

## **Part III. Weekly COVID-19 Testing Requirement FAQs For Agency Human Resources Staff**

**Pursuant to policy entitled “Requirements for Face Coverings and COVID-19 Testing as an Alternative to Proof of Full Vaccination”**

**Last Updated: September 7, 2021**

### **Introduction**

Effective September 1, 2021, state workers that are part of the Governor’s office or in agencies headed by members of the Governor’s Cabinet must either:

- Provide proof that they are “Fully Vaccinated” for COVID-19 (two weeks after the second shot of a two-dose vaccine (Pfizer or Moderna) or one-shot vaccine (Johnson & Johnson)); or
- Be tested at least once a week for COVID-19, with the last test result negative for COVID-19 infection.

Under the direction of the Governor’s Executive Order 224 (“EO 224”), the Office of State Human Resources (“OSHR”) issued a State Agency Policy with specific implementation details. The policy, entitled “Requirements for COVID-19 Testing and Face Coverings as Alternative to Proof of Full Vaccination,” was issued August 13, 2021. This policy applies to all Cabinet agencies and to the Governor’s office. Other state and local government agencies are strongly encouraged by the Governor to voluntarily adopt this policy in whole or with any modifications.

Specific agency practices and procedures will vary with regards to specific requirements. workers are advised to carefully read their agency’s policy and contact their agency Human Resources staff with any questions or for additional information.

Every effort has been made to ensure information included herein is current as of the date of issuance; however, please be advised that this guidance and detailed instructions are subject to change pursuant to newly issued or revised policies and federal and state guidelines. OSHR will update this document periodically; however, agencies are advised to recheck all listed sources to obtain the most recently updated information.

### **Definitions of terms used in FAQs**

The term “worker” includes any state employee (full or part-time, permanent, temporary, probationary, or time-limited), Intern, Volunteer, or Contractor.

The term “employee” includes: Any state employee (full or part-time, permanent, temporary, probationary, or time-limited).

The term “guest” includes: Any attendee, customer, guest, member, patron, spectator, vendor, or other person lawfully on the property of an Agency, other than a worker.

The term “contractor” includes: Any person performing services for an Agency pursuant to a contract for services that is not an employee, intern, or volunteer.

The term “Fully Vaccinated” means 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); or participants in the Novavax trial who are two weeks after having received both doses in the series; or people who have received all recommended doses of a COVID-19 vaccine that is listed for emergency use by the World Health Organization.

## **Special Note Regarding Contractors**

Contractors must follow the requirements in the policy to:

- Be Fully Vaccinated or tested weekly; and
- Wear face coverings where required at participating agency facilities.

If a contractor’s employer can ensure that these requirements of the policy are being met, the agency can have verification of these requirements take place through the contractor’s employer. In addition, agencies may limit the measures in the policy to not cover contractors that they do not logistically control (for example, HVAC or electric technicians), contractors for whom the contract cannot be changed, or contractors for whom the contract is in the process of being changed.

## **FAQs**

### **How do workers acknowledge an agency’s weekly COVID-19 testing policy?**

#### **Employees**

An acknowledgement form has been sent to employees through the LMS system. The attestation form can be completed by clicking a button on the system. For employees who do not have access to the LMS system, the policy can be made available to them through other means.

#### **Contractors**

Contractors may follow the same procedures as employees or be instructed otherwise. See the first FAQ entitled “Does the policy apply to contractors and to contractors’ employees?”

### **What workers must comply with the weekly COVID-19 testing policy?**

Generally, workers who are not Fully Vaccinated are required to comply with the weekly COVID-19 testing policy.

### **Which workers are exempt from testing?**

Workers can avoid the weekly testing requirement if:

- The employee achieves Fully Vaccinated status. This provides additional protection against COVID infection for the individual, co-workers, and customers.
- An employee on approved leave is not required to have weekly testing; however, when the employee returns to work, the employee must have had a negative weekly test result within the previous 7 days before the first returning work shift.
- An employee who tests positive for COVID-19 is exempted from COVID testing for 90 days following the positive COVID test, as CDC guidelines show that an employee may continue to test positive for 90 days following the initial positive test.
- An employee may request a medical or religious exemption from weekly testing. However, while the exemption request is pending, the employee is still required to participate in weekly COVID tests to protect co-workers and the public. The agency should respond to the request for accommodation as soon as possible. An agency at its discretion may provide an interim accommodation if there has been insufficient time to review the accommodation request.
- Employees are exempt from the policy if (1) they have been told that they will never be expected for any reason to come to the worksite and (2) they never have in-person interactions for work with the public.

#### **What is the effective date of weekly COVID-19 testing requirements?**

Tests beginning on September 1, 2021, fulfill the requirements of the policy. Beginning on September 8, 2021, workers must either prove that they are Fully Vaccinated or have a negative COVID-19 test result taken in the last week.

#### **How should workers newly hired after September 1, 2021, comply with weekly COVID-19 testing requirements?**

##### **Employees**

As part of the onboarding process on their first work day, employees will need to show proof of Fully Vaccinated status or provide a negative COVID-19 test result from the last seven days (168 hours). If a new worker chooses to be vaccinated after their first workday, the worker must comply with the weekly COVID-19 testing requirement until they are considered Fully Vaccinated.

##### **Contractors**

Contractors may follow the same procedures as employees or be instructed otherwise. See the first FAQ entitled “Does the policy apply to contractors and to contractors’ employees?”

#### **What is the weekly COVID-19 testing requirement for a worker that is not Fully Vaccinated?**

The worker needs to provide a negative result from a COVID-19 test, and this COVID-19 test must have been taken in the last seven days (168 hours) before the beginning of the worker’s shift. (For example, a test at 12:00 pm on Wednesday, September 22 would allow a worker to come to work for a shift

beginning at 10:00 am on Wednesday, September 29, but it would not allow the worker to work a night shift starting at 8:00 pm on Wednesday, September 29.)

### **What tests meet the weekly COVID-19 testing requirement?**

Accepted diagnostic testing includes an antigen or molecular test (nucleic acid amplification test [NAAT] or RT-PCR) authorized by the Food and Drug Administration (FDA). Results must come from a Clinical Laboratory Improvement Amendments (CLIA) certified setting appropriate for the test type (i.e., high, moderate, or waived laboratory). The test result should include name, date of birth, date of specimen collection, date of result, and diagnostic test result.

Any onsite testing performed at an agency designated worksite is acceptable. Tests that are taken at home, without being submitted through a laboratory, are not acceptable. COVID-19 antibody tests are not acceptable.

### **How do workers get weekly COVID-19 tests?**

#### **COVID-19 testing available at worksite**

Some Agencies may provide onsite testing. Workers instructed to participate in onsite testing must do so, except in extraordinary circumstances. For onsite testing, workers must bring their insurance information.

Agencies may designate a day/time each week for individual workers to obtain onsite or offsite COVID-19 testing to minimize disruption to business operations.

If onsite testing is unavailable, if extraordinary circumstances prevent participating in onsite testing, or if an employee is being tested in preparation for going to the worksite, workers may go to a third-party test site (like a pharmacy, doctor's office, public health department, urgent care site, or community testing event) for testing.

#### **Free COVID-19 testing if worksite COVID-19 testing is not offered**

The State Health Plan currently waives the cost of COVID-19 testing from in-network providers. See <https://www.shpnc.org/blog/2020-03-03/coronavirus-updates> for details. If an employee uses a testing provider other than an onsite test at their workplace, they should make sure the provider is in-network.

Additionally, uninsured workers are eligible for no-cost COVID-19 testing through local health centers and select pharmacies. See <https://www.hhs.gov/coronavirus/community-based-testing-sites/index.html> for details.

Finally, everyone – including both insured and uninsured people – can obtain completely free testing at one of the many community testing events taking place every day across the state. Insurers are not charged for testing at these free community testing events, and there is no copay or deductible that can be charged to the people who are being tested. The list of current events can be found at <https://covid19.ncdhhs.gov/about-covid-19/testing/find-my-testing-place/no-cost-community-testing-events> and is updated frequently.

### **How should agencies assess weekly COVID-19 test results for validity?**

## **Employees**

When an agency receives weekly COVID-19 test results documentation from an employee, authorized agency Human Resources staff may review the material in good faith to determine whether it appears to be valid. Agency Human Resources staff may require an employee to provide additional verification if there is a reasonable basis to suspect that the information provided is inauthentic or fraudulent.

Agencies should assess employee provided test results to ensure they include the following elements:

1. Worker's name;
2. Worker's date of birth;
3. Date of specimen collection;
4. Date of result; and
5. Diagnostic test result:
  - a. Positive diagnostic results will say "positive," "detected," or "abnormal."
  - b. Negative test results will say "negative," "not detected," or "normal."
  - c. Inconclusive results will say "unsatisfactory," "indeterminate," or "not tested."

## **Contractors**

Contractors may follow the same procedures as employees or be instructed otherwise. See the first FAQ entitled "Does the policy apply to contractors and to contractors' employees?"

### **How do employees record work time used when getting a required weekly COVID-19 test?**

Employees subject to the Fair Labor Standards Act ("FLSA-subject" employees, commonly called hourly employees) can record as "Time Worked" time spent participating in onsite testing at an Agency designated work site and time spent traveling to and from, or waiting for, a test to be performed at a third-party test site.

For all other workers, including without limitation employees who are exempt from the Fair Labor Standards Act (commonly called salaried employees), time spent being tested is compensable only if participating in onsite testing at an Agency work site.

Employees' time is not compensable for additional tests beyond the ones required under the policy.

### **What discipline is available if employees abuse weekly COVID-19 testing time during work hours?**

Managers and supervisors may require employees to schedule weekly COVID-19 tests to minimize business disruptions and must monitor their time entry.

As general guidance, employees should record a maximum of two hours per week as "Time Worked" associated with COVID-19 testing. Managers and supervisors may approve additional hours for weekly COVID-19 testing if deemed reasonable and necessary due to local circumstances.

Managers and supervisors are encouraged to share NCDHHS information about testing locations with employees: [ncdhhs.gov/GetTested](https://ncdhhs.gov/GetTested).

Employees entering more than two hours per week for weekly COVID-19 testing must be advised concerning their agency's reasonable time expectation. If, thereafter, an employee continues recording more than two work hours per week without reasonable and necessary circumstances for testing, a Participating Agency may initiate counseling and discipline options. Ordinarily, counseling should be utilized for initial occurrences, then written warnings and (if necessary) progressive discipline should be utilized if the employee continues taking unnecessary time. The level of this disciplinary action shall be consistent with the severity of the infraction and the previous work history of the employee.

When disciplinary action commences, employees must be advised of the following:

- How to comply with policies and procedures for COVID-19 testing; and
- How employee must inform managers and supervisors immediately if encountering problems timely obtaining weekly COVID-19 tests.

Employees may write a letter "To the File" stating their point of view of the matter.

### **How do contractors handle time used when getting a required weekly COVID-19 test?**

For contractors, time spent obtaining weekly COVID-19 tests is not compensable unless included in their contract. See the first FAQ entitled "Does the policy apply to contractors and to contractors' employees?"

### **Should agencies remind workers to get their weekly COVID-19 test?**

Yes. It is recommended that Human Resources staff (or an IT system on behalf of HR) prompt employees to either become Fully Vaccinated or be tested again for COVID-19 four days before the next test result is due. However, an employee's duties under their agency's policy apply whether or not agency Human Resources staff provides this prompt to the employee.

### **What is an agency's confidentiality requirement for weekly COVID-19 testing results?**

#### **Employees**

COVID-19 weekly test result documentation must be maintained in an agency confidential health information file retained in accordance with the State Records Center retention schedule. This file (including any database containing this information) must be separate from any employee's general personnel files and available only to Human Resources staff within the Agency. Employees 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 weekly COVID-19 testing information unless designated by Agency Human Resources staff. Agency Human Resources staff and other agency staff involved in this process will adhere to medical privacy requirements.

#### **Contractors**

Contractors may follow the same procedures as employees or be instructed otherwise. See the first FAQ entitled "Does the policy apply to contractors and to contractors' employees?"

### **Does leave/vacation affect the weekly COVID-19 testing requirement?**

When the worker returns from leave or vacation, he or she must have been tested. A worker who has been on leave will not be in violation of this policy so long as they have a negative test result in the past seven days prior to their next work shift.

**May weekly COVID-19 testing be required for an unvaccinated employee returning from FMLA leave unrelated to COVID-19?**

Yes. FMLA does not prohibit an employer's testing requirement. When FMLA expires, an employer must reinstate an employee to the same job or an equivalent position. However, an employee is not protected from the employer's actions that are unrelated to the employee's use of, or request for, FMLA leave. Employees that do not provide proof of Fully Vaccinated status per their agency's policy must comply with their agency's COVID-19 testing requirement prior to and after returning to their work site.

**Does adverse weather, emergency closings, or other extraordinary conditions affect the weekly COVID-19 testing requirement?**

If adverse weather, emergency closings, or other conditions make weekly COVID-19 testing procedures not feasible, an agency head or the State Director of Human Resources may provide a temporary exception from the requirements of the policy.

**How does a worker request an exemption from the weekly COVID-19 testing requirement?**

**Employees**

Employees may request an exemption by contacting their agency's Human Resources office. These requests shall be considered under the agency's standard reasonable accommodation process. Employees should be asked to submit documentation to substantiate their request for accommodation.

**Contractors**

Contractors should contact their employer regarding requesting exemption from weekly COVID-19 testing requirements. See the first FAQ entitled "Does the policy apply to contractors and to contractors' employees?"

**How do workers communicate a weekly COVID-19 test result to their agency?**

**Employees**

Most employees will provide the test result directly to the IT systems set up by the Department of Information Technology and their agency. The Department of Information Technology will have a system available that will allow people to provide this information electronically by securely uploading it through a website. People will be able to make the upload either through a smartphone or through a computer. This system will be coming online during the week of September 6. It will become operational for different agencies at different times. If the Department of Information Technology IT system has not yet come online for their agency, employees should look to their agency's Human Resources office for instructions.

In this process, the employee will need to indicate whether the test was positive, negative, or inconclusive.

- Positive diagnostic results will say “positive,” “detected,” or “abnormal.”
- Negative test results will say “negative,” “not detected,” or “normal.”
- Inconclusive results will say “unsatisfactory,” “indeterminate,” or “not tested.”

Some agencies, like correctional facilities at NCDPS, will be set up to have laboratories directly provide results to the agency, so long as the employee consents. In these situations, if the employee consents, the employee will not need to do anything to provide the result – the laboratory will work directly with the agency’s Human Resources staff.

### **Contractors**

Contractors may follow the same procedures as employees or be instructed otherwise. See the first FAQ entitled “Does the policy apply to contractors and to contractors’ employees?”

### **What if the test results are hard to understand?**

Most test results are easy to read, but a few laboratories’ results can be hard to understand. Employees are only required to read these results to the best of their ability. Unless the test result is easy to understand, there can be no discipline if the worker incorrectly lists whether the test was positive, negative, or inconclusive.

Negative diagnostic results mean that the test did not detect the COVID-19 virus. These results will say “negative,” “not detected,” or “normal.” Unless the worker is isolating or quarantining, he or she should feel free to come to the workplace.

Inconclusive diagnostic results mean that the test sample couldn’t be tested for some reason. These results will say “inconclusive,” “unsatisfactory,” “indeterminate,” or “not tested.” Under the policy, the worker will have to be tested again. The worker should contact the agency’s Human Resources office for guidance about whether to come to work while waiting on the new test result.

Positive diagnostic results mean that the test detected COVID-19 infection. Positive results will say “positive,” “detected,” or “abnormal.” The worker should call the agency’s Human Resources office immediately and tell them about the positive test.

### **What if a worker has COVID-19 symptoms?**

Workers who are symptomatic for COVID-19 must not come to work onsite unless the symptoms are explained by another known cause (such as diagnosed seasonal allergies) or they receive a negative COVID-19 test. A worker also must stay home if he or she is instructed by a treating health care provider or public health official to quarantine after having close contact with someone who has COVID-19.

### **How should a worker and their agency handle a POSITIVE weekly COVID-19 test result?**

If a worker is present at the work site when a positive COVID-19 test result is received, the worker should immediately inform their manager and leave the worksite per their agency’s procedure for any worker exhibiting COVID-19 symptoms or confirmed COVID-19 positive.



If the worker's last weekly COVID-19 test result was positive for COVID-19, the worker may not come to their work site until the end of the number of days of isolation set out in current CDC and NCDHHS recommendations. (See the next FAQ response below.) If their position is suitable, workers with a positive weekly COVID-19 testing result may be allowed to telework by their agency during the isolation period. Workers should contact their agency Human Resources office for information regarding available leave options during a period of COVID-19 isolation.

**SPECIAL NOTES:**

- If an agency experiences a worker shortage, the agency head may waive the provisions of the policy and allow asymptomatic people who are in their isolation period to work onsite while wearing Face Coverings.
- Once a worker has contracted COVID-19, he or she may continue to test positive for many days afterwards. Therefore, once a worker tests positive for COVID-19 and completes the isolation period, the worker does not need to be tested again for 90 days after the first positive test.

**What is the worker isolation period following a POSITIVE COVID-19 test result?**

As of the date of publication of these instructions, the CDC and NCDHHS isolation recommendations for non-health care workers was:

- For people who test positive but are asymptomatic, to isolate until ten (10) days have passed since the date of the first positive COVID-19 test; and
- For people who test positive and have symptoms:
  - To isolate for at least ten (10) days after the worker first had symptoms, and
  - Not to return to work, even after ten (10) days, until both
    - The worker has had no fever (without using fever-reducing medicine) for at least one day, and
    - The worker's other symptoms are gone.

(This matches the DHHS Symptom Screening Checklist for Non-Healthcare workers, available at <https://covid19.ncdhhs.gov/symptom-screening-checklist-english-0/open>.) This isolation period will automatically update as CDC and NCDHHS recommendations change over time.

If their position is suitable, workers with a positive weekly COVID-19 testing result may be allowed to telework by their agency during the isolation period. Employees should contact their agency Human Resources office for information regarding available leave options during a period of COVID-19 isolation.

**What should HR staff and supervisors do if an employee is not fully vaccinated and has not submitted the required weekly test result?**

First, the supervisor or HR staff should ask the employee if the required weekly testing occurred in the past 7 days.

If the employee responds that weekly testing was timely completed, but that the employee is still waiting on results, the supervisor or HR staff should both:

- Request that the employee upload test results as soon as results are received; and

- Ask the employee to contact HR immediately to determine whether the employee should be allowed at the work site.

If the employee states weekly testing was forgotten, the supervisor or HR staff should:

- Reinforce the importance of weekly testing;
- Direct the employee to be tested immediately (including leaving the work site if necessary to be tested); and
- Ask the employee to contact HR immediately to determine whether the employee should be allowed at the work site.

In either case, agencies have the discretion to have the employee continue working on-site while waiting for the test result. (The employee could also be sent home for telework, if work that can be done remotely is available.) If the employee has not been tested and has symptoms of COVID-19, the employee should be sent home. The employee must provide a copy of the test receipt, including date and location to the supervisor or HR staff.

An FLSA subject employee may receive up to two hours of leave to obtain the test, consistent with policy. An FLSA exempt employee would not receive work time for testing. Employees should not report back to the worksite until the employee has completed testing and is providing their supervisor or HR staff a test receipt. When test results are received, employee should immediately upload them to the agency's IT system.

If the employee has failed to obtain a required test, but is working remotely on the day when the test is overdue, the employee's supervisor or HR staff should:

- Reinforce the importance of weekly testing;
- Make clear that weekly testing is required because the employee may be required to come on-site to the workplace in the future; and
- Direct the employee to obtain a test that work day. The employee should not go to the worksite for any reason until weekly testing is complete and they have received a negative result. The employee should inform supervisor or HR staff when weekly testing is complete, then upload the test results to the agency's IT system.

If this is not the employee's first instance of a forgotten weekly test, or if the employee is repeatedly getting tested so late in the week that results are not processed by the laboratory before the deadline, the supervisor or HR staff should handle consistent with agency policy.

**What happens if a worker fails to provide a negative weekly COVID-19 test result, provides an inconclusive test result, or is waiting on a test result?**

### **Employees**

At the discretion of an agency, an employee may continue working (including coming on premises at a work site) even if the employee is still waiting on the test results for a test conducted in the last week, so long as the employee is asymptomatic for COVID-19. In this situation, all employees will need to provide proof of being tested, such as a receipt from the test provider.

An inconclusive test is the same as waiting on a test result. The agency, through Human Resources staff, can evaluate the circumstances and instruct the employee whether they may come to the worksite or not. The employee should be retested immediately.

If an employee simply fails to provide a test result, the employee is out of compliance with the policy and needs to be tested immediately. Discipline may be used under the policy, including (but not limited to) being removed from – or being barred from entry to – the workplace.

### **Contractors**

Contractors may follow the same procedures as employees or be instructed otherwise.

Generally, contractors should not enter the workplace if they are not Fully Vaccinated and have not been tested within the last week with a negative result. See the first FAQ entitled “Does the policy apply to contractors and to contractors’ employees?”

### **May an Agency communicate any information concerning workers’ weekly COVID-19 test results?**

Test results are medical information, so Human Resources staff should avoid providing test results to a worker’s manager, supervisor, or other co-workers. Agency Human Resources staff members may communicate to managers and supervisors whether and when workers are available to work onsite. Agency staff may also identify whether there was a positive case in the building, and they may notify workers who had close contact with the person who has tested positive.

### **What is an agency’s confidentiality requirement for employee weekly COVID-19 testing requirement exemption information?**

The exemption reason must be maintained in an agency confidential health information file retained in accordance with the State Records Center retention schedule. This file (including any database containing this information) must be separate from any employee’s general personnel file and available only to Human Resources staff within the agency. Employees 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 exemption information unless designated by agency Human Resources staff. Agency Human Resources staff and other agency staff involved in this process will adhere to privacy requirements.

### **May an Agency communicate an employee’s exemption from weekly COVID-19 testing?**

#### **Employees**

Agency Human Resources staff members shall communicate to managers and supervisors that an employee is exempt from the weekly COVID-19 testing requirement. Employees may be exempt from weekly COVID-19 testing if Fully Vaccinated, are within a 90-day period after a diagnosed infection, or if they have received an exemption for some other reason.

If asked, managers and supervisors may tell other employees that a particular employee is exempt from the weekly COVID-19 testing requirement; however, managers and supervisors should not say what the reason is for the employee being exempt.

## **Contractors**

If a contractor's employer receives a request for exemption from the weekly COVID-19 testing requirement, the contractor's employer should discuss that with staff at the government agency that contracted for the contractor's services. Information about the contractor may be shared as necessary to limit public health risks.

### **Must a worker in the process of becoming Fully Vaccinated continue weekly COVID-19 testing?**

Yes. A worker that has begun the vaccination process must continue weekly COVID-19 testing until the worker has reached Fully Vaccinated status.

### **What is an employee's duty to provide truthful information concerning weekly COVID-19 testing?**

Employees violate the policy if they knowingly provide any kind of false or inauthentic document related to weekly COVID-19 testing.

Employees may be subject to disciplinary action for violations of the policy, up to and including dismissal.

### **What happens if an employee who is not fully vaccinated refuses to be tested for COVID-19?**

Each agency should adopt internally consistent practices. The following is one approach that may be followed by agencies when an employee willfully refuses to follow the vaccination-or-testing policy without any exemption.

1. Agency management, with the assistance of agency HR, should inform the employee of the policy and consequences for willful non-compliance. An agency HR or second management team member may be included in the conversation to serve as a witness if needed.
2. If, after the conversation, the employee still refuses to agree to weekly COVID tests, the employee will be sent home on Investigatory Leave with Pay (ILWP) and provided information on the policy.
  - a. Management must notify the employee in writing of the reasons for the placement on ILWP. Placement on ILWP does not constitute a disciplinary action.
  - b. For the remainder of that workday or work shift, the employee will be able to review the OSHR policy should the employee choose to do so. Copies of the policy and a one-page summary of the policy, entitled "What You Need to Know," are available at [oshr.nc.gov/vaccination-or-testing-policy](https://oshr.nc.gov/vaccination-or-testing-policy).
3. If, on the workday following the initial refusal, the employee still refuses to follow the testing requirements of the policy, the employee will receive disciplinary action for unacceptable personal conduct. The level of this disciplinary action shall be consistent with the severity of the infraction and the previous work history of the employee. After considering these factors, the agency may choose to utilize progressive disciplinary action if appropriate.

### **May an employee file a grievance related to weekly COVID-19 testing policy?**

Yes. An employee may grieve any discipline imposed against him or her as a result of the policy, subject to the provisions of the State of North Carolina's Grievance policy, but an employee may not file a grievance based on an assertion that another person violated the policy.

**What if a contractor refuses to participate or violates their agency's weekly COVID-19 testing requirement?**

Willful violations of the policy may be grounds for terminating a contractor's contract.

Contractor's employers may have additional or alternate requirements. See the first FAQ entitled "Does the policy apply to contractors and to contractors' employees?"

**What if a volunteer refuses to participate or violates an agency's weekly COVID-19 testing requirement?**

Willful violations of the policy may be grounds for barring a volunteer from coming to an agency work site until such time as they are in compliance with an agency's weekly COVID-19 testing requirement.

**What resources are available for workers hesitant to participate in weekly COVID-19 testing?**

Workers concerned about COVID-19 testing due to physical or emotional reasons are encouraged to contact or visit their physician.

State employees are encouraged to utilize the statewide Employee Assistance Program (EAP) to discuss.

NCDHHS has posted detailed COVID-19 testing information at [NCDHHS COVID-19 Testing Information](#).

Workers are strongly encouraged to get vaccinated. Employees may do so during their regular work schedule without loss of pay, and to recover in the event of temporary adverse reaction. Regularly updated information regarding COVID-19 vaccine and where it is available is accessible at [NCDHHS COVID-19 Vaccine Information](#).