



# Frequently Asked Questions on Governor Brown's Vaccine Requirement

## What is the Governor's Vaccine Requirement?

Governor Kate Brown used her emergency executive authority to issue a requirement that all educators and volunteers in Oregon's K-12 schools be fully vaccinated by October 18<sup>th</sup>. You can read the full rule [here](#).

## Does the OEA support the Vaccine Requirement?

As we have said from the beginning of this pandemic, nobody wants to get students safely back into the classroom more than Oregon's educators. While many Oregonians were hopeful that this summer marked the end of the pandemic, it has become increasingly clear that the worst of COVID-19 is not yet behind us. Fueled by the Delta variant, COVID cases in Oregon have skyrocketed to levels that we have not yet witnessed in our state, creating another wave in our ongoing public health crisis.

OEA believes that the vaccine requirement will help provide stability for our students this fall and will help improve safety in our schools and in our communities. The science on this issue is clear. Vaccines, coupled with other proven public health mitigation strategies, are the best way to ensure our schools stay open and are a safe place for students to learn and for educators to teach.

We also maintain the right of every local association to issue a demand to bargain with their school district over the impact this requirement will have on educators, and we are prepared to support our members as they exercise their legal rights in response to this requirement. We believe our locals have a right to fight for paid time off for members who need to receive the vaccine and who may need time to recover following vaccination, for clear exemptions for educators with well documented reasons for not becoming vaccinated, and to guarantee that educators are respected and protected as this requirement is implemented.

## If I refuse to get vaccinated, could I lose my job?

The short answer is yes unless you qualify for either a religious or medical exemption. The [rule](#) reads as follows:

*Schools and school-based programs may not employ, contract with, or accept the volunteer services of teachers, school staff and volunteers, or school-based program staff and volunteers unless they are fully vaccinated against COVID-19 or have a documented medical or religious exception.*

*On or before October 18, 2021, teachers, school staff and volunteers, and school-based program staff and volunteers must provide the school or school-based program with either:*

- Proof of vaccination showing they are fully vaccinated; or
- Documentation of a medical or religious exception.

## What are the religious and medical exemptions?

The recent [rules](#) released around this new mandate outline exemptions as follows:

- A. A medical exception must be corroborated by a document signed by a medical provider, who is not the individual seeking the exception, on a [form](#) prescribed by the Oregon Health Authority, certifying that the individual has a physical or mental impairment that limits the individual's ability to receive a COVID-19 vaccination based on a specified medical diagnosis, and that specifies whether the impairment is temporary in nature or permanent.
- B. A religious exception must be corroborated by a document, on a [form](#) prescribed by the Oregon Health Authority, signed by the individual stating that the individual is requesting an exception from the COVID-19 vaccination requirement on the basis of a sincerely held religious belief and including a statement describing the way in which the vaccination requirement conflicts with the religious observance, practice, or belief of the individual.

Forms can be found here:

- [MEDICAL](#)
- [RELIGIOUS](#)

## Will the vaccine rule apply to district staff who do not work in a school setting?

No. School district employees not working in school settings are not subject to this rule. If a school district employee is active in schools in any capacity described in the rule, that staff member would need to follow vaccination procedures as outlined OAR 333-019-1030, COVID-19 Vaccination Requirements for Teachers and School Staff. School, ESD, and school-based program employers may have policies that require vaccination for the safety of all staff and to ensure consistent, reliable operation.

## If a member chooses to go against the requirement, will OEA provide legal support? If so, how far would OEA take it?

OEA will follow its standard rules for approving and denying legal assistance. Certain situations will qualify for OEA-funded legal assistance, but others may not. OEA encourages all members to follow the law and cannot advocate for members to break the law.

## Will the union protect teachers who need an exemption?

OEA will fully support all members who are legitimately seeking one of the legally established exemptions. We do not support falsification of forms.

## I have heard that some states like California are offering a weekly testing requirement for those who are choosing to not get vaccinated. Is that an option here?

OEA believes that testing is an important mitigation tool. Oregon is not offering a testing option for any employee under the vaccination requirement. Many other states are also requiring vaccines without a testing option.

### **Does the rule for the COVID vaccine apply to community college faculty and staff?**

COVID vaccinations are not currently required by the state, but they are being required by individual institutions. The Governor has said that she has not ruled out including community college faculty and staff in the requirement, but has not yet included them at this time.

### **Who approves medical or religious exemptions and what are the criteria they use in order to do so?**

At this point we believe that it will be the employer, the school district or the community college, that will be the entity that approves or denies all exemptions.

### **If an educator who receives the vaccine in compliance with the Governor's order and suffers negative consequences, who will be liable for short and long-term negative effects?**

This would depend on the particular circumstances of the situation to determine if liability lies with a particular person or entity. It may be that no entity or person would be liable.

### **If an employee decides to leave their job due to the requirement, does the 60-day notice rule hold for those holding TSPC licenses?**

At this point, there has been no change to the requirement that a licensed educator must give 60-days' notice before resigning employment. We have flagged this as an issue and are advocating that there be flexibility given these extraordinary circumstances.

### **Will the COVID-19 vaccination requirement be temporary or an ongoing minimum requirement for employment in the field of education in Oregon?**

This requirement comes from the Governor's emergency executive authority and will expire when the state is no longer in a state of emergency. The current rule extends to February 2022.

### **If you are let go because you refuse, can you go to another state with a clear record?**

There is nothing about the rule that impacts an educator's ability to change jobs if let go. However, whether one has a "clear record" (for example, no negative TSPC action, no negative employer reference, etc.) following a resignation or termination would be determined by the particular facts involved.

### **Could an employer ask for an employee's vaccination records if they claim a religious exemption?**

Perhaps. For example, if the employer has an objective reason to question an employee's "religious exemption" assertion, the employer may inquire further into the matter.

**If a member is allowed a vaccine exemption, will they have to be tested? If so, how often?**

There is no established testing protocols from the state, but every district “must take reasonable steps to ensure that unvaccinated teachers, school staff and volunteers, and school-based program staff and volunteers are protected from contracting and spreading COVID-19.” ([Rule 333-019-1030, Section 5](#))

Testing requirements can be established through local agreements between the bargaining unit and the district.

**What if the employee has already had COVID-19 and has antibodies to fight the virus?**

Employees and volunteers that have had COVID-19 are not excepted from the vaccine rule. The Delta variant causes more infections and spreads faster than earlier forms of the virus that causes COVID-19. It might cause more severe illness than previous strains in unvaccinated people. The risk of severe illness and death from COVID-19 outweighs the benefit of natural immunity. Given the variability in immune response, a lot of people who get infected naturally can get reinfected again, in sometimes as short as a few months. People who have had the illness should still be vaccinated for the best possible protection.

**If there are districts, administration or school employees who are not abiding by the mask mandate where do we report these violations?**

Violations can be reported through the Oregon Department of Education anonymously [here](#).

**Can educators inform students about access to vaccines?**

Generally, it is not advisable for K-12 educators to consult with students about vaccine access unless the educator has parental/caregiver consent. Ideally, an educator would speak with a student’s parents, or if that is not an option, with the school administration about how/whether to provide information to the student.

**What would happen if a teacher used false proof of vaccination?**

Employees may be disciplined, up to and including termination, for falsifying their vaccination records. Licensed educators may be investigated by TSPC. There may be other negative legal consequences for submitting falsified documents to a public employer.

**Are there limits to how many exemption requests can be granted in a district?**

There is no limit in the rule.