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## LOPD COVID-19 VACCINATION AND TESTING REQUIREMENTS 5.2

Per the LOPD Restoring Services to Clients, COVID-19 Vaccination and Testing Requirements Plan 5.1, the following provides directions on COVID-19 testing requirements for employees who have not provided proof of COVID-19 vaccination.

- 1) Proof of COVID-19 Test and Results: An official result of a viral test (antigen or polymerase chain reaction (PCR) for COVID-19 from Vault Health or an authorized COVID-19 testing site. (An antibody test does not meet this definition.)
- 2) **Employees who are not fully vaccinated or unwilling to provide proof of COVID-19 vaccination, regardless of teleworking or physically in the office, shall be required to test for COVID-19 every seven (7) days and retain the test result(s) until the employee becomes fully vaccinated or further notice.**
- 3) **On August 24, 2021, employees are required to begin COVID-19 testing and must retain the proof of a COVID-19 test result(s) no later than Tuesday, August 31, 2021, at 5 pm and every Tuesday by 5 pm after that.** If an employee chooses to receive the COVID-19 vaccine and submits proof of complete vaccination, the requirement for testing will no longer be necessary.
- 4) Employees are not required to submit proof of COVID-19 test(s) or result(s) to the department (LOPD-HR) at this time. **Instead, employees are responsible for maintaining accurate records of all their own COVID-19 test(s) and result(s) and be prepared to submit them to LOPD-HR upon request within two (2) business days of the request from the department (LOPD-HR).**
  - **Please note:** The LOPD-HR will conduct periodic inquires with employees to confirm compliance with the testing requirements.
- 5) Employees' COVID-19 testing must occur outside of working hours and with minimal disruption to business operations whenever possible, including, for example, through Vault Health (<https://learn.vaulthealth.com/nm>), which allows the requester to have a test shipped directly to a provided address and ship back the test sample. If employees cannot secure COVID-19 testing outside of working hours, they must obtain pre-approval from their supervisor before taking the required COVID-19 test during working hours.
  - Employees required to test, who have received pre-approval from their supervisor to take the test during working hours, shall be granted one (1) hour of paid administrative leave to take the weekly COVID-19 test, provided the test is taken during an employee's regular scheduled hours.
  - The use of paid administrative leave **shall not, in any event,** cause an employee to have extra hours worked or result in overtime.

- Employees approved to use one (1) hour of paid administrative leave must enter the Time Reporting Code (TRC) ADMLV into their timesheet and note it within the comment bubble: **COVID Testing.**
  - Employees needing more than the one (1) hour of approved administrative leave are required to use their own accrued sick leave, compensatory time or premium banked overtime.
  - Managers and supervisors are responsible for ensuring employee timesheets are correct.
- 6) **Requests for proof of COVID-19 result(s) will only originate from LOPD-HR. When the employee is directed to provide proof of COVID-19 result(s) they must submit result(s) within two (2) working days to the designated email address: [LOPD-COVIDresults](mailto:LOPD-COVIDresults).**
- Any employee who fails to submit proof of COVID-19 result(s) within two (2) working days will not report to the office and test for COVID-19 immediately and will have no more than five (5) working days to provide the test result. When negative test result(s) are received before the 5<sup>th</sup> working day, employees are required to return to work within 24 hours of receiving the results.
  - Under this provision, employees may be required to telework or may be required to use their own accrued annual leave, personal day/leave, compensatory time, or premium banked over time, or may be eligible for paid administrative leave, if authorized by the Chief Public Defender until the result(s) have been submitted.
  - Proof of COVID-19 result(s) shall be maintained by LOPD-HR in a confidential file, separately from employee personnel files.
  - Any employee who purposefully delays COVID testing or knowingly provides fraudulent proof of COVID-19 result(s) may be subject to discipline, up to and including dismissal.
- 7) **Any employee who tests positive for COVID-19 shall NOT report to work in the office, and must provide a copy of the positive test, notify their supervisor immediately, and follow the NMDOH isolation and quarantine instructions.**
- Managers and Supervisors *must* submit proof of all employee COVID-19 positive test results to [LOPD-HR@lopdnm.us](mailto:LOPD-HR@lopdnm.us) and Deputy Chief Jennifer Birmingham immediately after receiving notification *and* no later than four (4) hours after receiving notice.
- 8) The testing requirements apply to all employees who are not fully vaccinated or are unwilling to provide proof of COVID-19 vaccination, including those with approved telework arrangements.
- 9) Any employee who fails to comply with this plan may be subject to disciplinary action, up to and including dismissal.

**Resources:**

- [New Mexico COVID-19 Testing Information](#)
- [How to pre-register for your COVID-19 test](#)
- [New Mexico Department of Health Testing and Immunization Portal](#) [Please be aware that you can only register for tests or immunizations at State-operated public health locations using this website.]
- [New Mexico Department of Health Test Sites](#)
- [New Mexico Department of Health COVID-19 Test Results](#)
- [Vault Health](#) (No Cost COVID Testing for All New Mexicans)
- [NMDOH Policies For The Prevention and Control of COVID-19 in NM \(8/6/2021\)](#)

- For information about COVID-19 testing and other public health information, call the Department of Health coronavirus hotline at 1-855-600-3453. You may also visit [cv.nmhealth.org](http://cv.nmhealth.org) for general COVID-19 information and [togethernm.org](http://togethernm.org) for COVID-19 testing information
- For assistance with COVID-19 health insurance questions and issues, to obtain health insurance, or to obtain help if you have been denied coverage or inappropriately been charged for COVID-19 testing or treatment, call the New Mexico Superintendent of Insurance COVID-19 health insurance call center at 1-833-415-0566 from 8 am to 6 pm, Monday through Saturday.

### **Recommendations & Tips:**

- Plan, plan and plan again...
- **Don't wait** – arrange for COVID-19 testing as soon as possible to determine results turnaround, as they can vary widely for all non-Department of Health locations. Please Note: per the NMDOH website:  
**“Testing criteria, required information for testing, and results turnaround, can vary widely for all non-Department of Health locations. Please ask their criteria and required information before visiting the test site.”**
- Anticipate that you will have to submit proof of COVID-19 test(s) and result(s) every Tuesday.
- Use your cell phone to set re-occurring calendar reminders to test for COVID-19.
- Make sure your email address/contact info is correct each time you arrange for COVID-19 testing.
- Take pictures of each COVID-19 test(s), result(s) and save them to your cell phone by date.
- Create folders and label them by date for each COVID-19 test and result.
- Keep proof of COVID-19 test(s) and result(s) information in a safe place and readily available to submit within two (2) working days.
- Schedule your COVID-19 Vaccination

### **10) Employees must also conduct a self-screening prior to arriving at work:**

- **Employees are required to complete a self-screening daily prior to arriving at the office by asking the following self-screening questions:**
  - ❖ Have you tested positive for COVID- 19 in the last 10 days?
  - ❖ Have you experienced any [COVID- 19 symptoms](#) in the past 48 hours?
- Employees that answer yes to any of the above questions or have received a COVID-19 positive test or had exposure to COVID-19 must stay at home, discuss with their supervisor, and contact your healthcare provider immediately or [schedule a test at one of NMDOH facilities](#) around the State.

### **11) Employees experiencing symptoms:**

- Any employee experiencing any COVID-19 related symptoms (including fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscles or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea) must stay at home, notify their supervisor and arrange for free testing through the NMDOH [HERE](#) or call the NMDOH at 1-855-600-3453.
- The CDC's coronavirus self-checker is located [HERE](#).
- All employees must request and obtain approval to use accrued sick leave or annual leave to cover any absences from work.