

COVID-19 Mandatory Vaccination Ordinance

Proposal Over Outcomes for Non-Reporting and Non-Compliance

As discussed prior to and presented on October 1, 2021

Failure to Report

On the employee's first scheduled workday after October 19, 2021, any employee who has reported a vaccination status of "Decline to State" or who has not reported a vaccination status and has thereby failed to follow a direct work order to report a vaccination status shall be granted a period of 24 hours to update their status to (1) fully vaccinated, (2) partially vaccinated or (3) not vaccinated.

If an employee does not update their status within 24 hours from the employee's first scheduled workday after October 20, 2021, they will be charged with insubordination and will be suspended for five days.

Non-Compliance

Employees shall be deemed non-compliant with the vaccination mandate if they have failed to become fully vaccinated **and** have not filed an intent to seek a medical or religious exemption by October 20, 2021. If an employee does not update their status to show full compliance within 24 hours from the employee's first scheduled workday after October 20, 2021, they will be charged with insubordination and will be suspended for five days.

Employees found to be non-compliant with the vaccination mandate on or after October 20, 2021, shall be charged with a separate charge of insubordination and/or failure to meet a condition of employment and shall be served with a five day suspension.

Any employee returning to work from a five-day suspension for non-compliance with the vaccination mandate, without having made substantial progress towards compliance, will be served with a Notice of Proposed Termination and provided with a Skelly hearing. Employees receiving a Notice of Proposed Termination will be placed on unpaid leave pending the Skelly hearing and any subsequent due process proceeding to which the employee is entitled. For sworn employees who proceed to a Board of Rights, the employee will remain on unpaid leave through the duration of the Board of Rights process.

Exemptions

The deadline to submit exemption paperwork to a Department Personnel Officer (DPO) or HR Director is twenty (20) business days after issuance of the forms to the employees.

Exemption Approval: An approved exemption may be based on a disability, medical condition or a sincerely held religious belief. An approved deferral exemption may be based on a recent COVID-19 diagnosis or treatment. If an employee's exemption is approved, the employee must register with Bluestone for testing at (a website to be

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provided) and adhere to the City's COVID-19 Workplace Safety Standards. In addition, the employee must adhere to all workplace screening requirements and safety protocols when in a City facility or work location and/or when in contact with other City employees or members of the public while working. They must also comply with any reasonable accommodations that result from good faith, interactive discussions, as applicable.

Exemption Denial: If an employee's exemption request is denied, the employee may appeal the determination to the employee's appointing authority within five (5) business days of the date of the notice of the denial. The employee may amend their application to address written reasons for the denial. The appointing authority will review and decide on the appeal request, which will be sent without identifying information that would lead to the identity of the employee.

If an employee does not file an appeal within five (5) business days of the date of the denial, the employee will have fourteen (14) calendar days from the notice of denial of their exemption or expiration date of their deferral to submit proof that they have received the first dose of a two-dose COVID-19 vaccine or a single dose of a one-dose COVID-19 vaccine. This proof of vaccination must include the date that the employee received the vaccination. The employee will have until twenty-eight (28) calendar days from the date of the first dose of a COVID-19 vaccine to receive the second shot of a two-dose vaccine regimen. The employee will then have until five (5) calendar days from the date of the second shot of a two-dose vaccine regimen to submit proof that the employee received a complete dosage of a vaccine against COVID-19. If either of the dates above falls on a weekend or observed holiday, the deadline for providing the required proof is due on the next business day.

Any employee who does not adhere to the exemption procedures outlined above will be deemed non-compliant with the vaccination mandate, shall be charged with insubordination and/or failure to meet a condition of employment, and shall be served with a five (5) day suspension.

Any employee returning to work from a five-day suspension for non-compliance with the vaccination mandate, without having made substantial progress towards compliance, will be served with a Notice of Proposed Termination and provided with a Skelly hearing. Employees receiving a Notice of Proposed Termination will be placed on unpaid leave pending the Skelly hearing and any subsequent due process proceeding to which the employee is entitled. For sworn employees who proceed to a Board of Rights, the employee will remain on unpaid leave through the duration of the Board of Rights process.

Expiration of Exemption or Deferral: If an employee's exemption or deferral approval has an end date and the employee no longer qualifies for exemption, the employee will have fourteen (14) calendar days from the expiration date of their exemption or deferral to

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submit proof that the employee has received the first dose of a two-dose COVID-19 vaccine or a single dose of a one-dose COVID-19 vaccine. This proof of vaccination must include the date that the employee received the vaccination. Then the employee will have until twenty-eight (28) calendar days from the date of the first dose of a COVID-19 vaccine to receive the second shot of a two-dose vaccine regimen. The employee will then have until five (5) calendar days from receiving the second shot of a two-dose vaccine regimen to submit proof that the employee received a complete dosage of a vaccine against COVID-19. If either of the dates above falls on a weekend or observed holiday, the deadline for providing the required proof shall be due on the next business day.

Any employee who does not adhere to the procedures outlined above will be deemed non-compliant with the vaccination mandate, shall be charged with insubordination, and shall be served with a five (5) day suspension.

Any employee returning to work from a five-day suspension for non-compliance with the vaccination mandate, without having made substantial progress towards compliance, will be served with a Notice of Proposed Termination and provided with a Skelly hearing. Employees receiving a Notice of Proposed Termination will be placed on unpaid leave pending the Skelly hearing and any subsequent due process proceeding to which the employee is entitled. For sworn employees who proceed to a Board of Rights, the employee will remain on unpaid leave through the duration of the Board of Rights process.