

Vaccination Incentive Pilot Program

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§ 1. Introduction and Purpose

This pilot policy allows the Division of Adult Correction and Juvenile Justice in the Department of Public Safety to offer an incentive pay program for employees who already are, or become, vaccinated against COVID-19. COVID-19 is an urgent and serious danger to the health of North Carolinians, including the people who work in, live in, or visit state correctional facilities. As of October 5, 2021:

- COVID-19 has infected more than 1.4 million people in North Carolina, which is more than 13% of the state's population.
- The disease has killed at least 16,812 people in North Carolina.
- More than 2,700 people are hospitalized with COVID-19.¹

¹ N.C. Department of Health & Human Services, *COVID-19 North Carolina Dashboard*, covid19.ncdhhs.gov/dashboard and covid19.ncdhhs.gov/dashboard/data-behind-dashboards.

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The Division of Adult Correction and Juvenile Justice performs an essential and unique role in state government. The Division's employees who work in congregate living facilities are usually in close quarters with large groups of people. The Division's security requirements make close contact unavoidable. From the start of the pandemic, the Division's employees have stayed on the job through difficult conditions, adjusting to restrictions and changes. Because the Division's jobs are so important to public safety, and because the consequences are so great if Division employees are unable to work, the Division has expressed interest in offering a bonus to employees who become vaccinated.

Although COVID-19 represents a severe threat to the unvaccinated, people who are Fully Vaccinated have a reduced chance of being infected.² Further, being Fully Vaccinated greatly reduces the risk that anyone who does contract COVID-19 becomes severely ill, requires hospitalization, or dies.³

If state government employees are Fully Vaccinated:

- They are less likely to be infected by COVID-19,
- They are less likely to have to spend substantial time away from work because of being infected,
- They are less likely to spread COVID-19 to the people they contact, and
- They are less likely to require costly hospitalization for COVID-19.

Therefore, this policy establishes a program under which the Division, at its option and if funds are available, may offer a \$250 Vaccination Bonus to certain employees, under the terms stated below. This Vaccination Bonus is available to eligible employees who choose to get vaccinated now, as well as eligible employees who already have been vaccinated.

² N.C. Department of Health & Human Services, *Respiratory Surveillance: September 19 – September 25, 2021, Updated September 30, 2021*, <https://covid19.ncdhhs.gov/media/380/open>, page 13. This report states that in North Carolina in late September 2021, “unvaccinated individuals [were] ... 437% more likely to get COVID-19” compared to vaccinated individuals.

³ N.C. Department of Health & Human Services, *Respiratory Surveillance: September 19 – September 25, 2021, Updated September 30, 2021*, <https://covid19.ncdhhs.gov/media/380/open>, page 14. This report states that in North Carolina in late September 2021, “unvaccinated individuals were ... 1,627% more likely to die of COVID-19” compared to vaccinated individuals.

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§ 2. Definitions

For purposes of this policy, the terms below mean the following:

COVID-19 – Coronavirus Disease 2019, including its variants.

Designated Person — A person designated by Human Resources to collect documents under this Policy, treat them confidentially, provide them to Human Resources, and (if applicable) return them to the employee.

Division — The Division of Adult Correction and Juvenile Justice at the Department of Public Safety.

Fully Vaccinated means that it has been at least two weeks after someone has received the second dose in a two-dose COVID-19 vaccine series (Pfizer or Moderna), or that it has been two weeks after someone has received a single-dose COVID-19 vaccine (Johnson & Johnson).⁴

Participating Agency — The Department of Public Safety.

Vaccination Bonus – A bonus provided under the terms of this policy.

§ 3. Policy

§ 3.1. Employees Eligible for a Vaccination Bonus

Employees in the following positions are eligible to receive a Vaccination Bonus under the terms of this Policy:

- Positions that, as of October 7, 2021, were at the Department of Public Safety and had their duty station at a correctional facility, residential program, residential treatment facility, transitional house, or group home operated by the Division of Adult Correction and Juvenile Justice.

Only employees in positions described above are eligible for a Vaccination Bonus.

The Vaccination Bonus is available to new or existing employees in permanent, probationary, time-limited, and temporary positions. Both full-time and part-time employees are eligible. The Vaccination Bonus will not be prorated for part-time employees.

Temporary employees are eligible only if they meet the conditions listed in § 3.30 below.

⁴ In addition, the following people who have taken other vaccines count as “Fully Vaccinated”:

- Participants in the Novavax trial who are two weeks after having received both doses.
- For any other COVID-19 vaccine that is listed for emergency use by the World Health Organization, people who have received all recommended doses, after any waiting period recommended for the doses to take full effect.

See the note in § 3.2 below concerning booster shots.

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§ 3.2. Amount of Vaccination Bonus

Eligible employees will receive Vaccination Bonuses in the following amounts after taking the actions listed below. Bonuses are available both for vaccination shots taken before this policy was issued and for vaccination shots taken after this policy was issued.

- \$125 after the employee provides documentation that the employee has received the first dose in a two-dose COVID-19 vaccine series (such as Pfizer or Moderna), and an additional \$125 after the second dose.
- \$250 after the employee provides documentation that the employee has received a single-dose COVID-19 vaccine (Johnson & Johnson).
- For vaccines other than Pfizer, Moderna, or Johnson & Johnson, \$250 after the employee provides documentation that the employee has received the last dose required to make them Fully Vaccinated.

Note: People who are authorized for additional vaccination doses (so-called “booster shots”) do not need to have taken those doses to receive a Vaccination Bonus under this policy. No additional bonus will be provided for people who take a booster shot.

Under this policy, employees can receive bonuses only for the doses from one COVID-19 vaccine. For example, someone who has received Pfizer doses is not eligible for an additional set of bonuses for Moderna or Johnson & Johnson doses.

§ 3.3. For Temporary Employees

Temporary employees qualify for a Vaccination Bonus if, at any time during the period this policy is in effect for the Division, those employees:

- a. Either work (1) directly for the Division of Adult Correction and Juvenile Justice or (2) on an assignment at the Division through the Temporary Solutions Program at the Office of State Human Resources; and
- b. Regularly work at least 20 hours per week on-site and in-person at a correctional facility, residential program, residential treatment facility, transitional house, or group home operated by the Division of Adult Correction and Juvenile Justice; and
- c. Meet all the other requirements of this policy.

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The amount of the Vaccination Bonus will be the same for temporary employees as for a permanent, probationary, or time-limited employee working the same schedule.

§ 3.4. **Vaccination Documentation**

The Participating Agency shall establish a procedure for the employee to provide vaccination documentation to Human Resources staff or a Designated Person. Any vaccination documentation shall be reviewed for validity by Human Resources and shall be kept confidential as required below. The employee is eligible for a Vaccination Bonus only if the vaccination documentation (a) is a valid document showing that the employee received a vaccination dose and (b) was provided by the employee to the appropriate person under the procedure established by the Participating Agency.

§ 3.5. **Review of Vaccination Documentation by Human Resources**

Authorized Human Resources staff must review vaccination documentation in good faith to determine whether it appears to be valid.

- Under this policy, no additional research is required by the Human Resources staff member to determine whether the information provided by the employee is truthful and accurate.
- However, the Human Resources staff member is authorized to require additional verification if the staff member has a reasonable basis to suspect that the information provided is inauthentic or fraudulent.

If vaccination documentation has already been reviewed under the policy entitled “Requirements for COVID-19 Testing and Face Coverings as an Alternative to Proof of Full Vaccination,” the previous review of the vaccination documentation is sufficient and does not need to be performed again under this policy.

§ 3.6. **Confidentiality of Vaccination Documentation**

If any vaccination documentation is stored:

- Each staff member who receives those records must store them only in an agency confidential health information file that is maintained in accordance with any applicable State Records Center retention schedule.

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- This file (including any database containing this information) must be separate from any employees' general personnel files and must be available only to Human Resources staff within the Participating Agency.
- Workers should not be asked to transmit these records through a system (like email) unless that system is encrypted or otherwise secured with limited access.

Managers and supervisors shall not have direct access to vaccination status unless they are Designated Persons (as that term is defined above).

§ 4. **Duration of Program**

§ 4.1. **Start Date**

The Participating Agency shall specify the start date when the Vaccination Bonus program will become available. That start date shall be included in the Participating Agency's announcements to employees introducing the Vaccination Bonus program.

Employees are not eligible for a Vaccination Bonus if their employment with the Participating Agency ended before the start date that the agency announced for its Vaccination Bonus program.

§ 4.2. **End Date**

The Participating Agency may discontinue its Vaccination Bonus program at any time and for any reason, in its discretion. Unless terminated earlier, Vaccination Bonus programs will automatically end on April 30, 2022. Vaccination documentation provided after that date will not result in a Vaccination Bonus unless this policy is amended.

Employees are not eligible for a Vaccination Bonus if they submitted vaccination documentation (a) after the termination of their employment or (b) after the end date for the Participating Agency's Vaccination Bonus program.

§ 4.3. **Availability of Funds; Approval of OSBM**

Any Vaccination Bonus under this policy is subject to the availability of funds to the Participating Agency. If the Participating Agency does not have funds available, qualifying employees will not receive a Vaccination Bonus.

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Before an agency offers a Vaccination Bonus under this policy, the Office of State Budget & Management (OSBM) must review the agency's proposed source of funds and approve that, at the time of review, funds are available in the amount required for the proposed bonuses.

§ 4.4. **Approval of OSHR for Larger Vaccination Bonuses**

With the pre-approval of the Director of the Office of State Human Resources (OSHR) and OSBM, the Participating Agency may offer Vaccination Bonuses under this policy greater than the \$250 amount listed above. However, Vaccination Bonuses may not exceed \$500 total per person.

§ 4.5. **Reporting to OSHR**

When the Participating Agency announces a Vaccination Bonus program to eligible employees, an informational report must be provided to the Chief Deputy Director at OSHR. In addition, the Participating Agency shall report Vaccination Bonus activities to OSHR on November 1, 2021; February 1, 2022; May 1, 2022; and August 1, 2022.

§ 4.6. **Timing of Bonus Payments**

The Participating Agency will make their best efforts to provide Vaccination Bonuses to qualifying employees as soon as possible. Employees are not entitled to any interest over the time between when they qualified for a Vaccination Bonus and when they received the Vaccination Bonus.

§ 4.7. **Other Agencies**

With State Human Resources Commission approval, other agencies or divisions may be added to this pilot policy in the future, based upon (a) the nature of the agency and covered employees' work (including but not limited to considerations of public safety, level of contact between people in the workplace, and interactions with vulnerable populations) and (b) the availability of funds to that agency.

§ 5. **Miscellaneous Terms**

§ 5.1. **Relationship to Other Pay Programs and Human Resources Policies**

Vaccination Bonuses are not included in base pay and are not counted in salary calculations for other compensation programs under State Human Resources Commission

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policies, including without limitation longevity pay, legislative pay increases, sign-on bonuses, or monetary payouts for leave.

Like salary, Vaccination Bonuses are taxable, and employees who are members of the Teachers & State Employees' Retirement System will be required to contribute six percent of a Vaccination Bonus as an employee contribution toward retirement. The Vaccination Bonus amounts listed in this policy are gross compensation, and they are not net of taxes or any retirement contributions.

Vaccination Bonuses are available to employees who are on leave with pay, but are not available to employees who are not on a status that involves being paid by the Participating Agency.

§ 5.2. **Contractors**

This policy provides for bonuses only to employees of the Participating Agency, not contractors.

§ 5.3. **Employees Exempt from the State Human Resources Act**

Unless the Participating Agency states otherwise in its message to employees, bonuses under this policy will be provided in the same way regardless of whether employees are subject to or exempt from the State Human Resources Act.

§ 5.4. **Savings Clause**

If any provision of this Policy or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Policy which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Policy are declared to be severable.

§ 5.5. **Sources of Authority**

This policy is issued under any and all of the following sources of law:

- N.C.G.S. § 126-4(2) authorizes the State Human Resources Commission, subject to the approval of the Governor, to establish policies governing “[c]ompensation plans.”

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- N.C.G.S. § 126-4(4) authorizes the State Human Resources Commission, subject to the approval of the Governor, to establish “[r]ecruitment programs designed to promote public employment, ... attract a sufficient flow of internal and external applicants; and determine the relative fitness of applicants for the respective positions.”
- N.C.G.S. § 126-4(5) authorizes the State Human Resources Commission, subject to the approval of the Governor, to establish policies governing leave “and other matters pertaining to the conditions of employment.”
- N.C.G.S. § 126-4(10) authorizes the State Human Resources Commission, subject to the approval of the Governor, to establish “[p]rograms of employee assistance, ... safety and health as required by Part 1 of Article 63 of Chapter 143 of the General Statutes, and such other programs and procedures as may be necessary to promote efficiency of administration and provide for a fair and modern system of personnel administration.”

§ 6. History of This Policy

Date	Version
October 7, 2021	First version