



City of El Segundo

Human Resources Department

DATE: January 7, 2022
TO: All City of El Segundo Personnel
FROM: Rebecca Redyk, Human Resources Director
SUBJECT: FEDERAL VACCINATION POLICY MANDATE

On November 5, 2021, the Occupational Safety and Health Administration (OSHA) issued a Emergency Temporary Standard (ETS) to minimize the risk of COVID-19 transmission in the workplace. This ETS requires that employers with 100 or more employees to document their fully vaccinated status; for those with approved disability or religious exemptions, documented weekly testing for COVID-19. Employers must comply with most provisions of the ETS by January 10, 2022; compliance with testing requirements is required by February 9, 2022.

By January 31, 2022, all personnel must be partially or fully vaccinated or have submitted a request for exemption. By February 28, 2022, all personnel must be fully vaccinated or have submitted a request for exemption. Personnel not meeting these requirements will not be permitted to work. During this time, employees not fully vaccinated or exempted from the mandate will be precluded from reporting to work and will be permitted to use up to thirty (30) days of their own paid leave accruals. Employees who have exhausted their paid leave accruals or have used (30) days of their own paid leave accruals and are still not vaccinated or exempted from the mandate will be served with notices of disciplinary action.

To request a disability or religious accommodation to the vaccination requirement, employees may use the attached forms. A disability accommodation will be evaluated based on a contraindication to the available COVID-19 vaccines recognized by the Centers for Disease Control and Prevention (CDC) or by the vaccine's manufacturer, or a qualifying disability, including pregnancy-related conditions, that precludes their vaccination. Religious exemptions will be accommodated for a sincerely held religious belief, practice, or observance that conflicts with the OSHA ETS mandating COVID-19 vaccination. Please note, that both types of accommodations must enable the employee to perform the essential functions of the position and must not impose an undue hardship on the City of El Segundo or pose a direct threat to your health and safety or the health and safety of others in the workplace. While the City will, on an individualized basis, evaluate each request for accommodation from the OSHA ETS, please note that the circumstances requiring vaccination may continue for some time and that it may not be possible to provide workplace accommodations at all or in perpetuity. Any requests for accommodation must be received by Human Resources by Tuesday, January 18, 2022.

Employees with approved disability and religious exemptions will be responsible for obtaining weekly COVID-19 testing at their own expense. Test results must be provided to Human Resources prior to entering and working in a City facility. A surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as a N95, K95 or a surgical mask, must be worn at all times while in a City facility, unless actively eating or drinking or alone in a room.

Any questions regarding the Federal vaccination policy mandate should be directed to Human Resources at hr@elsegundo.org or (310) 524- 2381.

Attachments:

ETS Fact Sheet
ETS Summary
Mandatory Vaccination Policy
Disability Accommodation Request Form
Religious Accommodation Request Form

FACT SHEET

COVID-19 Vaccination and Testing ETS



The Occupational Safety and Health Administration (OSHA) has issued an emergency temporary standard (ETS) to minimize the risk of COVID-19 transmission in the workplace. The ETS establishes binding requirements to protect unvaccinated employees of large employers (100 or more employees) from the risk of contracting COVID-19 in the workplace.

The ETS is necessary to protect unvaccinated workers from the risk of contracting COVID-19 at work. The rule covers all employers with a total of 100 or more employees with a few exceptions described below. Covered employers must develop, implement, and enforce a mandatory COVID-19 vaccination policy, with an exception for employers that instead adopt a policy requiring employees to elect either to get vaccinated or to undergo regular COVID-19 testing and wear a face covering at work. This fact sheet highlights some of the additional requirements of the ETS; employers should consult the standard for full details.

Which employers are covered by the ETS?

- Private employers with 100 or more employees firm- or corporate-wide.
- In states with OSHA-approved State Plans, state- and local-government employers, as well as private employers, with 100 or more employees will be covered by state occupational safety and health requirements.

Which workplaces are not covered by the ETS?

- Workplaces covered under the Safer Federal Workforce Task Force COVID-19 Workplace Safety: Guidance for Federal Contractors and subcontractors; and
- Settings where any employee provides healthcare services or healthcare support services when subject to the requirements of [the Healthcare ETS](#) (§ 1910.502).

- Workplaces of employers who have fewer than 100 employees in total.
- Public employers in states without State Plans.

If an employer is covered by the ETS, does that mean all of its employees must follow the provisions of this ETS?

No. The requirements of the ETS do not apply to:

- Employees who do not report to a workplace where other individuals are present.
- Employees while working from home.
- Employees who work exclusively outdoors.

What does the ETS require employers to do?

- Develop, implement, and enforce a mandatory COVID-19 vaccination policy, with an exception for employers that instead establish, implement, and enforce a policy allowing employees to elect either to get vaccinated or to undergo weekly COVID-19 testing and wear a face covering at the workplace.
- Determine the vaccination status of each employee, obtain acceptable proof of vaccination from vaccinated employees, maintain records of each employee's vaccination status, and maintain a roster of each employee's vaccination status.
- Support vaccination by providing employees reasonable time, including up to four hours of paid time, to receive each primary vaccination dose, and reasonable time and paid sick leave to recover from any side effects experienced following each primary vaccination dose.

- Ensure that each employee who is not fully vaccinated is tested for COVID-19 at least weekly (if in the workplace at least once a week) or within 7 days before returning to work (if away from the workplace for a week or longer).
- Require employees to promptly provide notice when they receive a positive COVID-19 test or are diagnosed with COVID-19.
- Immediately remove from the workplace any employee, regardless of vaccination status, who received a positive COVID-19 test or is diagnosed with COVID-19 by a licensed healthcare provider, and keep the employee out of the workplace until return to work criteria are met.
- Ensure that each employee who is not fully vaccinated wears a face covering when indoors or when occupying a vehicle with another person for work purposes, except in certain limited circumstances.
- Provide each employee with information, in a language and at a literacy level the employee understands, about the requirements of the ETS and workplace policies and procedures established to implement the ETS; vaccine efficacy, safety, and the benefits of being vaccinated (by providing the CDC document “[Key Things to Know About COVID-19 Vaccines](#)”); protections against retaliation and discrimination; and laws that provide for criminal penalties for knowingly supplying false statements or documentation.

- Report work-related COVID-19 fatalities to OSHA within 8 hours of learning about them, and work-related COVID-19 in-patient hospitalizations within 24 hours of the employer learning about the hospitalization.
- Make certain records available for examination and copying to an employee (and to anyone having written authorized consent of that employee) or an employee representative.

When does it take effect?

- Employers must comply with most provisions by January 10, 2022.
- Employers must comply with the testing requirement by February 9, 2022.

This fact sheet highlights some of the requirements of the ETS; however employers should consult the standard for full details. Read the full text of the ETS at: www.osha.gov/coronavirus/ets2.

Additional Information

Visit www.osha.gov/coronavirus for additional information on:

- COVID-19 Laws and regulations
- COVID-19 Enforcement policies
- Compliance assistance materials and guidance
- Worker’s Rights (including how/when to file a safety and health or whistleblower complaint).

This Fact Sheet is intended to provide information about the COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this Fact Sheet is not itself a standard or regulation, and it creates no new legal obligations.

S U M M A R Y

COVID-19 Vaccination and Testing ETS



The Occupational Safety and Health Administration (OSHA) has issued an emergency temporary standard (ETS) to minimize the risk of COVID-19 transmission in the workplace. The ETS establishes binding requirements to protect unvaccinated employees of large employers (100 or more employees) from the risk of contracting COVID-19 in the workplace.

COVID-19 was not known to exist until January 2020, and since then nearly 745,000 people, many of them workers, have died from the disease in the U.S. alone. At the present time, workers are continually becoming seriously ill and dying as a result of occupational exposures to COVID-19. OSHA expects that the Vaccination and Testing ETS will result in approximately 23 million individuals becoming vaccinated. The agency has conservatively estimated that the ETS will prevent over 6,500 deaths and over 250,000 hospitalizations. In issuing the ETS, OSHA has made several important determinations:

Unvaccinated Workers Face Grave Danger:

Unvaccinated workers are much more likely to contract and transmit COVID-19 in the workplace than vaccinated workers. OSHA has determined that many employees in the U.S. who are not fully vaccinated against COVID-19 face grave danger from exposure to COVID-19 in the workplace. This finding of grave danger is based on the severe health consequences associated with exposure to the virus along with evidence demonstrating the transmissibility of the virus in the workplace and the prevalence of infections in employee populations. The evidence for the finding of a grave danger is in Section III.A. of the ETS preamble.

An ETS is Necessary:

Workers are becoming seriously ill and dying as a result of occupational exposures to COVID-19, when a simple measure, vaccination, can largely prevent those deaths and illnesses. The ETS protects these workers through the most effective and efficient control available – vaccination – and further protects workers who remain unvaccinated through required regular testing, use of face coverings, and removal of all infected employees from the workplace. OSHA also concludes, based on its

enforcement experience during the pandemic to date, that continued reliance on existing standards and regulations, the [General Duty Clause of the OSH Act](#), and workplace guidance, in lieu of an ETS, is not adequate to protect unvaccinated employees from COVID-19. Thus, OSHA has also determined that an ETS is necessary to protect unvaccinated workers from the risk of contracting COVID-19 at work. The evidence for the need for the ETS is in Section III.B. of the ETS preamble.

The ETS is Limited to Employers with 100 or More Employees:

In light of the unique occupational safety and health dangers presented by COVID-19, and against the backdrop of the uncertain economic environment of a pandemic, OSHA is proceeding in a stepwise fashion in addressing the emergency this rule covers. OSHA is confident that employers with 100 or more employees have the administrative capacity to implement the standard's requirements promptly, but is less confident that smaller employers can do so without undue disruption. OSHA needs additional time to assess the capacity of smaller employers, and is seeking comment to help the agency make that determination. Nonetheless, the agency is acting to protect workers now in adopting a standard that will reach two-thirds of all private-sector workers in the nation, including those working in the largest facilities, where the most deadly outbreaks of COVID-19 can occur. Additional information on the scope of the ETS is found in Section VI.B. of the ETS preamble.

The ETS is Feasible:

OSHA has evaluated the feasibility of this ETS and has determined that the requirements of the ETS are both economically and technologically feasible. The evidence for feasibility is found in Section IV. of the ETS preamble. The specific

requirements of the ETS are outlined and described in the Summary and Explanation, which is in Section VI. of the ETS preamble.

The ETS Preempts State and Local Laws:

OSHA intends the ETS to address comprehensively the occupational safety and health issues of vaccination, wearing face coverings, and testing for COVID-19. Thus, the standard is intended to preempt States, and political subdivisions of States, from adopting and enforcing workplace requirements relating to these issues, except under the authority of a Federally-approved State Plan. In particular, OSHA intends to preempt any State or local requirements that ban or limit an employer from requiring vaccination, face covering, or testing. Additional information on the preemption of State and local laws is found in Section VI.A. of the ETS preamble.

The ETS Also Serves as a Proposed Rule:

Although this ETS takes effect immediately, it also serves as a proposal under Section 6(b) of the OSH Act for a final standard. Accordingly, OSHA seeks comment on all aspects of this ETS and how it would be adopted as a final standard. OSHA encourages commenters to explain why they prefer or disfavor particular policy choices, and to include any relevant studies, experiences, anecdotes or other information that may help support the comment. Stakeholders may submit comments and attachments, identified by Docket No. OSHA-2021-0007, electronically at www.regulations.gov. Follow the instructions online for making electronic submissions.

OSHA May Revise or Update the ETS:

OSHA will continue to monitor trends in COVID-19 infections and death as more of the workforce and the general population become fully vaccinated against COVID-19 and as the pandemic continues to evolve. Where OSHA finds a grave danger from the virus no longer exists, or new information indicates a change in measures necessary to address the grave danger, OSHA may update this ETS, as appropriate.

This fact sheet highlights some of the additional requirements of the ETS; employers should consult the standard for full details. Read the full text of the ETS at: www.osha.gov/coronavirus/ets2.

Understanding the ETS

- **Employers covered by the ETS.** The ETS generally applies to employers in all workplaces that are under OSHA's authority and jurisdiction, including industries as diverse as manufacturing, retail, delivery services, warehouses, meatpacking, agriculture, construction, logging, maritime, and healthcare. Within these industries, all employers that have a total of at least 100 employees firm- or corporate-wide, at any time the ETS is in effect, are covered.
- **Workplaces not covered by the ETS.** This standard does not apply to workplaces covered under the Safer Federal Workforce Task Force COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors or in settings where employees provide healthcare services or healthcare support services when subject to the requirements of the Healthcare ETS (29 CFR 1910.502).
- **Employees of covered employers not subject to the requirements.** The ETS does not apply to employees who do not report to a workplace where other individuals such as coworkers or customers are present, employees while they are working from home, or employees who work exclusively outdoors.
- **Effective Dates.** The ETS is effective immediately upon publication in Federal Register. To comply, employers must ensure provisions are addressed in the workplace by the following dates:
 - January 10, 2022: All requirements other than testing for employees who have not completed their entire primary vaccination dose(s)
 - February 9, 2022: Testing for employees who have not received all doses required for a primary vaccination

How to Protect Workers from COVID-19

The ETS establishes minimum vaccination, vaccination verification, face covering, and testing requirements to address the grave danger of COVID-19 in the workplace. The key requirements of the ETS are:

Employer Policy on Vaccination. The ETS requires covered employers to develop, implement, and enforce a mandatory COVID-19 vaccination policy, with an exception for employers that instead establish, implement, and enforce a policy allowing

employees who are not fully vaccinated to elect to undergo weekly COVID-19 testing and wear a face covering at the workplace.

Determination of employee vaccination status. The ETS requires employers to determine the vaccination status of each employee, obtain acceptable proof of vaccination, maintain records of each employee's vaccination status, and maintain a roster of each employee's vaccination status.

Employer support for employee vaccination. The ETS requires employers to support vaccination by providing employees reasonable time, including up to four hours of paid time, to receive each vaccination dose, and reasonable time and paid sick leave to recover from side effects experienced following each dose.

COVID-19 testing for employees who are not fully vaccinated. The ETS requires employers to ensure that each employee who is not fully vaccinated is tested for COVID-19 at least weekly (if in the workplace at least once a week) or within 7 days before returning to work (if away from the workplace for a week or longer). The ETS does not require employers to pay for any costs associated with testing. However employer payment for testing may be required by other laws, regulations, or collective bargaining agreements or other collectively negotiated agreements. In addition, nothing prohibits employers from voluntarily assuming the costs associated with testing.

Employee notification to employer of a positive COVID-19 test and removal. The ETS requires employers to: (1) require employees to promptly provide notice when they receive a positive COVID-19 test or are diagnosed with COVID-19; (2) immediately remove any employee from the workplace, regardless of vaccination status, who received a positive COVID-19 test or is diagnosed with COVID-19 by a licensed healthcare provider; (3) keep removed employees out of the workplace until they meet criteria for returning to work.

Face coverings. The ETS requires employers to ensure that each employee who is not fully vaccinated wears a face covering when indoors or

when occupying a vehicle with another person for work purposes, except in certain limited circumstances. Employers must not prevent any employee, regardless of vaccination status, from voluntarily wearing a face covering unless it creates a serious workplace hazard (e.g., interfering with the safe operation of equipment).

Information provided to employees. The ETS requires employers to provide employees the following in a language and at a literacy level the employees understand: (1) information about the requirements of the ETS and workplace policies and procedures established to implement the ETS; (2) the CDC document "[Key Things to Know About COVID-19 Vaccines](#)"; (3) information about protections against retaliation and discrimination; and (4) information about laws that provide for criminal penalties for knowingly supplying false statements or documentation.

Reporting COVID-19 fatalities and hospitalizations to OSHA. The ETS requires employers to report work-related COVID-19 fatalities to OSHA within 8 hours of learning about them, and work-related COVID-19 in-patient hospitalizations within 24 hours of the employer learning about the hospitalization.

Availability of records. The ETS requires employers to make available for examination and copying an employee's COVID-19 vaccine documentation and any COVID-19 test results to that employee and to anyone having written authorized consent of that employee. Employers are also required to make available to an employee, or an employee representative, the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace.

Additional Information

Visit www.osha.gov/coronavirus for additional information on:

- COVID-19 Laws and regulations
- COVID-19 Enforcement policies
- Compliance assistance materials and guidance
- Worker's Rights (including how/when to file a safety and health or whistleblower complaint).

This summary is intended to provide information about the COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this summary is not itself a standard or regulation, and it creates no new legal obligations.



Mandatory Vaccination Policy

Policy Title:	Mandatory Vaccination Policy
Effective Date:	January 10, 2022
Approved by City Manager:	Date approved by City Manager:

PREAMBLE

To protect **City of El Segundo** personnel, the community members with whom **City of El Segundo** personnel interact, and all residents of the **City of El Segundo**, the **City of El Segundo** will require all **City of El Segundo** personnel, including employees, volunteers and interns, to be fully vaccinated subject to the limited exceptions provided below.

The **City of El Segundo** adopted this vaccination policy as required by the Occupational Safety and Health Administration (OSHA) Emergency Temporary Standard (ETS) to mitigate the negative public health consequences associated with increased incidence and test positivity rates and the prevalence of new virus variants, including increased hospitalizations, intensive care unit (ICU) admissions, and deaths. This policy is intended to effectuate positive public health outcomes in **City of El Segundo** by reducing the likelihood of hospitalizations at health care facilities in **City of El Segundo**, ICU admissions to **City of El Segundo** and deaths.

City of El Segundo employees, volunteers and interns may obtain the COVID-19 vaccine at a vaccination site of their choosing. Information on the COVID-19 vaccines and how to obtain vaccination is available at <https://covid19.ca.gov/vaccines/>.

City of El Segundo employees who need to be vaccinated in accordance with this policy may do so during their normal working hours. Such employees will receive their normal compensation, up to four (4) hours, to receive each primary vaccination dose. Employees shall not incur overtime to obtain vaccination.

I. RELEVANT DEFINITIONS

1. "**City of El Segundo** personnel", for purposes of this Policy and related requirements, includes: (1) **City of El Segundo** employees; (2) Non-employees, including interns, and

volunteers, who provide services to the **City of El Segundo**. The inclusion of non-employees in the definition of “**City of El Segundo** personnel” confers no employment status between such individuals and the **City of El Segundo**.

2. “COVID-19 vaccine” means a COVID-19 vaccine approved by the FDA under either the Emergency Use Authorization (EUA) approval process or the Biologics License Application (BLA) (*i.e.*, general use) approval process.
3. “Fully vaccinated” means (1) at least two weeks have passed since a person has completed the entire recommended series of a COVID-19 vaccine, and (2) the person has provided proof of vaccination as described below.

Proof of vaccination includes the following: (1) COVID-19 vaccination record card (issued by the Department of Health and Human Services, Centers for Disease Control & Prevention (CDC) or World Health Organization Yellow Card) which includes name of person vaccinated, type of vaccine provided and date last dose administered); (2) a photo of a vaccination record card as a separate document; (3) a photo of a vaccination record card stored on a phone or electronic device; (4) documentation of COVID-19 vaccination from a health care provider; (5) digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type; and (6) documentation of vaccination from other contracted employers who follow these vaccination records guidelines and standards.

Employees must utilize one of these six methods to verify their vaccination status. All documents are subject to verification. The **City of El Segundo** reserves the right to request alternate forms of vaccination verification, if necessary, e.g., if an original card is not legible, the City may require a photograph or digital copy. Any employee that submits a false or fraudulent document in attempt to show proof of vaccination under this policy will be subject to discipline as set forth in Section VII of this policy.

4. “Partially vaccinated” means (1) a person has received (i) one dose of a two dose recommended series of a COVID-19 vaccine or (ii) the complete recommended series of a COVID-19 vaccine but it has not been at least two weeks since the person has completed the entire recommended series, and (2) the person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status in the State of California’s July 26, 2021 Public Health Officer Order.

II. **SCOPE**

The policy applies to all **City of El Segundo** personnel, interns, and volunteers.

III. **EFFECTIVE PERIOD**

The policy shall be effective immediately and shall remain in full force and effect until the Federal public health circumstances have sufficiently improved to permit the suspension of the policy.

IV. VACCINATION REQUIREMENT

The **City of El Segundo** requires that **City of El Segundo** personnel adhere to the following requirements:

1. By **Monday, January 31, 2022**, (21 days from issuance of policy) all **City of El Segundo** personnel must be partially or fully vaccinated or must have submitted a request for exemption.
2. By **Monday, February 28, 2022**, (7 weeks from issuance of policy) all **City of El Segundo** personnel must be fully vaccinated or must have submitted a request for exemption.
3. Requests for exemption must be submitted according to the requirements set forth in Section V, below. If a person's request for exemption is not approved, they must be partially or fully vaccinated within seven (7) days and fully vaccinated within five (5) weeks of when they were notified that their request for exemption was not approved.

V. LIMITED EXEMPTIONS TO VACCINATION REQUIREMENT

Limited Exemptions for **City of El Segundo** Employees:

City of El Segundo employees may request a reasonable accommodation to the vaccination requirement if they:

1. Have a disability and are requesting an exemption as a reasonable accommodation; or,
2. Object to COVID-19 vaccination based on their sincerely-held religious belief, practice, or observance.

To seek a reasonable accommodation from the vaccination requirements in this Policy, **City of El Segundo** employees should:

1. Contact **City of El Segundo's** Human Resources Department to obtain a copy of the appropriate form by calling (310) 524-2381, emailing hr@elsegundo.org, or responding in-person at 350 Main Street, El Segundo, CA 90245. The available forms are:
 - a. Disability Accommodation Request Form; and
 - b. Religious Accommodation Request Form
2. Complete and submit the applicable form(s) to the **City of El Segundo** Human Resources Department at hr@elsegundo.org or 350 Main Street, El Segundo, CA 90245.

3. The Human Resources Department will then contact the employee to request additional information, as necessary, and to engage the employee in an interactive process if the employee so qualifies. The decision on exemption requests is final and not subject to grievance or appeal.

VI. VACCINE BOOSTERS

To the extent that this policy remains in effect and when COVID-19 vaccine boosters become necessary to prevent the contraction and transmission of the virus that causes COVID-19, this vaccination policy and the requirements and limited exemptions set forth herein shall apply to COVID-19 vaccine boosters.

Under such circumstances, all **City of El Segundo** personnel must receive a COVID-19 vaccine booster when public health authorities, including the CDC, the California Department of Public Health (CDPH), or the County Department of Public Health indicate that a COVID-19 vaccine booster is necessary based on the COVID-19 vaccine that the employee received and the date upon which the employee became fully vaccinated.

VII. CONSEQUENCES OF NON-COMPLIANCE

City of El Segundo employees who fail to comply with this policy shall not be permitted to perform work at **City of El Segundo** worksites or facilities. If the **City of El Segundo** determines that such employees cannot perform their essential job duties from a remote location or that doing so would impose an undue hardship on the **City of El Segundo** or its operations, the employee will be served with a notice of non-compliance and may elect to use their own paid leave, not to exceed thirty (30) days of paid leave, in order to provide for their continued compensation throughout the period during which they fail to comply with the policy.

The **City of El Segundo** will process requests for Leaves of Absence Without Pay in accordance with the **City of El Segundo** Personnel Rules and Regulations.

City of El Segundo employees who exhaust their own paid leave balances or have used thirty (30) days of their own leave balances and have still failed to comply with this policy will be served with a Proposed Recommendation of Disciplinary Action notifying the employee of the Department Head's intent to recommend to the City Manager a suspension without pay for four consecutive work days. A meeting with the Department Head will be scheduled as soon as practicable to discuss the proposed four-day suspension. Following that meeting, a final recommendation from the Department Head will be issued to the City Manager.

City of El Segundo employees who are not granted an exemption, fail to adhere to testing requirements, or fail to submit proof of having received either a one-dose COVID-19 vaccine regimen or the first dose of a two-dose COVID-19 vaccine regimen within ten (10) calendar days of a Notice of Intent to Suspend decision being rendered, will be served a Notice of Intent to Terminate. The disciplinary process will be conducted in accordance with the applicable Personnel Rules and Memorandum of Understanding.

Employees who submit proof of having received the first dose of a two-dose COVID-19 vaccine regimen within ten (10) calendar days of the Notice of Intent to Suspend decision must receive the second dose within thirty (30) calendar days of receiving the first dose in order to be in compliance with this policy.

VIII. TESTING AND FACE COVERING REQUIREMENT FOR ACCOMMODATED EMPLOYEES

The **City of El Segundo** will require unvaccinated employees who are granted an exemption/accommodation to undergo COVID-19 testing as follows:

1. Employees must receive a viral diagnostic COVID-19 test (e.g., PCR/Rapid Antigen) once per week, which shall be paid for by the employee.
2. Employees requiring testing for this purpose will be provided up to one hour of paid City time for each test taken during the beginning of the employees' work shifts. Time off for testing must be coordinated in advance with the employees' supervisors. No overtime will be paid for employees that choose to be tested while away from work.
3. Employees who are on leave (vacation, sick) in excess of one week or those employees whose work weeks are more than a week apart must submit their test results at the start of their next onsite work shift.

The **City of El Segundo** will preclude any employee from entering the workplace who receives a positive COVID-19 test of any kind. Employees who have tested positive for COVID-19 will notify Human Resources of their test result within 24 hours of receipt of the test result. If an employee has a positive rapid antigen test result, the **City of El Segundo** will require the employee to undergo a viral diagnostic COVID-19 test (PCR) immediately to confirm, which shall be paid for by the City.

All unvaccinated employees who are granted an exemption/accommodation must wear a medical grade mask (e.g., N95, K95, or a surgical mask) at all times while indoors at the worksite. Fabric/cloth masks, gators, bandanas are not compliant. The **City of El Segundo** has a zero tolerance for employees not completing required weekly testing and not always wearing a surgical mask while indoors, in a car with others, or in any other indoor space when not directly eating or drinking or in a room where no others are present. Violations are subject to discipline, up to and including termination.

The City reserves the right to modify the accommodations provided for under this Policy in the event that the City determines that the accommodations provided herein are no longer reasonable and safe.

IIX. CONFIDENTIALITY OF VACCINATION RECORDS

The **City of El Segundo** will treat all vaccination records as confidential medical information and maintain such records as required by the Confidentiality of Medical Information Act (CMIA).

The **City of El Segundo** will not use or disclose such information, unless authorized to do so or as permitted or required under the law.

VIII. SEVERABILITY

If any provision of this policy is found to be inoperative, void, or invalid by a court of competent jurisdiction, inclusive of completion of any appeals, if any, such provision shall be suspended and superseded by such applicable Federal and California laws and final appellate court decisions. At the request of the City or any bargaining unit, the City will agree to meet and confer, where applicable, within thirty (30) calendar days from notice thereof regarding any changes necessitated by the invalidation.



City of El Segundo

Human Resources Department

City of El Segundo Disability Accommodation Request Form For COVID-19 Vaccination

The City of El Segundo (City) affords equal employment opportunity for all qualified employees and applicants as to all terms of employment and prohibits discrimination against employees or applicants based on classifications protected by law, including, but not limited to, those with qualifying disabilities. Accordingly, the City provides reasonable accommodations for employees and applicants whose qualifying disabilities conflict with an employment requirement, unless providing such accommodation would result in undue hardship on the conduct of the City's business.

The City requires that all employees receive COVID-19 vaccinations by **February 28, 2022** in accordance with its COVID-19 vaccination policy. Employees may use this form to request an accommodation or exemption from the City's requirements if they have a contraindication to the available COVID-19 vaccines approved by the FDA or by the vaccines' manufacturer, or a qualifying disability, including pregnancy-related conditions, that precludes their vaccination.

Employees requesting an accommodation must complete this form and provide all of the requested information:

Section A: General Information and Worksite Information

Employee's Name: _____
Employee's Job Title: _____
Employee's Supervisor: _____
Employee's Department: _____
Employee's Worksite: _____

Section B: General Position and Worksite Information

Please check all that currently apply to you:

- I perform work onsite at a City worksite or facility
- My essential job duties require that I interact in person with other employees, visitors and/or members of the public
- I perform work in shared or communal spaces or areas where other employees, visitors, and/or members of the public may also be present

Section C: Reason for Request

- I have a physical or mental disability (which can include a contraindication to each of the FDA-approved COVID-19 vaccines) that limits or precludes my ability to be fully vaccinated against COVID-19.

Section D: Requested Accommodation

Please describe the accommodation* you are requesting**:

** Please note that an accommodation must enable you to perform the essential functions of your job and must not impose an undue hardship on the City or pose an unreasonable risk to your health and safety or the health and safety of others.*

*Further, please note that the City adopted the vaccination policy based on public health concerns in the community and in order to effectuate positive public health outcomes in the community and to protect the health and safety of all employees and individuals who come to the agency. While the City will, on an individualized basis, evaluate each request for accommodation from the vaccination policy, please note that the circumstances requiring that the City adopt such policy may continue for some time and it may not be possible to provide workplace accommodations at all or non-workplace accommodations in perpetuity. ** Please note that the City will consider your preferred accommodation and other possible accommodations for your health or medical condition.*

My signature below indicates that the information I have provided on this form is true and correct. I also understand that, in evaluating my request for an accommodation, the City may request an additional document(s) from my health care provider, and may not grant my requested accommodation if it does not allow me to perform my essential job duties, if it imposes an undue hardship on the City, or if it creates an unreasonable risk to my health and safety or to the health and safety of others.

Employee's Signature

Date



City of El Segundo

Human Resources Department

City of El Segundo Religious Accommodation Request Form For COVID-19 Vaccination

The City of El Segundo (City) affords equal employment opportunity for all qualified employees and applicants as to all terms of employment and prohibits discrimination against employees or applicants based on classifications protected by law, including, but not limited to, religion, creed, and religious belief, practice, or observance. Accordingly, the City provides reasonable accommodations for employees and applicants whose sincerely held religious belief, practice, or observance conflicts with an employment requirement, unless providing a reasonable accommodation would result in undue hardship on the conduct of the City's business.

The City requires that all employees receive COVID-19 vaccinations **February 28, 2022** in accordance with its COVID-19 vaccination policy. Employees may use this form to request a religious accommodation if they have a sincerely held religious belief, practice, or observance that conflicts with the City's requirement that all employees receive the COVID-19 vaccination.

Employees requesting an accommodation must complete this form and provide all of the requested information:

Section A: General Information and Worksite Information

Employee's Name: _____

Employee's Job Title: _____

Employee's Supervisor: _____

Employee's Department: _____

Employee's Worksite: _____

Section B: General Position and Worksite Information

Please check all that currently apply to you:

- I perform work onsite at a City worksite or facility
- My essential job duties require that I interact in person with other employees, visitors, or members of the public. I perform work in shared or communal spaces or areas where other employees, visitors, or members of the public may also be present.

Section C: Description of Religious Belief, Practice, or Observance

Please describe your sincerely held religious belief(s), practice(s), or observance(s) that conflicts with the requirement that you receive a COVID-19 vaccination:

Section D: Requested Accommodation

Please describe the accommodation* you are requesting**:

** Please note that an accommodation must enable you to perform the essential functions of your job and must not impose an undue hardship on the City or pose an unreasonable risk to your health and safety or the health and safety of others.*

Further, please note that the City adopted the vaccination policy based on public health concerns in the community and in order to effectuate positive public health outcomes in the community and to protect the health and safety of all employees and individuals who come to the agency. While the City will, on an individualized basis, evaluate each request for accommodation from the vaccination policy, please note that the circumstances requiring that the City adopt such policy may continue for some time and it may not be possible to provide workplace accommodations at all or non-workplace accommodations in perpetuity.

*** Please note that the City will consider your preferred accommodation and other possible accommodations that would resolve the conflict between your religious belief(s), practice(s), or observance(s) and will select and implement the accommodation that it deems effective, which may include, but is not limited to: (1) job restructuring or job reassignment; (2) modification of work practices; (3) alteration to worksite location; or (4) personal protective equipment.*

My signature below indicates that the information I have provided on this form accurately reflects my sincerely held religious belief(s), practice(s), or observance(s) and its conflict with the City's requirement that all employees receive a COVID-19 vaccination. I also understand that in

evaluating my request for an accommodation, the City may require me to provide additional supporting documentation and may not grant my request if it creates an undue hardship on the conduct of the City's business.

Employee's Signature

Date