



## **Administrative Procedure 5185**

# ***Mandatory COVID-19 Testing of Staff and Designated Persons***

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**Board Governance Policy Cross Reference:** [1](#), [2](#), [3](#), [4](#), [9](#), [13](#)

**Administrative Procedures Cross Reference:**

[Records Management](#)

[Records Management – Protection of Personal Health Information of Employees](#)

[Records Management – Protection of Personal Information of Employees](#)

[Records Retention and Disposition](#)

[Blood Borne Infections / Handling Bodily Fluids](#)

[Prevention of Communicable Disease / Infection Transmission](#)

[Workplace Safety and Health](#)

[Workplace Safety and Health - Contractors](#)

[Workplace Safety and Health Duties/Responsibilities for Safety and Health](#)

**Form Cross Reference:**

Mandatory Test Completion Attestation Form

Central Testing Attendance Form

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**Legal/Regulatory Reference:**

[Public Schools Act 41\(1\)](#)

[Workplace Safety and Health Act 4\(1\) and 4\(2\)](#)

[Education Administration Act](#)

[The Public Health Act](#)

[Orders Under the Public Health Act](#)

[Personal Health Information Act](#)

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**Date Adopted:** October 12, 2021

**Amended:**

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The Brandon School Division is committed to upholding its statutory obligations to provide a safe environment to all pupils who attend our schools, all employees who work in our facilities, and all members of our community who volunteer or

visit our schools ([Public Schools Act 41\(1\)](#); [Workplace Safety and Health Act 4\(1\) and 4\(2\)](#)).

On August 24, 2021, Manitoba Public Health announced its intention to introduce new Public Health Orders that would compel all employers providing services to vulnerable populations (including children) to observe the implementation of mandatory collection of proof of full vaccination or mandatory testing of all employees and school site visitors having direct contact with children. These Orders were published on September 24, 2021.

On September 2, 2021, Manitoba Education published additional directives pertaining to “immunization and testing requirements” that serve to operationalize the mandatory collection of proof of full vaccination or mandatory testing of all employees and school site visitors having direct contact with children.

On September 24, 2021 Public Health Orders provided additional directives to the requirements regarding vaccination or testing for designated persons.

This Administrative Procedure is one component of a comprehensive pandemic response plan that aims to:

- ensure a successful return to in-school learning, uninterrupted by COVID-19 outbreaks;
- reduce transmission of COVID-19 in the Brandon School Division’s schools and facilities; and
- mitigate the risk of severe COVID-19 outcomes among individuals in our schools, particularly those individuals who are unable to be vaccinated due to legitimate medical, personal or religious reasons or for whom vaccines are not currently approved, notably children born after December 2009.

## **REQUIREMENTS**

- In accordance with the September 2, 2021, directives published by Manitoba Education on “immunization and testing requirements” educational workers including teachers, educational support staff, school administration staff, custodial staff, bus drivers, child care staff working in school-based early learning and child care facilities, clinical and health care related occupations in schools; volunteers; and post-secondary practicum students, are required to provide proof of full vaccination or submit to testing “up to three times per week.”
- In accordance with the September 24, 2021 Public Health Orders, persons designated requiring proof of vaccination or mandatory testing include persons who have direct and ongoing or prolonged contact with pupils at a public or independent school. For certainty, this includes teachers, educational support staff, school administration staff, custodial staff, bus drivers, practicum students

as well as persons volunteering at a school who have direct and ongoing or prolonged contact with pupils.

To comply with these requirements the Division has developed this Administrative Procedure, subject to the **GUIDELINES** and **PROCEDURES** below, providing that all of its employees, contractors, trustees, and/or volunteers who have direct contact with pupils in the Division herein after referred to as "**designated persons**" must undergo testing up to three times per week or provide proof of full vaccination. Additionally, the Division mandates that all designated persons who have direct contact with vulnerable populations (including children) are, at the discretion of the Division, required to submit proof of full vaccination prior to entry to school properties where children may be present and/or, at the discretion of the Division, to undergo testing up to three times per week, in order to enter a Division facility. For clarity, the Division may, at its discretion, require those designated persons who attend a divisional facility on an irregular basis, to have conducted and received a negative test within 48 hours prior to their attendance at such a facility.

For the purposes of this Administrative Procedure, "fully vaccinated" shall mean individuals who have received both doses (any combination) of an approved two dose COVID-19 vaccine (AstraZeneca, Pfizer, Moderna), or a single dose of an approved single dose COVID-19 vaccine (Janssen/Johnson & Johnson) with more than 14 days having passed since the final vaccination was received, which definition shall be subject to ongoing amendment and compliance with the Manitoba Public Health definition of "full vaccination" which may exceed the current dosage definition.

## **GUIDELINES**

### **Staff/Volunteers**

All persons employed or engaged by the Division as of September 7, 2021 – including casual, term, and permanent employees – are asked to provide proof of full COVID-19 vaccination status to their Principal or designated Supervisor.

Employees and volunteers who do not provide proof of full COVID-19 vaccination will be required to undergo COVID-19 testing up to three times per week until they have provided proof that they are fully vaccinated.

### **New Employees and Volunteers**

All persons offered casual, term, or permanent employment, or engagement as volunteers in the Division after September 7, 2021, will be required to provide proof of full COVID-19 vaccination status at the time of hire or engagement. Newly hired employees or volunteers who do not provide proof of full COVID-19 vaccination will be required to undergo COVID-19 testing up to three times per week, until they have provided proof that they are fully vaccinated.

## **Accommodation**

Notwithstanding the foregoing and consistent with its human rights obligations, the Division will provide reasonable accommodation to the point of undue hardship to employees who are legally entitled to accommodation based on a protected ground under the Human Rights Code. All employees requesting accommodation must participate in the accommodation process and provide reasonable and necessary information satisfactory to the Division related to the accommodation request, failing which the Division may be unable to provide any accommodation.

## **Visitors**

A visitor is defined as anyone other than:

- a. a Divisional employee assigned to work at the school or facility;
- b. an itinerant Divisional employee whose duties require them to attend the school or facility;
- c. an employee of an organization or person affiliated with an organization that leases space from the Division in the school or facility, unless requirements or Public Health Orders expressly direct a different standard or timeline be applied to the employees or affiliates of the organization; who has direct contact with vulnerable populations, including children.

For greater clarity, public health and safety, social welfare and/or emergency response personnel (such as police officers, first responders, social workers or public health nurses) performing duties in scope of their legal authority or professional responsibilities may still attend schools to carry out their duties. These personnel however, at all times must maintain compliance with general safety measures, when applicable and warranted. These general safety measures include: mandatory use of medical masks when in the presence of pupils in indoor settings; maintaining physical distancing; proper hygiene measures, such as frequent handwashing and hand sanitization; self-monitoring for symptoms of COVID-19; and self-isolating or staying at home when sick.

In order to reduce the risk of transmission of COVID-19 in the Division schools and facilities, visitor access to buildings will be restricted. To attend at the premises of the Division, all visitors born on or before December 31, 2009 must provide proof that they are fully vaccinated and/or provide proof of negative COVID-19 results at the discretion of the Division. This requirement can be waived by the Principal for parent/guardian access to a school if there is no direct or prolonged contact with pupils by the parent/guardian and the purpose of the access is for programming meetings, picking up a student, or other purposes approved by the principal.

## Policy Review

This Administrative Procedure will be in place for one year from the date of implementation. This Administrative Procedure may be revised, rescinded, or extended.

## PROCEDURES

- A. The Division will accept as proof of COVID-19 vaccination status the digital or physical version of the [Manitoba Immunization Card](#). Other forms of proof will be assessed by the Division according to September 7, 2021 guidance provided by the Manitoba School Boards Association.
- B. Collection of personal health information will comply with the provisions of the [Personal Health Information Act](#), and the following [BSD Administrative Procedures: Records Management](#); [Records Management – Protection of Personal Health Information of Employees](#); [Records Management – Protection of Personal Information of Employees](#)
- C. Personnel responsible for hiring new employees or engaging new volunteers will verify the full vaccination status of applicants.
- D. Designated persons are required to submit COVID-19 test results up to three times per week, must do so according to the schedule determined by the Division, prior to engaging in direct contact with a pupil. At least one rapid test must be self-administered with designated test supervision.
  - i. Test #1 – Self-administered and designated test supervision at central test site every Tuesday between the hours of 4:15 - 6:15 p.m.
  - ii. Test #2 – Self-administered at home between Thursday 4:15 pm – Friday 8:15 am
  - iii. Test #3 – Self-administered at home between Sunday 4:15 pm – Monday 8:15 am

Note: test #1 and test #2 do not apply during winter or spring break. However, all designated persons must administer test #3 prior to the resumption of school.

- E. Designated persons are required to report the result of their rapid COVID-19 test to their administrator immediately after the result is provided in the manner specified by the administrator.
- F. The results of self-administered tests conducted at home may be subject to verification by the Division. Home test results and attestation must be recorded on the verification form provided during the supervised testing.
- G. The Division will designate test supervisors for supervision of self-administered on-site rapid testing of designated persons. Test supervisors must not themselves administer tests.

- H.** The test supervisor will:
- i. monitor on-site self-administration of rapid tests by designated persons;
  - ii. ensure that the sampling, testing and verification procedures are completed effectively and in keeping with guidelines;
  - iii. respect employee or volunteer privacy and confidentiality;
  - iv. provide direction to supervised employees or volunteers regarding the safe, on-site disposal of completed test units;
  - v. receive training on and implement applicable workplace safety and health protocols, including those related to handling and disposal of hazardous and/or medical waste; and
  - vi. wear required personal protective equipment as provided by the Division (i.e., medical mask, procedural or protective eyewear and/or face shield, impermeable latex gloves, and medical gown).
- I.** Should a rapid test yield positive results—whether conducted at home or on site, the employee or volunteer bears the responsibility to immediately self-isolate and seek confirmation of test positivity by completing a Polymerase Chain Reaction (PCR) COVID-19 test at the nearest Provincial testing site, at the earliest possible time.
- J.** To be clear, the Division is not responsible for reporting positive test results to Public Health, based on an at-home or on-site rapid test. If the designated person’s PCR test confirms positivity, public health notification and contact tracing measures will be operationalized.
- K.** At the discretion of the Division, designated persons may be required to undergo supervised on-site self-administration on a more frequent basis.
- L.** The period of time between the self-administration of tests will not exceed 48 hours during the week, and self-administration of tests will not exceed 48 hours prior to engaging in direct contact with pupils, whichever is applicable to every designated person.
- M.** Testing will not occur during periods of extended leave (one week duration or longer), but testing must resume no more than 48 hours prior to returning to the workplace and/or facility.
- N.** An employee or volunteer who is not at work or not on site on a day that they are scheduled to provide their test result, must provide it the day of their return to work or to the facility, prior to entering a school facility and/or prior to entering into direct contact with a pupil.

The Division will accept the results of:

A self-administered rapid test as defined by the Division.

A designated person receiving a positive test result must not return to their

workplace until they provide:

- i. Proof of a negative PCR test, or;
  - ii. Written notice from a public health official that authorizes them to return to their workplace; or
  - iii. Ten (10) days have passed since they tested positive on a rapid COVID-19 test.
- O.** Requests for accommodation for the exemption of COVID-19 testing must be accompanied by the information required and will be reviewed by the Division.
- P.** The Division will provide for secure retention, retrieval and destruction of all records, in compliance with privacy, confidentiality and all safeguards concerning the protection of personal health information as specified by the [Personal Health Information Act](#), [Records Management – Protection of Personal Information of Employees](#); [Records Retention and Disposition](#). Forms must be destroyed after 30 days.
- Q.** The Superintendent/Chief Executive Officer will:
- a. closely monitor the requirements and recommendations of the Department of Education, Manitoba Public Health and the Governments of Manitoba and of Canada,
  - b. advise the Board of any changes in circumstance which may impact the need and/or application of this Administrative Procedure,
  - c. recommend Administrative Procedure revisions, including rescindment, for the Board's consideration
- R.** Any breach of this Administrative Procedure by a Divisional employee or volunteer, including the provision of false and/or misleading information, may result in discipline, up to and including termination of employment or revocation of volunteer privileges.
- S.** Any breach of this Administrative Procedure by a visitor, including the provision of false and/or misleading information, may result in revocation of visitation privileges.

## Brandon School Division Mandatory Test Completion Attestation Form

(DATE: day/month/year)

**Test Site Hours and Location:** Tuesdays from 4:15 – 6:15 pm at The Town Centre Parkade (800 Rosser Avenue), lower level, east side (former blood donor clinic)

Part 1	Office Use (please initial)
Name of Person Completing Attestation: _____	Verified ID:  _____ (initials)
Work Location: _____	Verified location:  _____ (initials)
Contact # (for next 60 minutes): _____	Verified contact #:  _____ (initials)
Part 2	
<p>LEGAL ATTESTATION</p> <p>I, _____  <i>(insert printed full name here),</i></p> <p>attest that I have completed all mandated COVID-19 tests for the above period in fulfilment of all requirements and established protocols of the Brandon School Division, upon penalty of termination of my employment, engagement, or access to school properties, whichever such penalty shall apply to my person, and applied in the event of verifiable non-compliance with all testing requirements to which I am subject, and/or misrepresentation of facts on this attestation.</p> <p>I further attest that the said tests were completed on  <i>(insert dates according to dd/mm/yy; dd/mm/yy; dd/mm/yy)</i></p> <p>and that said test results were negative.</p> <p>Signature: _____</p> <p>Date of attestation: _____  <i>(day/month/year)</i></p>	<p>Verified completion:  _____ (initials)</p>

**Part 3**

**SUPERVISED RECORD OF COVID-19 TEST RESULT**  
(applicable only for purposes of on-site, supervised rapid tests)

I attest that I have supervised the above named attestee during self-administration by the attestee of COVID-19 testing procedures and do further confirm that said procedures were performed, conducted and completed according to all expected and established requirements.

Signature of Test Supervisor:

\_\_\_\_\_

Date of record: \_\_\_\_\_  
(day/month/year)

Test Kit # \_\_\_\_\_

Test Kit # verified: \_\_\_\_\_  
(initials)

Time test was administered \_\_\_\_\_

**Part 4**

I attest that I have observed a

\_\_\_\_\_

(negative/positive /incomplete)

testing result based on the completed screening.

Signature: \_\_\_\_\_

Test kit # \_\_\_\_\_

Test kit # verified: \_\_\_\_\_  
(initials)

Time test was observed \_\_\_\_\_

**Person completing test contacted in the case of an incomplete or positive test result:**

\_\_\_\_\_  
(initials)

## Brandon School Division Central Testing Attendance Form

<b>Week of:</b>	
<b>Location:</b>	
<b>Principal/Supervisor:</b>	
<b>Designated Person:</b>	<b>Attended and Completed Requirements of a Negative Test (Yes or No)</b>

**Contacted Principal/Supervisor:** \_\_\_\_\_  
(initials)