

Measure of the Dean 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 11 March 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) One of the obligations and means of care about employees by the Faculty of Law, Masaryk University (hereinafter referred to as "the Faculty") is to protect the employees' health against the COVID-19 disease.
- (2) One of the means of protection against the COVID-19 disease is the preventive testing of employees for presence of SARS-CoV-2 with the aim to identify the symptom-free infectious employees who might be the source of infection to the other employees.
- (3) The implementation of the obligation to undergo testing for presence of SARS-CoV2, even repeatedly, can be deduced pursuant to the Labour Code regulation¹ and extraordinary measures on testing and self-testing of employees implemented by the Ministry of Health of the Czech Republic (hereinafter referred to as "the Ministry").

Article 1

The obligation of the employee to undergo testing

- (1) The employee's presence at the workplace at the Faculty is prohibited unless he/she undergone testing with a negative result in the last 7 calendar days, or he/she is exempted from the testing obligation.
- (2) The obligation to undergo testing for presence of SARS-CoV-2 pursuant to the previous paragraph does not apply to the employees who:

¹ Regulation § 101 Par. 5 and § 106 Par. 3 and 4 of the Act No. 262/2006 Coll., Labour Code, as amended

- a) based on an agreement with the employer carry out work at a place different to their permanent workplace (home-office); this does not apply in the case that they come to the workplace, whether irregularly or on a single occasion,
 - b) have undergone COVID-19 disease confirmed by a laboratory, have undergone isolation pursuant to the valid extraordinary measure of the Ministry, have no symptoms of the COVID-19 disease, and there are no more than 90 days between the first RT-PCR test for SARS-CoV-2 or the POC antigen test for SARS-CoV-2 antigen,
 - c) have a certificate issued by the Ministry of Health of the Czech Republic for vaccination against COVID-19, and at least 14 days have elapsed since the second dose of vaccine in the case of a two-dose schedule, or at least 14 days have elapsed since the first dose of vaccine in the case of a single dose and the person does not show any symptoms of COVID-19;
 - d) do not carry out work at the workplace of the employer due to obstacles to work on the side of the employer. This does not apply in the case that the employee comes to the workplace, even if irregularly.
- (3) Not adhering to this obligation to undergo testing will be considered a severe breach of the employee's work duties. Pursuant to §11 letter d) of Act No. 94/2021 Coll. on extraordinary measures in COVID-19 disease epidemic and on amendments of some related Acts, a breach of the obligation to undergo testing is considered an offence.

Article 2

Method of testing and record keeping

- (1) The employee shall fulfil his/her obligation to take the test pursuant to Art. 1 in one of the following ways:
- a) By undergoing an RT-PCR test for the presence of SARS-CoV-2 virus carried out by a health service provider including in the network of testing centres,
 - b) By undergoing a POC antigen test for the presence of SARS-CoV-2 virus carried out by a health service provider including in the network of testing centres,
 - c) By undergoing testing at an antigen testing place (AOM) for Masaryk University employees (guaranteed by the University Hospital Brno),
 - d) By taking a preventive test to determine the presence of SARS-CoV-2 virus antigen carried out using a sampling kit provided by the Faculty, either on a designated place at the Faculty or outside the workplace.
- (2) The information of a negative test result shall be entered into the INET system – application COVID PREVENTION with no delay:
- in the case pursuant to Par. 1 letters a) and b), the employee is obliged to archive the protocol or an image of the text message on the test result on his/her appliance for an opportune check, apart from entering the result into the application.
 - in the case pursuant to Par. 1 letter c), the negative result is entered into the INET system application by the employee or the AOM MU.

- in the case pursuant to Par. 1 letter d), the employee enters a photograph of the negative test together with the employee's card/ITIC into the INET application. The photograph shall include the time/date of the test.

The information is accessible to the dean, the bursar and to every immediate superior.

Article 3

Organization of testing

- (1) The employees shall in particular use the test method pursuant to Art. 2, par. 1, letters a), b) or c).
- (2) The employees can collect self-test kits and take the self-test in the home environment in 7-day intervals with the aim to minimize the presence of ill employees at the workplace. The testing kits will be distributed every work day within the building opening hours at the porter's against a signature.
- (3) The self-test can be carried out on a designated place at the workplace. Testing kits will be distributed every work day within the building opening hours at the porter's against a signature. The room No. 056 is designated for self-testing. It is equipped with disinfectants, self-test instructions and appropriate waste bins. The used tests must be disposed only into those bins.
- (4) The maximum of one test of any variant can be provided to an employee in 7 days.

Article 4

Procedure when a positive test is determined

- (1) In the case that the test result pursuant to Art. 2, par. 1, letters a), b) or c) of the employee is positive, the employee is obliged to notify his/her general practitioner of the test result with no delay and comply with his/her instructions and to notify his/her immediate superior.
- (2) In the case that the test was taken at the workplace, the employee whose test result is positive must leave the workplace immediately, must notify his/her general practitioner of the test result with no delay and comply with his/her instructions and to notify his/her immediate superior.
- (3) If the employee is unable to notify his/her general practitioner, he/she is obliged to contact the regional department of public health (Regional Public Health Department of the South Moravian Region, Brno, <https://www.khsbrno.cz/>).

Article 5
Final provisions

- (1) The Measure comes into force on the day of its announcement.
- (2) I hereby authorize the bursar with the interpretation of this Measure.

In Brno on 11 March 2021

doc. JUDr. Mgr. Martin Škop, Ph.D., m. p.

Dean