

## Kansas City Ballet Guidelines / Employee Handbook Addendum COVID-19 Vaccination Safety Policy

### *Policy Statement*

On March 11, 2020, COVID-19 was declared a pandemic. Although the overall threat of COVID-19 has lessened somewhat due to better treatments and the ongoing distribution of vaccines, the pandemic continues to constitute a significant international, national and Missouri public health emergency over one year later. Further, because COVID-19 is a relatively new disease, we are still learning about it: how it spreads, the severity of short-term and long-term illnesses that it causes, and how best to work, perform, interact with the public, and remain healthy as a dance company.

The latest public health information is that indoor versus outdoor work activities, meetings and equipment use – as well as dance practice, rehearsals, classes, and performance – may carry with them a heightened risk of COVID-19 exposure, similar in many instances to what one would expect in close-contact, high exertion indoor professional sports with respect to our dancers. Thus, although current federal and state regulations and executive orders now allow us as a dance company to resume operations and indoor performances in Missouri and other locations, there remain limits and controls based on guidance provided by the Centers for Disease Control and Prevention (CDC), the federal Occupational Safety and Health Administration (OSHA), and local and state public health and safety authorities.

For these reasons, Kansas City Ballet (hereinafter “KC Ballet” or “Ballet”) has adopted a policy that requires all part or full-time artistic, production, administration, Academy employees, faculty, teaching artists, independent contractors, and temporary workers (hereafter “Covered Individuals”)—to receive COVID-19 vaccination(s) and to declare their status with the KCB Human Resources Manager, as allowable by law, unless

- a) they are eligible for and have received an authorized exemption from the Ballet due to (i) a medical / disability contraindication, or (ii) a sincerely held religious belief; or
- b) otherwise limited or prohibited by applicable law.

This has been a difficult decision. However, in the pandemic environment as it currently exists, we consider implementation of COVID-19 vaccinations for the KC Ballet to be a safety policy – established to minimize exposure to and transmission of COVID-19 among, and thereby safeguard to the greatest extent possible the health and well-being of

## Kansas City Ballet Guidelines / Employee Handbook Addendum COVID-19 Vaccination Safety Policy

- Our professional dancers, administrative and stage staff, and other covered Individuals.
- Their families, significant others and friends.
- KC Ballet's students, parents, patrons, and visitors.
- The Kansas City community at large and other locations where we work, live, and perform.

This includes the safety of individuals who cannot yet get a COVID-19 vaccination but who may be exposed to our employees and contractors (e.g., young children, immunocompromised individuals, etc.). Further, we will continue to monitor and assess applicable health and safety directives and guidance regarding COVID-19 as that information evolves, such that this policy is subject to change and interpretive modification at any time, in the absolute and sole discretion of the Ballet.

We know that many of our employees and contractors are fully vaccinated, and others are still in the process of getting or completing their doses. *We also want to clearly affirm that your decision to get a COVID-19 vaccination is a personal one and is **completely voluntary**.* That is, if an authorized exception does not apply to you as is outlined in this policy, you may still decline to receive the vaccine. You simply cannot do so and continue to actively work as an employee or contractor for the KC Ballet, except as otherwise provided by applicable law.

### *General Implementation Protocols*

The intent of this policy is that full vaccination (as defined below) of all Covered Individuals must be completed no later than **by Monday, August 23, 2021**, for the dance company to be prepared for the beginning of the Ballet's FY2021-2022 season.

Specifically, all current KC Ballet Covered Individuals must either:

- 1) Provide proof of immunization, indicating they have received all required doses of an FDA-authorized vaccine and are "fully vaccinated" **as soon as possible, but no later than Friday, July 30, 2021**; or
- 2) Become fully vaccinated or obtain an approved vaccination exemption from the KC Ballet **on or before Monday, August 23, 2021**. The process for seeking an exemption is explained below.

Note: At present, individuals in the US are considered "fully vaccinated" two weeks after their second dose of a two-dose series (i.e., Pfizer or Moderna) vaccine or two weeks after they have received a single-dose vaccine (i.e., Johnson & Johnson vaccine).

If any KC Ballet Covered Individual is not a current employee or contractor **as of July 22, 2021**, but is engaged by the Ballet *thereafter*, he/she/they must fulfill one of the two above-listed requirements **on or before their initial start date**. However, where appropriate, a grace period—as determined by the Ballet—will be given, as long as the individual is making every effort to comply with the policy mandates. Grace periods will be granted on a case-by-case basis.

## Kansas City Ballet Guidelines / Employee Handbook Addendum COVID-19 Vaccination Safety Policy

If proof of full vaccination is not provided, or if an exemption request is not provided by the stated deadlines set forth in this policy, you will be assumed to have not completed the vaccine requirement on time. Further:

- Covered Individuals who (a) are already engaged by the Ballet **as of Monday, August 23, 2021**, (i.e., they are a current employee or contractor), and (b) do not fulfill one of the above two requirements within the time frame specified per this policy will be placed on unpaid leave (or will not be engaged or paid as a contractor) as a grace period until they can demonstrate that they have met one of the two requirements and/or the Ballet otherwise determines that their engagement with the Ballet can no longer practically continue.
- Covered Individuals who (i) are not a current employee or contractor **as of Monday, August 23, 2021**, and are engaged by the Ballet thereafter, and (ii) do not fulfill one of the above two requirements on or before the initial start date of their engagement (or any agreed upon grace period), will have their conditional offer of employment / contractor status revoked, and they will not be employed or engaged by the Ballet.

Please also know that, separate from the vaccination requirement outlined in this policy, the Ballet will continue to monitor guidance from the U.S. Department of Health and Human Services, CDC, World Health Organization, and state and local public health authorities regarding COVID-19 compliance generally. We will also provide updated policies and communications to Covered Individuals as to when and if masking and social distancing can be modified or discontinued during dance company practices, rehearsals, classes, performances, and other work.

### *Vaccination Providers and Documentation*

Per the EEOC, the COVID-19 vaccine is not an ADA-covered “medical procedure,” and asking about or requiring an applicant or employee to show proof of COVID-19 vaccination status is expressly allowed and is not a disability-related inquiry. Further:

- The KC Ballet will not be administering the vaccine. Instead, to comply with this policy, receipt of the COVID-19 vaccine must be administered by a third-party that does not have a vaccine administration contract with the KC Ballet (e.g., such as a City/County Health Department, a pharmacy, health care provider, etc.).
- If you need assistance in locating potential vaccination providers or sites, please contact the Human Resources Manager. Also, helpful FAQs about the COVID-19 vaccine can be found at [CDC Vaccine FAQs](#) [Control + Click to follow link]

To establish that you are fully vaccinated, proof of immunization should be confidentially provided to the Human Resources Manager. Specifically:

## Kansas City Ballet Guidelines / Employee Handbook Addendum COVID-19 Vaccination Safety Policy

- Provide the HR Manager with a screenshot of your CDC or other valid COVID-19 vaccination record card or printout. Proof of vaccination must be emailed to the HR Manager at [gobannon@kcballet.org](mailto:gobannon@kcballet.org)
- To be accepted, the document must clearly show the dates and type of vaccination.
- Do ***not*** provide a printout or record of your complete immunization record.
- Also, do ***not*** provide or include any medical or genetic information as part of your vaccination proof. "Genetic information" includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

If you voluntarily submit added or excess documentation, the record will be declined, and you will be instructed to provide a record focused on the COVID-19 vaccination alone.

### *Exemption Process*

As noted above, exemption from this vaccination policy may be granted for medical / disability contraindications or sincerely held religious beliefs, unless (a) doing so would create an undue hardship on the KC Ballet, (b) doing so would pose a direct threat of significant harm to the Covered Individual or others, or (c) as otherwise required by applicable law.

If you intend to seek an exemption from this policy, you must obtain an *Exemption Request Form* by contacting the HR Manager at [gobannon@kcballet.org](mailto:gobannon@kcballet.org) and submitting a completed request to the HR Manager to begin the accommodation / exemption review process.

- For Covered Individuals currently engaged by the Ballet, exemption requests should be submitted **no later than Monday, August 2, 2021**, or as soon as otherwise reasonably possible, to give the Ballet time to evaluate and engage in an interactive review process with you well in advance of **Monday, August 23, 2021**.

## Kansas City Ballet Guidelines / Employee Handbook Addendum COVID-19 Vaccination Safety Policy

- Please also know that the process for a medical / disability contraindication requires supporting written documentation from a physician or other health care provider, outlining the specific medical reasons for the contraindication and the underlying medical condition or disability at issue.
- No final employment / contract action will be taken until the exemption process is complete.

Your supervisor and department head, in coordination with the Human Resources Manager and/or the Executive Director, will work with you to determine whether accommodations within the workplace or, if necessary, outside of the workplace are potentially available in accordance with applicable law.

Otherwise, other management personnel should refrain from asking Covered Individuals follow-up questions about their vaccine status that may tend to reveal a disability. If a Covered Individual indicates that they potentially qualify for an exemption, he/she/they should be referred to the exemption process outlined in this policy and to the Human Resources Manager, without being required to answer further questions at that time.

Approved exemptions will only be valid for the dance season year in which they were requested and/or the period for which the exemption is approved or the reason for the exemption persists. For example, if an exemption request is submitted and approved due to pregnancy, a Covered Individual will be required to obtain a potential extension of the exemption after he/she/they are no longer pregnant.

If you receive an exemption and later believe you have been directly exposed to COVID-19 or that you are experiencing symptoms of COVID-19 (as defined by the CDC), you must notify the Human Resources Manager, or your supervisor immediately and comply with current CDC guidelines regarding quarantine and/or isolation.

The KC Ballet will maintain a record of COVID-19 vaccinations as well as any requested and/or approved exemptions. Any such records containing medical information will be stored in a confidential file separate from your personnel file or engagement / contract records.

Any questions about this policy or issues regarding related logistics should be addressed to the Human Resources Manager.