <https://www.mercer.us/our-thinking/healthcare/employers-need-to-start-preparing-for-vaccine-mandates-now.html>
- 9.12. Summary, COVID-19 Vaccination and Testing Emergency Temporary Standard, OSHA4162-12 2021  
<https://www.osha.gov/sites/default/files/publications/OSHA4162.pdf>



**Attachment 1: List of GWA Facilities**



Gloria B. Nelson Public Service Building  
Fadian Road, Mangilao, Guam 96913

**List of GWA Facilities**

Fadian – shared with GPA

Julale – shared with GPA

Upper Tumon: - shared with GPA

- Customer Service Center
- Laboratory
- Warehouse
- FMES
- Meter Test Facility

Northern District WW treatment Plant (to include the Northern collection office and Court Ordered Unit (COU) office)

Deep Well Office

Hagåtña WW Treatment Plant (to include the Central collection office)

Hagåtña WW Maintenance Facility

Hagåtña Springs Office (Disinfection)

Agat Santa Rita WW treatment plant

Humåtak WW treatment Plant (to include the Southern collection office)

UGUM Water treatment

Yona Water Maintenance

**Attachment 2: Request for Exemption**



Suite 200, Gloria B. Nelson Public Service Building  
688 Route 15  
Mangilao, Guam 96913  
GWA\_Safety@guamwaterworks.org  
Telephone: (671) 300-6349

**MANDATORY SARS-CoV-2 VACCINATION  
REQUEST FOR EXEMPTION**

DATE: \_\_\_\_\_  
EMPLOYEE'S NAME: \_\_\_\_\_  
JOB TITLE: \_\_\_\_\_  
DIVISION: \_\_\_\_\_

CONTACT NO.: \_\_\_\_\_  
SUPERVISOR NAME: \_\_\_\_\_  
EMAIL: \_\_\_\_\_

**JUSTIFICATION FOR EXEMPTION:**

**RELIGIOUS BELIEF ☐**

**MEDICAL CONDITION ☐**

**DISABILITY ACCOMMODATION ☐**

Please explain below why you are requesting an Exemption or Accommodation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide supporting medical or religious documentation and any additional information you think we can use as basis of our review for an exemption from the SARS-CoV-2 (COVID-19) Vaccination requirement such as:

1. A letter or literature from an authorized representative of the church, temple, religious institution that you attend, explaining the doctrine/beliefs that prohibit immunization.
2. Doctor's certification or other medical documents that prohibit immunization.
3. Any other document or other information that you may be willing to provide for consideration of your request.

I acknowledge that GWA requires that all employees shall be fully vaccinated against COVID-19.

I certify that the information I am submitting in support of my request for an exemption/accommodation is complete and accurate to the best of my knowledge and I understand that any misrepresentation contained in this request may result in progressive discipline or adverse action.

I also understand that my request for an exemption/accommodation may not be granted if it is not reasonable, if it poses a direct threat to the health and/or safety of others and/or to me, or if it creates an undue hardship on GWA.

Employee's Printed Name & Employee Number:	Signature:	Date:
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**GWA SAFETY DIVISION USE:**

Received by: \_\_\_\_\_  
Safety Officer's name & Signature

Date: \_\_\_\_\_

Approved ☐

Disapproved ☐

\_\_\_\_\_  
Miguel C. Bordallo  
General Manager

\_\_\_\_\_  
Date

**Attachment 3: Certification of Vaccination Status**



Suite 200, Gloria B. Nelson Public Service Building  
688 Route 15  
Mangilao, Guam 96913  
[GWASafety@guamwaterworks.org](mailto:GWASafety@guamwaterworks.org)  
Telephone: (671) 300-6349

**MANDATORY SARS-CoV-2 VACCINATION  
CERTIFICATION OF VACCINATION STATUS**

DATE: \_\_\_\_\_  
EMPLOYEE'S NAME: \_\_\_\_\_  
JOB TITLE: \_\_\_\_\_  
DIVISION: \_\_\_\_\_

CONTACT NO.: \_\_\_\_\_  
SUPERVISOR NAME: \_\_\_\_\_  
EMAIL: \_\_\_\_\_

**Instructions:**

Please fill out the information above and checkmark your vaccination status and submit directly to the Safety Incident Officer (SIO). The SIO may be contacted at 300-6349, or via email at [GWASafety@guamwaterworks.org](mailto:GWASafety@guamwaterworks.org). The information you provide is confidential. If you can neither be vaccinated nor tested on a regular basis due to sincerely held religious belief, disability, or medical condition, please checkmark, "I decline to be vaccinated" and request to be considered for exemption by filling out the *Request for Exemption* form.

Employees shall submit a new Certification form upon any change of vaccination status. We appreciate your cooperation.

\_\_\_\_\_ **I am fully vaccinated.**

Employees are considered "fully vaccinated" when they have received complete dose of vaccine against SARS-COV-2, as recommended by CDC or FDA. Please provide proof of vaccination such as a copy of your CDC Card or vaccination certificate from your medical provider to the SIO. Your information will be confidentially maintained.

\_\_\_\_\_ **I am not yet fully vaccinated.**

I received a dose of vaccine against SARS-COV-2 but another dose is pending as recommended by CDC or FDA. I am responsible for coordinating my next dose of SARS-COV-2 vaccine with the SIO. I am aware that I may be granted administrative leave, up to three (3) hours, to receive my next dose if it is scheduled during working hours.

\_\_\_\_\_ **I have not been vaccinated and opt to submit to PCR or antigen testing once weekly.**

I am aware that if I opt to submit to PCR or antigen testing once weekly, that I am responsible for coordinating this with the SIO, and I must utilize sick or annual leave if the testing is done during working hours.

\_\_\_\_\_ **I decline to be vaccinated and decline to be tested for COVID-19 once weekly.**

I am aware that I may request to be exempted as indicated in the instructions; however, if I do not intend to seek exemption, or I am not approved for exemption and no accommodations may be made for me, I will be subject to progressive discipline or adverse action in accordance with GWA Personnel Rules and Regulations.

I certify that all information I indicated in this form is true and complete to the best of my knowledge and I understand that any misrepresentation contained in this request may result in progressive discipline or adverse action. I also authorize the release of information regarding my vaccination status as deemed necessary by the SIO.

Employee's Printed Name & Employee Number:	Signature:	Date:
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