

Sector: Institutions of Higher Education

The following is intended as a plain language summary of rules during the COVID-19 emergency and does not replace the need to follow all applicable federal, state, and local laws and regulations.

The City of Philadelphia has issued an “Emergency Regulation Governing the Control and Prevention of COVID-19 Mandating Vaccines for Healthcare Workers and In Higher Education, Healthcare, and Related Settings” (“Vaccine Mandate Regulation”), which mandates vaccine for healthcare workers and in higher education, healthcare and related settings. This mandate became effective on August 16, 2021.

Individuals working, volunteering, or attending Institutions of Higher Education (IHE) are required to receive at least one dose of vaccine in a two-dose vaccination series or the single dose in a one-dose series by October 15, 2021 and comply with all Interim Precautions described below. The second dose of a two-dose vaccine must be received by November 15, 2021.

All individuals who will begin working, volunteering, or attending an IHE after the vaccination deadline must receive at least one shot in a two-dose series or a single dose in a one-dose series before beginning in-person work or attending in-person classes at the IHE. Second doses must be received within one month of hire or the first day of in-person attendance.

Interim Precautions Required

All individuals who have received only the first dose of the vaccine by October 15, but have not completed the vaccine series may continue to work, volunteer, or attend classes at the IHE while awaiting full vaccination after the deadline if:

- the individual provides documentation to the IHE of a scheduled second dose with a pharmacy, community partner, or other medical provider, and;
- the individual submits to regular testing at least once weekly (PCR) or twice weekly (rapid antigen) as detailed below under Routine Testing until they are fully vaccinated, and;
- the individual masks at all times on campus until the two-week period following the final shot has elapsed.

Final dose of two dose vaccines MUST be completed by November 15 to qualify for this time limited allowance.

Institutions of Higher Education (IHE):

Any public or private university, college, or junior college where on-campus in-person classes, administration, and activities occur. Trade schools and technical schools are not considered Institutions of Higher Education for the purpose of this Regulation.

Higher Education Individual (Covered Individual):

Any individual who works, volunteers or attends one or more classes or other activities on campus at an Institute of Higher Education (IHE) and has in-person contact with one or more other individuals identified below is a Covered Individual for purposes of the Regulation and must be fully vaccinated.

- o Students
- o Faculty
- o Staff
- o Volunteers
- o Contract Workers
- o On-Campus Vendors

Individuals who are not required to be vaccinated include only:

- Individuals who do not have any in-person contact on campus, including any individual who engages with the university or college only through telecommunications devices.

Individual Contractors Working at Institutions of Higher Education:

Any individual who works for the IHE on a contract basis and has contact with other individuals on campus is subject to the vaccine requirement.

Employees of a Contracting Agency Who Work on Campus of an IHE:

A contracting agency is any entity that contracts with an Institution of Higher Education for the purposes of providing goods or services to the IHE that employs anyone who performs work on campus.

All such employees of a contracting agency are subject to the vaccination requirement, except as follows. Employees of a contracting agency who do not have any in-person contact with students, faculty, staff or volunteers of the Institute of Higher Education will not be considered Covered Individual and the vaccine requirement does not apply to such individuals. An IHE may delegate responsibility for obtaining vaccine status, evaluating exemptions and implementing appropriate accommodations to a Contracting Agency. If delegated, the contracting agency must agree to abide by the following requirements:

1. The Contracting Agency agrees to perform all responsibilities of the IHE as provided for in the Vaccine Mandate Regulation and this guidance.
2. The Contracting Agency must, at a minimum, report to the IHE the following for all contract workers who perform work at the IHE:
 - Percentage of contract workers that are vaccinated
 - Percentage of contract workers with exemptions
 - Results of screening testing of contracted individuals when necessary for contact tracing in the institution
3. The Contracting Agency must make all required records available to PDPH upon request.

The IHE remains responsible for assuring its contractors comply with these requirements if responsibility under the Vaccine Mandate Regulation is delegated to the Contracting Agency.

Exemptions:

A Covered Individual may not simply opt out of vaccination. The individual must submit a medical or religious exemption request to the IHE according to the policies set by the institution. The Institution will determine if an exemption applies.

IHE's that are granting exemptions must create appropriate exemption policies to implement this regulation. **Institutions may establish stricter vaccination policies for their students, staff, faculty, volunteers, contract workers, and contracting agencies that exceed the requirements of the Vaccine Mandate Regulation, to the extent otherwise permitted by applicable law.**

The institution must ensure strict compliance with the applicable accommodations of a Covered Individual who is granted an exemption. This includes documenting the individual's participation in the agreed upon accommodation. IHE's are required to keep records of vaccination status of all vaccinated individuals, exemptions requested and granted, and participation in accommodations granted. Records must be made available to PDPH upon request.

Medical:

The Covered Individual may request an exemption by submitting a certification from a licensed healthcare provider to the appropriate IHE.

Medical exemptions must include a certification signed by a licensed healthcare provider that states the exemption applies to the specific individual submitting the certification because the COVID-19 vaccine is medically contraindicated for the individual. The certification must also be signed by the Higher Education Individual. For the purposes of the Vaccine Mandate Regulation a licensed healthcare provider means a physician, nurse practitioner, or physician assistant licensed by an authorized state licensing board.

Religious:

The Covered Individual may request an exemption by submitting a signed statement in writing that the individual has a sincerely held religious belief that prevents the individual from receiving the COVID-19 vaccination. An institution may request the individual explain in the certification why the individual's religious belief prevents them receiving the COVID-19 vaccine.

Philosophical or moral objections are not permitted.

Accommodations for Exemptions

The IHE must instruct those with exemptions to comply with one of the following options for accommodation.

1. **Routine Testing:** Exempt Covered Individuals are required to submit to a PCR test for COVID-19 at least once (1x) weekly or an antigen test for COVID-19 at least twice (2x) per week. If using an antigen two times per week, space out testing throughout the week. No specific interval is required in order to account for different schedules. If a person is on campus less than twice in a week, they should be tested whichever day they are on campus. If the individual's test is within 72 hours of their work shifts for the week, one antigen test may suffice. Any individual who has tested positive for COVID-19 does NOT need to complete screening testing for the 90 days following the positive test.
2. **Masking:** For institutions with ninety percent (90%) or more of individuals fully vaccinated, in lieu of testing for exempt individuals, the IHE may require double masking. If this option is available and chosen, exempt individuals must *double mask indoors at all times when engaged in any activity connected to the college, university, or institution, whether that activity is on campus or off campus.

An institution with less than ninety percent (90%) of individuals vaccinated may combine the testing option with masking for different individuals if it chooses to do so.

- 3. Virtual accommodation:** If feasible, allowing faculty or staff, volunteers, or students individuals at an institution to work or participate wholly remotely.

Record Keeping

Vaccination Records: The institution must maintain vaccination records and testing results. Any vaccination, exemption or testing records must be made available to the Department of Public Health upon request.

Please note, any information provided directly to the Department must not include any confidential information such as names, dates of birth, social security numbers, or employee identification numbers.

Vaccination records must include the following information for faculty, staff/contractors, and students: numbers of fully, unvaccinated and vaccination status; numbers of medical or religious exemptions; numbers of refused exemption requests. Contracting agencies are responsible for reporting vaccination status of their covered workers to the Healthcare Institution and must maintain all records relating to vaccination status.

Testing Results: If the employer/institution is performing the testing, both positive and negative COVID results must be reported to PDPH within 24 hours of receipt of results. Results can be reported directly via a [REDCap Database](#) or by exporting a standardized file from an EHR or other data collection system and sending via a secure File Transfer Protocol (sFTP). Please contact COVID.EPI@phila.gov to obtain further instructions on reporting via the sFTP.

If the employer/institution is not performing the testing they do not need to report the results to PDPH. The results will be reported directly to PDPH by the lab or provider. The employer should keep a record of these results and make them available to PDPH upon request.

If the employee/student is doing an at-home over-the-counter test, all positive and negative COVID test results should be reported by the employee to the employer within 24 hours of results. The employer may choose to report all test results for all exempt individuals or may require the employee/student to self report to PDPH via [REDCap Database](#)

Extended Deadlines: IHE's must complete a written policy detailing how the employer will verify compliance of individuals using extended deadlines. Policies must be kept on file and made available for inspection and/or response to requests for information from PDPH. Electronic verification of compliance MUST be self-provided via REDCap survey by the date indicated on the survey, to be provided separately.

Enforcement

Beginning October 16th, 2021, the Department will exercise its inspection authority to review records per Chapter 6-500, Section 501 of the Philadelphia Code. These records must be made available to the Department upon request as dictated by Chapter 6-200, Section 202(4) of the Philadelphia Code and per the June 2020 Sixth Supplemental Emergency Regulation Governing the Control and Prevention of COVID-19 ("Mandatory Data Reporting Order")."

Records will be examined via a future scheduled submission calendar and/or unannounced in-person or electronic compliance audits of records by Department personnel. Method and timeline for unannounced audits will be determined in part by information included on the Vaccination Status REDcap survey, in response to complaints received against an institution, or case rates and frequency of outbreaks. Failure to comply may result in remediation planning or immediate penalties. These may include fines up to \$2000 per violation, per day, under Chapter 6, Section 103(2) of the Philadelphia Code, depending on the severity of the failure and the level of risk to faculty, staff, students, and the general public.

*Double masking means wearing a cloth mask tightly fitted over a properly fitted surgical mask or a well fitted respirator equivalent to an N95.

See also:

[August 16, 2021 Regulation](#)

CDC Contraindications and [Precautions](#)

How to Confirm [Proof](#) of Vaccination

FAQs

How are you recommending institutions of higher education handle exemptions? Does our institution need to create an exemption committee to review/grant/deny exemption requests?

In the case of either exemption, an exemption committee is not required. It is up to the institution to determine the method most adaptable to its population's needs in reviewing and deciding upon exemption requests.

- For both exemptions, a certification is required by the individual seeking exemption that the statements being submitted are truthful and correct. This certification must be made subject to applicable fines and penalties, including as provided in Section 1-108 of The Philadelphia Code. See "What must be included in the documents?" below.
- For medical exemptions, a committee may be helpful in reviewing the truthfulness and accuracy of documentation required for medical exemption. Alternatively, a licensed medical provider familiar with current medical conditions and contraindications to FDA and WHO authorized (EUA or EUL) vaccinations could review exemption requests.
- The Centers for Disease Control and Prevention (CDC) provide ongoing recommendations on COVID-19 vaccinations, including contraindications. Check [Contraindications and Precautions](#) frequently for ongoing updates.

What are the documents required for someone seeking a medical exemption?

The individual should request an exemption by submitting a signed certification from a licensed healthcare provider to the appropriate institution

What must be included in the documents?

A certification by a licensed healthcare provider, including a physician, nurse practitioner, or physician assistant licensed by an authorized state licensing board, including facts explaining why the exemption applies to the specific individual submitting the certification because the vaccine is contraindicated for the specific individual.

The individual must also certify that the information on the exemption request is true and accurate. Section 1-108 of the Philadelphia Code uses the following language:

"I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief.

"I understand that if I knowingly make any false statement herein, I am subject to such penalties as may be prescribed by statute or ordinance.

Signed _____

What are the documents required for someone seeking a religious exemption?

The individual should request an exemption by submitting a statement that certifies **they have a sincerely held religious belief that prevents them from receiving the vaccination**

What must be included in the documents?

- A statement as to the sincerely held religious belief preventing the individual from receiving the vaccination
- Any other documents the individual wishes to include that attest to the sincerely held religious belief
- The individual must also acknowledge the information on the exemption request is true and accurate. Section 1-108 of the Philadelphia Code uses the following language:

"I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief.

"I understand that if I knowingly make any false statement herein, I am subject to such penalties as may be prescribed by statute or ordinance.

Signed _____

Are at-home tests a recognized form of testing?

FDA-authorized at-home tests are a recognized form of testing. Follow the instructions in the package and report all results to PDPH. For reporting requirements, see the section on Record Keeping above.

What can happen if a COVID-19 vaccination card is fraudulently used or provided?

According to the FBI, unauthorized use of an official government agency's seal can be punished with a fine or up to five years in prison.

What can happen if exemption letters are fraudulently provided?

Provision and/or use of certifications, such as letters from providers falsely stating an individual has a medical contraindication, is a violation of The Philadelphia Code and punishable by fines of up to \$300 per violation.

Failure to comply with the requirements of the Vaccine Mandate Regulation, is also a violation of The Philadelphia Code and punishable by fines of up to \$2,000 per violation for businesses, and up to \$500 per violation for individuals.

Is there clarification regarding who is covered as a Higher Education Individual?

A Higher Education Individual is anyone who works, volunteers or attends one or more classes or other activities on campus in connection with a higher education institution; and has in-person contact with students, faculty, staff, or volunteers for the Institute of Higher Education.

For example: A person who works at the college bookstore would be included. A food service worker in the cafeteria would also be included. They are both either employed by the university or a contractor of the university.

Do visitors to campus need to be vaccinated?

Visitors to campus are not covered by the Vaccine Mandate Regulation, unless the visitors otherwise qualify as a Covered Higher Education Individual.

Is a parent or friend visiting campus, but not participating in any activity organized by the school covered?

No, as long as they do not visit classes or participate in other campus activities, they are not covered. These individuals must continue to mask at all times while indoors on campus.

Are people who use the gym, but are not affiliated with the university, covered?

No, these individuals would not be covered. However, you should consider whether you want the gym to allow for only vaccinated people so that masks are not required to be worn. Masks must be worn at all times unless vaccination of all staff and guests is required.

Are people who attend events on campus, such as a theater performance or sports competitions covered?

No, these individuals would not be covered. However, you should consider whether you want the venue (such as theater or arena) to allow for only vaccinated people. Masks must be worn at all times unless vaccination of all staff and guests is required.

Are people from the public who come into retail food spaces on campus covered?

No, these individuals would not be covered. However, you should consider whether you want the retail food spaces to allow for only vaccinated people. Masks must be worn at all times unless vaccination of all staff and guests is required.

Does this mandate apply to employees of contractors of IHEs who work on campus?

Yes. Employees of contractors of Higher Education Institutions are included if they qualify as Covered Individuals based upon working on campus. If the employees interact only with each other, however, and not with any students, staff, faculty or volunteers of the IHE, they are not covered.

What is the process if an employee or student refuses to comply?

If an individual who must be vaccinated refuses to apply for an exemption and/or refuses the accommodation options, the institution may not continue to employ the individual on location, allow the contractor to allow the individual to work on campus, or allow the individual to attend in-person classes, live on campus or participate in in-person activities of the IHE. The institution should consult with its legal department or human resources department on appropriate steps according to institutional policies.

There are no philosophical, political, social, or economic exemptions available for the mandate.

Who can I talk to if I have questions about this as an employee or student?

In all cases, we recommend the individual speak with their HR representative and/or legal counsel regarding options.

Individuals may reach out to PDPH with questions or concerns via the Call Center at (215) 685-5488, or email covid@phila.gov, or direct specific workplace related concerns to the Office of Worker Protections at the Philadelphia Department of Labor at (215) 686-0802.

Who will be monitoring the compliance?

The Health Department will monitor, and IHEs are required to keep records of vaccination status of all Covered Individuals, exemptions requested and granted, and accommodations granted.