

NJ STATE EMPLOYMENT AND TRAINING COMMISSION

Commission Meeting

June 2, 2021



HOUSEKEEPING: ATTENDANCE, QUESTIONS AND MUTING

Please introduce yourself in the CHAT feature – enter your Name and Affiliation – for attendance purposes.

Use the CHAT feature to ask questions of the presenters.

Priority will be given to Commission members' questions, and we will try to address all questions during the meeting. Any remaining questions will be forwarded for further consideration after the meeting ends.

Please be considerate and mute your phone and/or computer microphone when others are speaking.





SETC AGENDA: WEDNESDAY, JUNE 2, 2021



- Welcome – **Dennis M. Bone**, SETC Chairman
- Minutes and Chairman’s Report – **Dennis M. Bone**, SETC Chairman
- NJDOL Updates – **Paul Yuen**, NJDOL Deputy Commissioner
- Employers at the Pivot Point – **John Sarno**, President, Employers Association of New Jersey (EANJ)
- Public Health & the Workplace – **Dr. Meg Fisher**, Office of the Commissioner, NJ Department of Health
- Public Comment and Adjournment

CHAIRMAN'S REPORT: DENNIS M. BONE

Career Pathway
Convening Summary
NJ SETC, June 2, 2021

Working Theme:

*Moving Along
Career Pathways
Towards Family
Sustaining Wages*

Moving Along Career Pathways Towards Family Sustaining Wages

○ Background

- Need to establish/improve stakeholder dialogue related to movement of literacy population
- Examine successful practices being used in parts of state
- Build off positive Integrated Education and Training (IET) models being used
- Focus on contextual options
- Develop/maximize ecosystems throughout NJ
- Improve/integrate movement through literacy and workforce development systems

Moving Along Career Pathways Towards Family Sustaining Wages

○ Areas of Consideration:

- Baseline models
- Successful practices
- Linking labor market information with contextual learning
- Establish regional protocols/communication systems
- Focus on shared/mutual needs

○ Potential Focus Areas

- Referral dialogues
- Case management/counseling
- Testing/assessment
- Evaluation
- Performance
- Available resources

Moving Along Career Pathways Towards Family Sustaining Wages

○ Targets

- Adult literacy providers
- Community Colleges
- Workforce Development Boards
- Community-Based/Faith-Based Org.
- Other

○ Timeline/Design

- Summer Call-to-Action
- Establishment of regional teams
- Ongoing activity/feedback
- Include successful regional stakeholders as area leadership

SETC — LOCAL WDB CERTIFICATION 2020-2022

- SETC Policy #2020-02 approved November 17, 2020
- Submissions from Local WDBs due in February 2021
- Ongoing Review Process by SETC staff
- Small number of LWDBs also have 2018 Certification pending
- Governance Committee will review as submissions are completed
- Recommendations to the full SETC in September
- Policy and Resources online: nj.gov/njsetc/policy/certification/

NJDOL UPDATES

Paul Yuen

Deputy Commissioner
NJ Department of Labor and
Workforce Development

NJ.gov/Labor

EMPLOYERS AT THE PIVOT POINT

John Sarno

President

Employers Association of NJ (EANJ)

EANJ.org

COVID-19: Employers at the Pivot Point



John Sarno, Esq.
Employers Association of New Jersey
June, 2021

New Jersey at a Glance

- 233,907 total business establishments with 3,679,443 total private workforce
 - **88.6% of businesses employ 9 or fewer workers**
 - 97.7% of businesses employ 49 or fewer workers
 - 2.9% of businesses employ 50 or more workers
- **75 percent of the state's workforce has some degree of in-person contact with co-workers and/or the public**
- **40 percent of the workforce are high-contact workers, such as bartenders and restaurant workers**
- 25 percent of the workforce, mainly office workers, can work from home

NJ Vaccine Rates

4.1 million fully vaccinated

Goal: 4.7 million



Infection transmission consistently below 1.0

Executive Order 242 (May 24, 2021)

Businesses with **indoor public spaces**, like restaurants and retail, can operate without requiring customers or workers to wear masks or to socially distance based on an honor system. However, they remain free to require masks if they want to.

Indoor public spaces do not include indoor worksites of employers that do not open their indoor spaces to the public for purposes of sale of goods, attendance at an event or activity, or provision of services. **Executive Order 192 applies**

Executive Order 243 (May 26, 2021)

Allows employees who are **fully vaccinated** to forgo masking and social distancing at work, although employers may choose to follow existing protocols. The Order also lifts the requirement to accommodate remote working arrangement to reduce staffs to the minimum necessary to conduct the business.

Summary of Executive Order 243 - effective June 4, 2021

1. Employers (defined as a business, non-profit, governmental or educational entity that requires or permits its workforce, whether in part or as a whole, to be physically present at a worksite) may choose not to accommodate working from home arrangements.
2. Employers need not continue reduced staffing at the worksite.
3. Consistent with the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act, employers may verify the vaccination status of employees.

Summary of Executive Order 243

4. Employers are not mandated to require employees to wear face masks or social distance at the worksite where the **employee provides proof** that they are fully vaccinated, as defined by the Centers for Disease Control and Prevention (CDC), and in accordance with federal and State law. **CDC considers an individual fully vaccinated two weeks after their second dose in a two-dose series, or two weeks after a single-dose vaccine.**

5. Where an employer is unable to determine the individual's vaccination status or the individual is **not fully vaccinated, employers must continue to require those employees to wear masks and practice social distancing in indoor spaces per Executive Order 192**, which allowed taking off a mask in an enclosed office.

Summary of Executive Order 243

6. Employers are permitted to impose stricter requirements regarding mask-wearing and social distancing in indoor settings for employees,
7. Employers are permitted to allow customers, visitors, and other authorized individuals to enter the worksite without requiring use of a mask or adherence to social distancing, regardless of their vaccination status but may establish a policy that requires customers, visitors, and similar individuals entering a worksite to wear a mask and/or social distance.
8. Employers shall not restrict individuals from wearing masks in those settings and shall not in any way penalize or retaliate against individuals who elect to wear a mask.

Summary of Executive Order 243

9. Daily health checks, such as temperature screenings, visual symptom checking, self-assessment checklists, and/or health questionnaires continue consistent with the confidentiality requirements of the ADA.

10. A duty is imposed to cooperate fully with the Order subject to penalties.

Non-Vaccinated Workers

About 20% of workers say they will not get the vaccine for personal or political reasons



General Duty OSHA Obligation

An employer “shall furnish to each of his employees employment and a place of employment which are free from **recognized hazards** that are causing or are likely to cause death or serious physical harm to his employees.”

What Does OSHA Say About COVID-19?

- COVID-19 is a **highly infectious disease that is spread from person to person** through particles produced when an infected person exhales, talks, vocalizes, sneezes, or coughs.
- COVID-19 may also be **transmitted when people touch a contaminated object** and then touch their eyes, nose or mouth, although that is less common.
- COVID-19 is highly **transmissible and can be spread by people who have no symptoms and who do not know they are infected**. Particles containing the virus can travel more than 6 feet, especially indoors.
- The CDC estimates that **over fifty percent of the recent spread of the virus is from individuals with no symptoms** at the time of spread.

OSHA does not require vaccine

- Employers can require workers to get a Covid-19 vaccine and bar them from the workplace if they refuse.
- Employer can verify if employee received the vaccine
- Accommodations for workers with disabilities and medical conditions
- Accommodations for sincere religious reasons

Liability for Side Effects of Mandatory Vaccine – Workers' Compensation

Whether workplace injury is the result of the medical treatment required by employer?

Possibility, yes.

Best Practice: Should be offered as completely voluntary like the flu shot: should not directly benefit employer – wellness program

OSHA states that employers do not need not record adverse reactions from COVID-19 vaccines under a voluntary program

Incentives to promote vaccinations

- Make sure the incentive is not too large as to lose its “voluntary” status.
- A large incentive could turn a "voluntary" promotion into something that appears coercive. There may also be a tax consequence on what is given and the amount.
- IRS guidance here <https://www.irs.gov/government-entities/federal-state-local-governments/de-minimis-fringe-benefits>

New York Times (updated May 26, 2021)

<https://www.nytimes.com/2021/05/04/upshot/vaccine-incentive-experiment.html>

- A cash reward works best with Democrats, and relaxing safety guidelines seems to motivate Republicans, a survey study shows.
- Roughly a third of the unvaccinated population said a cash payment would make them more likely to get a shot. The benefits were largest for those in the group getting \$100, which increased willingness (34 percent said they would get vaccinated) by six points over the \$25 group.
- The effect was greatest for unvaccinated Democrats, 48 percent of whom said they would be more likely to get vaccinated if it came with a \$100 payment.

Vaccine Promotion and Diversity

Unvaccinated persons, which include political objectors, but also people with disabilities, religious objectors and some people of color (due to historical factors), and fence-sitters (for personal reasons) - may resent being lumped together and written off or treated as a monolith.

They are a diverse group, many with complex reasons for their stances. They matter. Diversity and Inclusion training could help employers understand and manage that.

Thank you



Webinar

**The Post-Pandemic Workplace: Legal
Considerations for Employers**

Monday June 21, 2021

Time:10am-11am

Speaker: John J. Sarno

PUBLIC HEALTH & THE WORKPLACE

Meg Fisher, M.D.

Office of the Commissioner

NJ Department of Health

NJ.gov/Health



CONFIDENTIAL



HIGHLY PRELIMINARY

Let's get vaccinated, NJ!

What you need to know about the COVID-19 vaccines
June 2, 2021



Confidential, preliminary, pre-decisional, and deliberative. Content is descriptive only and

What is COVID-19 and how does it spread?

COVID-19 is a disease caused by a virus. It can be serious and have lasting effects.

COVID-19 is spread easily, often through close contact between people (within about 6 feet)

When people with COVID-19 breathe, talk, cough, or sneeze, they produce droplets that can **infect others nearby**

Source: <https://www.cdc.gov/coronavirus/2019-ncov/transmission/index.html>

Confidential, preliminary, pre-decisional, and deliberative. Content is descriptive only and is not meant to constitute legal, clinical, or policy advice.



Transmission

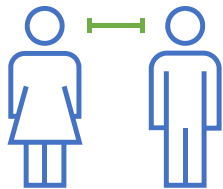


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How to help prevent the spread



Wear a mask that covers your nose and mouth



Stay at least 6 feet (about 2 arms lengths) from others



Avoid crowds and sick people



Wash your hands often



Get vaccinated

Source: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/need-to-know.html>

Confidential, preliminary, pre-decisional, and deliberative. Content is descriptive only and is not meant to constitute legal, clinical, or policy advice.

 covid19.nj.gov/vaccine



COVID-19 vaccines are



SAFE



EFFECTIVE

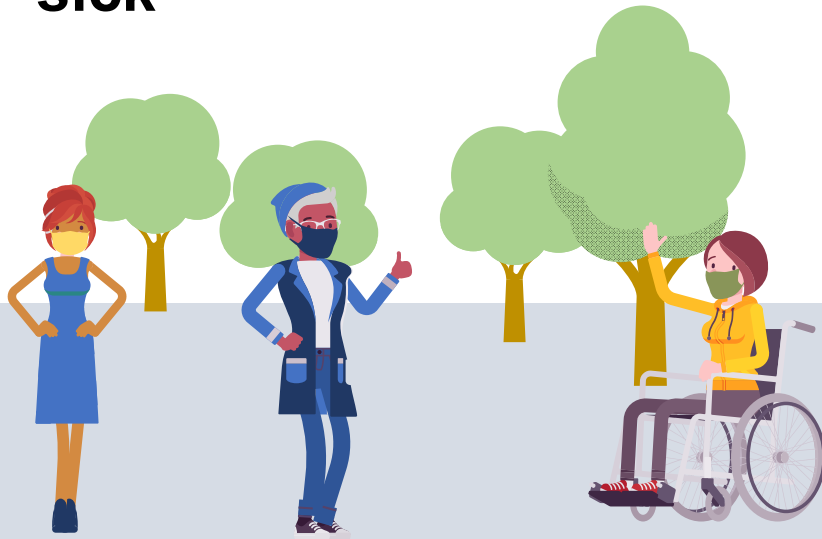


FREE
for all

You can get a vaccine if you are **uninsured, and / or undocumented**

Why are COVID-19 vaccines important?

Vaccination helps build up your defenses and keeps you from getting sick



Vaccines help you:

- ✓ Protect yourself
- ✓ Protect others

It is believed that the more people vaccinated, the less sickness will be in our communities.



Are the vaccines safe?

Yes.

The COVID-19 vaccines are safe



Three **vaccine brands**, Pfizer BioNTech, Moderna, and Johnson & Johnson have been released for use by the FDA

You cannot get COVID-19 from any of the authorized vaccines because they do not contain live virus.

The vaccines do NOT alter your DNA and **do NOT** cause infertility

Before getting the vaccine, talk to your doctor if you^{2,3}:

- Have a severe allergy to the ingredients in the vaccine
- Have had a serious reaction to a vaccine in the past
- You are breastfeeding, pregnant, or plan to become pregnant

Source: 1) <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety.html>, 2) <https://www.fda.gov/media/144414/download>, 3) <https://www.fda.gov/media/144638/download>, <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/janssen-covid-19-vaccine>

Confidential, preliminary, pre-decisional, and deliberative. Content is descriptive only and is not meant to constitute legal, clinical, or policy advice.

Why was the Johnson & Johnson (Janssen) vaccine paused?

On April 13, 2021 out of an abundance of caution and following federal guidance, administration of the J&J vaccine was paused due to rare (6 out of nearly 7 million doses) reports of severe blood clots.

On April 23, 2021 after intensive review by research committees and federal entities, the vaccine pause was lifted and vaccination with J&J was deemed safe to resume.

This process demonstrates that the federal vaccine safety monitoring system is strong, and should instill confidence in receiving any of the approved vaccines.



Source: NJ DOH

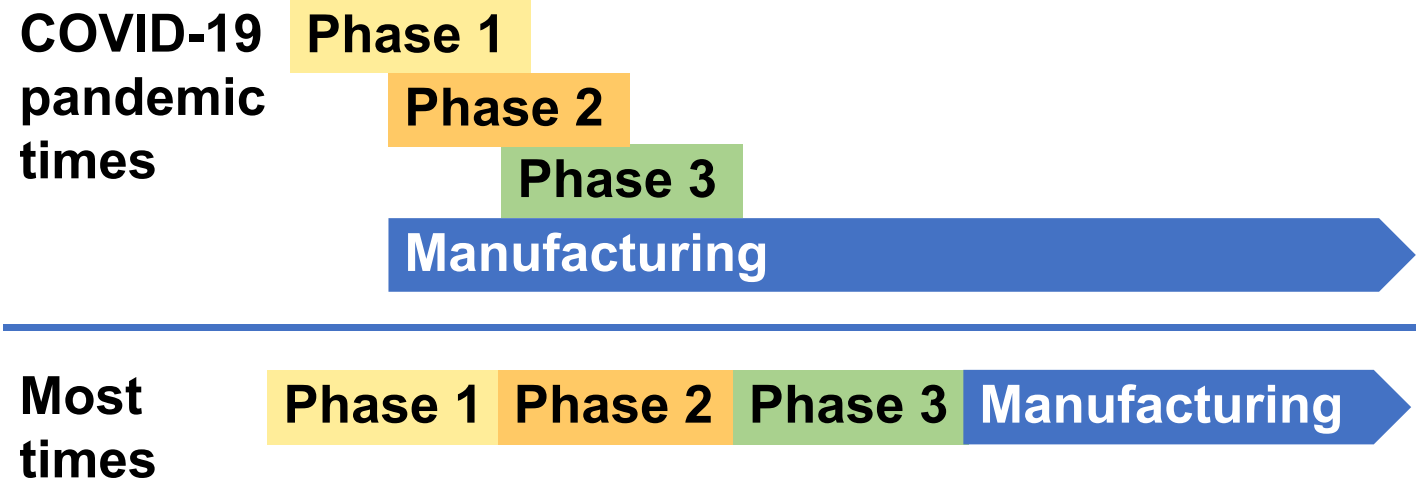
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How were the vaccines developed so quickly?

We've had research on a similar virus and the vaccine technology for many years.

Testing a vaccine usually occurs in phases

For the COVID-19 vaccine, **phases overlapped** and **manufacturing efforts began early** so we could have vaccines available as soon as it was authorized



Source: <https://www.cdc.gov/vaccinesafety>; <https://www.cfr.org/background/guide-global-covid-19-vaccine-efforts>

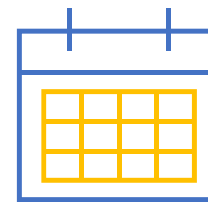
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Why do I need two doses?

You need **both doses of the Pfizer and Moderna vaccines** for maximum protection.



Your second dose should be the same brand your first dose



The vaccine doses are spaced about 3 (Pfizer BioNTech) or 4 (Moderna) weeks apart



After vaccination, continue to wear a mask and practice physical distancing

Source: DOH Public FAQs, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html#doses>

Confidential, preliminary, pre-decisional, and deliberative. Content is descriptive only and is not meant to constitute legal, clinical, or policy advice.

Some vaccine types may not require two doses.




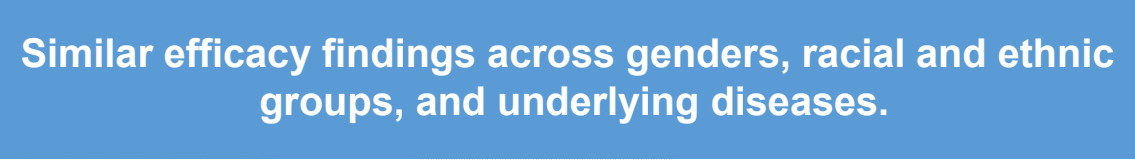
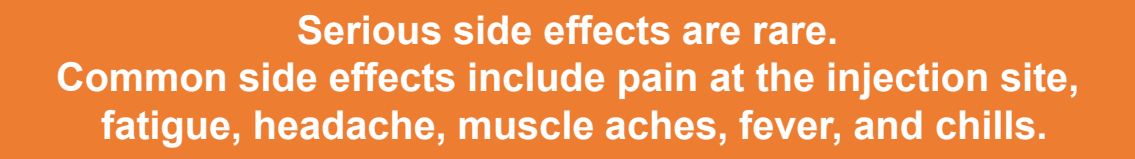
For example, the Johnson & Johnson vaccine **requires only 1 dose.**

You should not wait for a particular type of vaccine unless advised to do so by your healthcare provider.

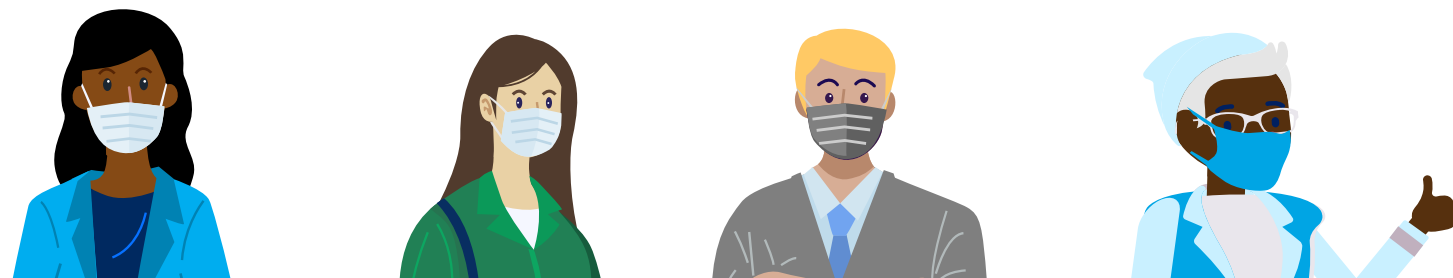
Source: <https://www.cdc.gov/vaccines/covid-19/info-by-product/clinical-considerations.html>

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About the 3 COVID-19 vaccines:

	Moderna	Pfizer / BioNTech	Johnson & Johnson
Authorized by FDA for Emergency Use			
Clinical trials	Tested on >30,000 people	Tested on >43,000 people	Tested on >43,000 people
Dose information	2 doses, 4 weeks apart	2 doses, 3 weeks apart	1 dose
Trial findings			
Side effects			

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**ALL New Jerseyans age 12
and older are eligible for a
COVID-19 vaccine.**

Schedule an
appointment
or get help by
phone at
**855-568-
9545**

Visit
[covid19.nj.gov/vaccine](https://www.nj.gov/vaccine)
for links to
online
scheduling

Please check
[covid19.nj.gov/vaccine](https://www.nj.gov/vaccine)
for updates. Appointment
availability depends on vaccine
supply.

Employee time off allowances for COVID-19

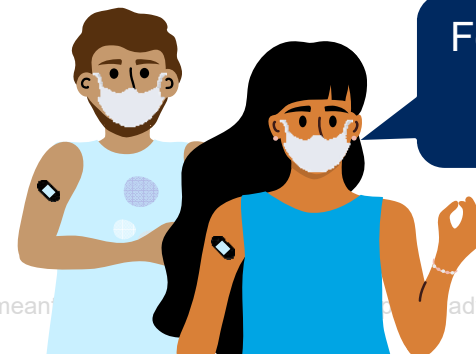
If an individual has tested positive for COVID-19 or has symptoms of COVID-19 and is unable to work, they:

- ✓ **Cannot be fired for taking time off** to test, quarantine or isolate with a medical note recommending the employee take that time off
- ✓ **Can ask their employer about Federal Paid Sick Leave**
- ✓ **Can use accrued New Jersey Earned Sick Leave** to care for themselves or a loved one with COVID-19

In addition, individuals can use **NJ Earned Sick Leave** to get a **COVID-19 vaccine**:

- ✓ **Can use NJ Earned Sick Leave** to get their **COVID-19 vaccine**

Employers **must pay up to 40 hours of NJ Earned Sick Leave per year** to most full- and part-time employees, including migrant and seasonal employees



For full details or to file a complaint, visit mysickdays.nj.gov

Source: New Jersey Department of Labor and Workforce Development.

Confidential, preliminary, pre-decisional, and deliberative. Content is descriptive only and is not meant to be used as legal advice.

covid19.nj.gov/vaccine

Everyone 12 or older who lives, works, or studies in New Jersey is now eligible for the COVID-19 vaccine.

COVID-19 vaccines are safe and highly effective at preventing you from getting sick. They are one of the most important tools to ending the COVID-19 pandemic and getting back to what you love.

ON THIS PAGE

- [How to get vaccinated](#)
- [Get help getting an appointment](#)
- [Learn more about vaccination](#)
- [Vaccine statistics](#)

How to get vaccinated

Find a vaccine appointment

Use the NJ Vaccine Appointment Finder to find vaccination locations near you with available appointments.

[NJ Vaccine Appointment Finder](#)

Visit a megasite for walk-in appointments

All six vaccine megasites are open for walk-in vaccinations, typically during the following times:

NJ COVID Vaccine Call Center

You can **make an appointment** for the COVID-19 vaccine, **get help** with the scheduling system, **check registration status**, and **ask vaccine questions** by phone



Interpreters are available

Call 855-568-0545

Where can I learn more?



**NJ Vaccine Call
Center 855-568-0545**

Schedule or register for an appointment, ask questions, get contact information for vaccine sites, look up your registration

Available in many languages, including Spanish



Scan here

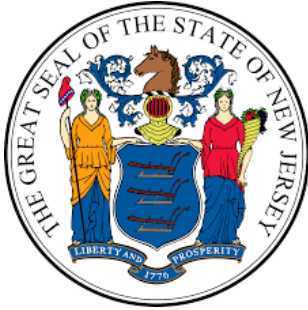


**NJ COVID-19 Information
Hub covid19.nj.gov**

Up-to-date information about COVID-19 and the State's response, including information about services such as food assistance and small business assistance
Available in English and Spanish



Text NJCOVID to 898-211 to receive text information and stay informed



NJ Employer COVID-19 Vaccine promotion toolkit: How to promote the COVID-19 vaccine among your NJ-based employees

May 2021

Employer Initiatives



Employer checklist:

- Ensure all employees have information on how to access the vaccine

- If interested, [sign-up](#) to host a no cost vaccine clinic

- Promote the usage of the State call center

- Implement additional vaccine promotion actions appropriate for your organization

Based on input provided by State agency leaders and staff, to date, and subject to change. Content is descriptive only and is not meant to constitute legal, clinical, or policy advice.

The New Jersey Department of Health is pairing vaccine providers with employers to create no-cost, on-site vaccine pop-up clinics to help employees and their families access the vaccine

You will be asked to offer a space where the vaccines could be administered and space for waiting and rest areas

The clinic staff and vaccine doses will be provided by the identified vaccine provider partner

Please complete the [On-site Vaccine Clinic Interest Survey](#) if you would like to be considered to host a pop-up clinic on-site at no cost (Note: the form will request information about how many employees you have and other logistical questions)

Completing this survey is the first step to notify NJ Department of Health and its partners of your interest; the NJ Department of Health will be in touch to discuss how to help fulfill your request

Employer checklist:

- Ensure all employees have information on how to access the vaccine
- If interested, [sign-up](#) to host a no cost vaccine clinic
- Promote the usage of the State call center
- Implement additional vaccine promotion actions appropriate for your organization**

Based on input provided by State agency leaders and staff, to date, and subject to change. Content is descriptive only and is not meant to constitute legal, clinical, or policy advice.

Actions NJ employers could take to encourage employee vaccinations

Non-exhaustive



Build conviction

- Share vaccine educational information**, provide FAQs, and acknowledge concerns via targeted communication channels e.g., emails, flyers/posters
- Host discussions with State experts** to share scientific information, answer questions, and acknowledge concerns
- Internally highlight employee role models** who received the vaccine and can discuss their experience
- Publicly pledge** to help employees get vaccinated and encourage other NJ employers to do the same



Amplify convenience

- Inform employees about how to access the vaccine** e.g., location of local sites, hours for walk-in appointments
- Subsidize out-of-pocket costs** such as transportation or offer free rides to and from vaccination sites



Provide costlessness

- Offer rewards** for vaccination e.g., cash bonuses, recognition, wellness program reward points
- Provide incremental sick days or paid time off (PTO)** for vaccination and any needed recovery time
- Offer **extended lunch hours / breaks** for employers to get vaccinated

Help us spread the word!

The COVID-19 vaccine is
safe, effective, and free
for all



@NJDeptofHealth

#VaccinesWork

#LetsGetNJVaccinated



PUBLIC COMMENT AND FINAL QUESTIONS

Audio lines will be open for public comment.

Please also use the CHAT feature to ask any final questions.





THANK YOU

Next Commission Meeting:

Wednesday, September 15, 2021

10am - 12pm

Online GoTo Meeting

[https://global.gotomeeting.com/join/
394439821](https://global.gotomeeting.com/join/394439821)