

ORDINANCE NO. _____

An ordinance adding Article 12 to Chapter 7 of Division 4 of the Los Angeles Administrative Code to require COVID-19 vaccination for all current and future city employees.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS**

Section 1. A new Article 12 is added to Chapter 7, Division 4 of the Los Angeles Administrative Code to read as follows:

ARTICLE 12

**COVID-19 VACCINATION REQUIREMENT FOR ALL CURRENT AND FUTURE
CITY EMPLOYEES**

Sec. 4.700. Definitions.

The words and terms defined in this section shall have the following meanings as used in this article.

(a) "COVID-19" means the Novel Coronavirus disease 2019, the disease caused by the SARS-CoV-2 virus and that resulted in a global pandemic.

(b) "Employees" includes, full, part-time and as-needed City employees regardless of appointment type, volunteers, interns, hiring hall, appointed officers, board members and commissioners, 120-day retired employees, elected officials and at-will appointees of elected officials.

(c) "COVID-19 Vaccine": A COVID-19 vaccine satisfies the requirement of this policy if the U.S. Food and Drug Administration (FDA) has issued Emergency Use Authorization (EUA) or full Licensure for the COVID-19 Vaccine. Vaccines that currently meet this requirement include Moderna or Pfizer-BioNTech (two-dose COVID-19 vaccine series) and Johnson & Johnson/Janssen (single-dose COVID-19 vaccine).

(d) "Fully vaccinated" means 14 days or more have passed since an employee received the final dose of a two-dose COVID-19 vaccine series (Moderna or Pfizer-BioNTech) or a single dose of a one-dose COVID-19 vaccine (Johnson & Johnson/Janssen).

This definition may be expanded should booster shots for the COVID-19 vaccines be required in accordance with guidance provided by the U.S. Centers for Disease Control (CDC), FDA, Los Angeles County Department of Public Health and/or any other medical entity that provides health and safety guidance.

(e) “Partially Vaccinated” means employees who have received at least one dose of a COVID-19 vaccine, but do not meet the definition of fully vaccinated as defined herein.

(f) “Unvaccinated” means employees who have not received any doses of COVID-19 vaccine or whose status is unknown.

Sec. 4.701. Vaccination and Reporting Requirement.

(a) To protect the City’s workforce and the public that it serves, all employees must be fully vaccinated for COVID-19, or request an exemption, and report their vaccination status in accordance with the City’s Workplace Safety Standards, no later than October 19, 2021.

(b) As of October 20, 2021, the COVID-19 vaccination and reporting requirements are conditions of City employment and a minimum requirement for all employees, unless approved for an exemption from the COVID-19 vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs. Any employee that has been approved for an exemption must still report their vaccination status.

(c) Vaccination Requirements.

(1) Employees must receive their first dose of a two-dose COVID-19 vaccine no later than September 7, 2021; second dose no later than October 5, 2021, of a two-dose COVID-19 vaccine series (Moderna or Pfizer-BioNTech).

(2) Employees must receive their single dose of a single-dose COVID-19 vaccine (Johnson & Johnson/Janssen) no later than October 5, 2021.

(3) Requests for exemption from the COVID-19 vaccination must be submitted no later than September 7, 2021.

(4) Effective October 20, 2021, any new contract executed by the City shall include a clause requiring employees of the contractor and/or persons working on their behalf who interact with City employees, are assigned to work on City property for the provision of services, and/or come into contact with the public during the course of work on behalf of the City to be fully vaccinated.

(d) **Reporting Requirements.**

(1) The City shall continue to collect and regularly report employees' vaccination status as long as such data is deemed necessary and useful. The City will collect data in accordance with the City's Workplace Safety Standards.

(2) Booster shots for the COVID-19 vaccines may be required in accordance with guidance provided by the CDC, FDA, Los Angeles County Department of Public Health and/or any other medical entity that provides health and safety guidance.

a. Employees will be required to report their COVID-19 booster status to the appointing authority should the City determine that COVID-19 boosters are required in conformity with being fully vaccinated.

b. The Personnel Department will be responsible for maintaining COVID-19 booster status in accordance with the method outlined in subsection (b), above.

Sec. 4.702. Qualified Exemptions.

All current and future City employees shall have the right to petition for a medical or religious exemption to be evaluated on a case-by-case basis, consistent with City procedures for reasonable accommodation requests. Documentation prescribed by the City shall be required.

(a) Employees with medical conditions/restrictions or sincerely held religious beliefs, practices, or observances that prevent them from receiving a COVID-19 vaccine shall qualify for COVID-19 vaccine exemption, upon approval of documentation provided by the employee to the appointing authority or designee. Employees who qualify for the medical or religious exemptions may be subject to weekly testing, as provided in (b)(1), below.

(b) Employees with medical or religious exemptions and who are required to regularly report to a City worksite shall be subject to weekly COVID-19 tests. Testing will be provided to the employees at no cost during their work hours following a process and timeline determined by the City.

(1) Employees with medical or religious exemptions who are telecommuting or teleworking shall be subject to ad hoc COVID-19 testing when they are asked to report to a worksite on an as-needed basis.

The City's goal is to have a vaccinated workforce. As such, employees will not have the option to "opt out" of getting vaccinated and become subject to weekly testing.

Only those with a medical or religious exemption and who are required to regularly report to a work location are eligible for weekly testing.

Sec. 4.703. Other Requirements.

(a) **Health Orders.** Nothing in this ordinance precludes the City from following any order issued by local, state, or county health officers regarding mask mandates or physical distancing. If any order the City has adopted is anticipated to change, the City shall alert labor organizations of the potential change at the earliest opportunity so as to begin impact bargaining over the potential change.

(b) **Masks and Physical Distancing.** Employees who are unvaccinated, partially vaccinated, or have an unreported status for any reason shall, in compliance with City standards and notwithstanding public policy guidelines, continue to wear masks and adhere to physical distancing protocols while present at any City worksite or facility or interacting with members of the public, except where it would be physically hazardous to do so due to the type of work performed.

(c) **COVID-19 Vaccine Training.** Beginning October 5, 2021, any Employee (as defined herein) who is not fully vaccinated shall be required to complete an online vaccination training course administered by the Personnel Department. The City will continuously assess the need for such training.

(d) **Policy Status.** The CAO will monitor status reports and progress of reported vaccination statuses and discuss such information with labor organizations on an ad hoc basis to determine the progress and update the policy as necessary toward achieving the City's goal of a fully vaccinated workforce. All data will be kept confidential, consistent with directions issued by the Personnel Department, outlined herein.

Sec. 4.704. Limitations on Promotions, Transfers, and Appointments.

(a) All candidates and applicants seeking initial City employment, promotions, or transfers, including regular appointments, emergency appointments, temporary appointments, intermittent appointments, limited appointments, exempt full-time and half-time and hiring hall employment, must meet the minimum qualification of being fully vaccinated or receive an exemption and report their vaccination status prior to the appointment, promotion, or transfer.

(1) All fully vaccinated employees that have reported their status to the appointing authority are eligible immediately for any promotion, or transfer.

(2) All employees whose vaccination status is unvaccinated, partially vaccinated, or unreported shall be ineligible to promote or transfer until the employee has reported to the appointing authority that they have been fully vaccinated.

(b) This section regarding the limitations on promotions and transfers shall become effective subject to the completion of the bargaining process with affected unions.

Sec. 4.705. Severability.

If any term or provision of this section is found to be in conflict with any City, State, or Federal law, the City will suspend said section as soon as practicable and the remainder of this Ordinance shall not be affected thereby.

Sec. 2. Urgency Clause. The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health, and safety for the following reasons: According to the Center for Disease Control, and the Los Angeles County Department of Public Health, COVID-19 continues to pose a significant public health risk, especially as cases surge with the highly infectious spread of the Delta variant. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. The City must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees, contractors and the public as it reopens services and more employees return to the workplace. Unvaccinated employees are at a greater risk of contracting and spreading COVID-19 within the workplace, and risk transmission to the public that depends on City services. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  _____
VIVIENNE SWANIGAN
Assistant City Attorney

Date August 16, 2021

File No. 21-0846

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____