



Frequently Asked Questions during the Public Health Emergency Related to Executive Order 264 - Vaccination and Testing Requirements

The Department of Children and Families is charged with ensuring that child care centers comply with the law. The rationale for the Executive Order (EO) is spelled out extensively in the text itself. For questions on the underlying science, please refer to the Centers for Disease Control and Prevention <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/child-care-guidance.html> which promulgated the standards adopted by New Jersey and other states. Below are responses to many of the questions received regarding vaccinations and testing requirements since the announcement of EO 264.

1. Do religious exemptions apply for staff for the COVID vaccine? If so, will those staff need to be tested weekly? Can a staff member not get vaccinated and just get tested weekly?

Staff can always opt for testing in lieu of the vaccine, regardless of the reason. All staff who forgo vaccination, however, must submit to testing.

2. If a staff member has a health condition and is unable to get the vaccine, can she still work?

Staff unable to get the vaccine may continue to work but must submit to weekly testing.

3. Does "facility employees" include all workers in the building or only those directly caring for the children?

The mandate applies to "all individuals employed by the covered setting, both full- and part time, including, but not limited to, administrators, teachers, individuals providing food, custodial, and administrative support services, contractors, providers, and any other individuals performing work in covered settings whose job duties require them to make regular visits to such covered settings, including volunteers. Covered workers do not include individuals who visit the covered setting only to provide one-time or limited-duration repairs, services, or construction."

4. Do I as the employer have to provide the weekly testing or is the employee required to do this on his/her own? Who is responsible for paying for the weekly testing? What about staff that don't have health insurance?

Employers are not required to provide or pay for the weekly testing but may opt to do so. The state does not provide nor pay for the testing.

5. What kind of weekly testing is acceptable? (at home kits, rapid test, PCR test)

Staff may use any of the available test kits including at home kits, rapid test and PCR tests.

6. When during the week should testing be done?

Centers may establish their own policy on when testing is done, so long as testing is required at least every week.

7. Does the staff have to present a negative test to enter the facility? If the results take time, are they presumed negative based on the previous week's test?

Testing must be conducted weekly. Staff will not be barred from the facility unless they receive positive test results, are symptomatic for COVID-19, or have been exposed to a person known to be infected.

8. What happens if a staff member didn't get tested for that week, do they have to be sent home?

An employee must be tested at least once a week if they have not been vaccinated. An employee who misses a weekly test must be tested before they can return to work.

9. What if an employee has high natural antibodies and can show proof of that? Do they still need to be vaccinated? Should they be tested immediately upon return or after the 90-day immunity period?

All employees must be vaccinated or submit to weekly testing, regardless of their proof of antibodies.

10. How are dealing with testing sites, are there preferred sites to use? Do you know if the county testing sites will be brought back?

There are no preferred testing sites. Staff may opt to use any legally operating testing site or at-home test kits.

11. Since testing is mandated are staff now allowed to move around to each classroom?

As of November 1, once all staff present are either vaccinated or test weekly, all staff will be permitted to move around the center freely.

12. How will the vaccination / testing be tracked? What do I need to keep at the center to show proof of vaccine or testing? A copy of the vaccination card or the negative test results?

A copy of a staff member's vaccination card or negative test results will be required to be maintained on file at the center as proof of compliance for review as needed. All centers will also have to submit testing information to the Department of Health.

13. EO 264 states that staff shall be tested a minimum of weekly or twice weekly until fully vaccinated, does this mean testing will never end if the staff chooses not be vaccinated?

While EO 264 remains in effect, staff who have not been fully vaccinated must be tested at least weekly, starting November 1.

14. What does this mean? "Covered settings collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information"

Employee health information, like other confidential employee information, must be stored in a secure setting and disclosed only as legally permitted. This information may be shared with necessary parties such as the OOL or health officials.

15. What are antigen or molecular tests?

Antigen and molecular tests are commonly used in the diagnosis of respiratory pathogens including COVID-19. They are performed using samples from the nose and throat.

16. If an employee has only received one dose of the vaccine do they need to be tested weekly until 2 weeks after their second dose?

Yes. All employees will need to be tested weekly until two weeks after their second dose of the vaccine.

17. Is there any change to visitors in the center?

Visitors must be screened upon entry and masked while in the center.

18. Is there a religious exemption for weekly testing for staff who are not vaccinated due to a religious exemption?

There is no religious exemption for weekly testing.