

Measure of the Faculty of Law, Masaryk University No. 6/2021

**TESTING OF EMPLOYEES FOR THE PRESENCE OF
SARS-COV-19**

(as amended with effect from 22 November 2021)

In accordance with § 28 of Act No. 111/1998 Coll. on Higher Education Institutions and on Amendments and Supplements to some other Acts (the Higher Education Act), as amended (the "Higher Education Act"), I hereby issue this Measure:

General provisions

- (1) It is the duty of the Faculty of Law of Masaryk University (hereinafter referred to as "the Faculty") and one of the forms of employee care to protect the health of its employees from infection with COVID-19.
- (2) One of the means of protection against infection with COVID-19 is the preventive testing of employees for the presence of SARS-CoV-2 in order to identify infected but asymptomatic employees who could be a source of infection for other employees.
- (3) The authority of an employer to require an employee to be tested for SARS-CoV-2, even repeatedly, can be derived from the provisions of the Labour Code and from the emergency measures of the Ministry of Health (hereinafter referred to as "the Ministry") to test and self-test employees.

Article 1

The obligation of the employee to undergo testing

- (1) The personal presence of an employee at a faculty workplace is prohibited unless he or she has been tested with a negative result within the last 3 calendar days or is exempt from the testing obligation.
- (2) Employees are not required to submit to a SARS-CoV-2 test under the previous paragraph if they:
 - a) by agreement with the employer, perform their work away from their permanent place of work (home-office); this does not apply if they also attend the workplace, albeit irregularly or on a one-off basis, under this arrangement,

- b) they have laboratory-confirmed COVID-19 disease, have passed the isolation period as defined in the applicable Ministerial emergency measure, show no symptoms of COVID-19 disease, and no more than 180 days have elapsed since the first RT-PCR test for SARS-CoV-2 virus or POC antigen test for SARS-CoV-2 antigen,
 - c) they have been issued a certificate by the Ministry of Health of the Czech Republic that they have been vaccinated against COVID-19 and at least 14 days have elapsed since the administration of the second dose of the vaccine in the case of a two-dose regimen according to the Summary of Product Characteristics (hereinafter referred to as 'SPC'), or at least 14 days have elapsed since the administration of the first dose of the vaccine in the case of a single-dose regimen according to the SPC, and the vaccinee has no symptoms of COVID-19,
 - d) who is not working at the employer's workplace due to work-related obstacles on the part of the employer, this does not apply if the person is still attending the workplace, albeit irregularly, under this scheme.
- (3) Violation of the obligation to submit to the test will be treated as a violation of the employee's job duties. Under Section 11(d) of Act No 94/2021 on emergency measures during the COVID-19 disease epidemic and amending certain related acts, a breach of the obligation to submit to testing is considered an offence.

Article 2

Method of testing and record keeping

- (1) An employee shall fulfil his obligation to take the test under Article 1 in one of the following ways:
- a) by undergoing an RT-PCR test for the presence of SARS-CoV-2 by a health service provider included in the network of sampling centres,
 - b) a POC antigen test for the presence of SARS-CoV-2 antigen by a health service provider included in the network of collection centres,
 - c) completion of a SARS-CoV-2 antigen precautionary test administered through a faculty-provided collection kit at a designated location on or off site.
- (2) The employee shall enter the information about **the negative test** into INET - PREVENT COVID application immediately upon receipt of the result:

- In the case under paragraph (1)(a) and (b), in addition to recording the result in the application, the employee shall archive the report or an image of the text message of the test result on his/her device for possible review.

- In the case of paragraph 1(c), the employee shall upload an attachment containing a photograph of the negative test into the INET application at the same time as the employee's ID/ITIC.

The Dean, the bursar and any line manager shall have access to the information on the application.

Article 3

Organization of self-testing

- (1) Employees who are not exempt from testing under Article 1, Section 2 may pick up self-test kits and perform self-testing in their home environment at intervals of 3 days to minimize the presence of sick employees in the workplace. Test kits will be issued each workday during building hours at the concierge desk for signature.
- (2) Self-testing may be conducted at a designated location on the job site. Test kits will be issued each workday during building hours at the concierge desk against signature. Room 056 is designated for self-testing and is equipped with disinfectants, self-testing instructions, and appropriate waste receptacles. Used tests may only be deposited in a marked container.
- (3) No more than one test per 3 days may be provided to an employee.

Article 4

Procedure when a positive test is determined

- (1) In the event that an employee tests positive, the employee shall immediately notify his/her registering general practitioner health care provider of the test result and follow his/her instructions and inform his/her line manager.
- (2) In the case of an on-the-job test, a staff member whose test result is positive shall leave the workplace immediately, notify his or her registering general practitioner health care provider of the test result without delay and inform his or her line manager.
- (3) If the employee is unable to inform the health service provider, he/she shall contact the public health protection authority (the Regional Hygiene Station of the South Moravian Region based in Brno, <https://www.khsbrno.cz/>).

Article 5
Final provisions

- (1) The measure shall enter into force on 22 November 2021.
- (2) The text of this measure of 24 May 2021 is replaced by the following.
- (3) I hereby delegate the interpretation to the bursar of the Faculty.

In Brno on 18 November 2021

doc. JUDr. Mgr. Martin Škop, Ph.D., v. r.,
Dean