

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.
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. The employee may remain on ILWP if necessary.