



1. Purpose

The purpose of this policy is to provide City employees with a safe work environment and to protect the health and safety of both City employees and the public we serve, during the ongoing local emergency occasioned by the threat to public health and safety posed by COVID-19. To achieve that purpose, the City is requiring that City employees, volunteers (including interns or externs), members of City Boards, Commissions, and Task Forces, and certain contractors be vaccinated for COVID-19.

2. Preamble

The City Manager first declared a state of local emergency on March 13, 2020. Since then, the City Council has ratified the declaration of a local emergency on multiple occasions, the most recent of which was July 13, 2021.

In addition, the states of emergency declared at the county, state, and national level because of COVID-19 all remain in place.

Over the course of the emergency, the Los Angeles County Department of Public Health has issued a series of health orders imposing risk reduction measures to address the COVID-19 emergency. The most recent, issued August 16, 2021, recognizes, among other things:

- Since June 15, 2021, when many restrictions imposed by the state and County were lifted, "community transmission of COVID-19 in Los Angeles County has rapidly increased from Low to High."
- COVID-19 daily cases are now increasing; on August 13, 2021 alone, Los Angeles County reported 3,810 new cases. As of August 6, 2021, Los Angeles County is also reporting a 7-day daily average case rate of 29.1 cases per 100,000 people, without a 7-day lag. The test positivity rate and number of hospitalizations have also dramatically increased. This indicates a continued and high risk of COVID-19 infection for the unvaccinated. This also means that community transmission of COVID-19

within Los Angeles County is highly likely to increase during the coming days and weeks.

- Currently, the Delta variant is predominant in Los Angeles County. The Delta variant is two times more contagious than earlier COVID-19 variants and continues to lead to increased infections.
- At this time, the current COVID-19 vaccines (the Moderna two-dose and Johnson & Johnson single-dose vaccines approved under the Food and Drug Administration's ("FDA") Emergency Use Authorization ("EUA") approval process and the Pfizer- BioNTech two-dose vaccine approved under the FDA's Biologics License Application (i.e., general use) ("BLA") approval process) are effective at helping to reduce the risk of getting and spreading the infection and also of getting seriously ill, even if a fully vaccinated person gets COVID-19, and even against the current variants of the virus that causes COVID-19. Although no vaccine is 100% effective at preventing illness in vaccinated people, the currently authorized COVID-19 vaccines remain the best form of protection against COVID-19.

On August 12, 2021, the Los Angeles County Department of Public Health issued a health order requiring vaccination of health care workers. This order recognizes, among other things:

- The spread of COVID-19 remains a substantial danger to the public.
- The Delta variant has become the dominant strain of COVID-19 virus in the County and is much more contagious than previous strains of COVID-19.
- Vaccination against COVID-19 is the most effective means of preventing infection with the COVID-19 virus, with the risk of infection reduced by 70% to 95%. Vaccination also appears to reduce the chance of transmission by an infected vaccinated person by 40% to 60%.
- Unvaccinated persons are more likely to get infected and spread the virus. Over 90% of current hospitalizations and deaths are among unvaccinated persons.

Since July 30, 2021, COVID-19 cases and hospitalizations in Los Angeles County have continued to increase. For a recent reporting period, the weekly case average was 3,455 (a 58.6% increase over the last reporting period) and the number of hospitalizations was 1,503 (a 68.6% increase).

In response to the continuing rapid increase in COVID-19 transmission, including that due to the Delta variant, many public employers have adopted mandatory vaccination policies. Among the local public employers implementing such policies are: Los Angeles County, which requires all County employees to be vaccinated by October 1, 2021; the University of California and the California State University systems, both of which require all employees and students to be fully vaccinated; and the City of Pasadena, which is requiring all city employees to be fully vaccinated by no later than September 17, 2021. Furthermore, on August 12, 2021, the Los Angeles County Department of Public Health issued an order requiring health care workers, including doctors and medical assistants, dentists and dental assistants, pharmacists, EMTs, EMT-paramedics, and home health aides to be fully vaccinated by September 30, 2021.

A continued increase in the vaccination rate is paramount to stem the continuing rapid increase in COVID-19 transmission. Currently authorized vaccines have proven effective at preventing severe outcomes from the virus causing COVID-19, including the Delta variant. COVID-19 vaccines are free, safe, and widely available. Getting vaccinated is one of the most important ways to help stop COVID-19 spread. Currently, approximately 88% of Santa Monicans 12-17 years of age and 81% of Santa Monicans 16 years of age or older are vaccinated. The percentage of City employees who are vaccinated falls well below this, with only approximately 60% of employees having self-reported vaccination, and only approximately 36% having submitted documentation of vaccination.

3. Vaccination Requirement

To ensure that the City fulfills its primary function of protecting the health and safety of the Santa Monica community, while also meeting its obligation to provide a safe and healthy workplace for employees, all Covered Persons must: (a) receive at least one dose of a COVID-19 vaccine, or request an exemption, no later than September 17, 2021; and (b) in the absence of an exemption, be fully vaccinated for COVID-19 by no later than October 29, 2021.

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4. Reporting Vaccination Status and Documentation

- a) All Covered Persons must report their vaccination status no later than 5:00 p.m. on September 17, 2021. Covered persons must use the process and form designated by the City for this purpose, and include supporting documentation proving their vaccination status. Covered Persons will certify that they are:
 - i. Fully vaccinated for COVID-19 (no request for exemption required)
 - ii. Partially vaccinated for COVID-19 (no request for exemption required)
 - iii. Unvaccinated for COVID-19 (request an exemption due to medical/disability or sincerely held religious belief, practice, or observance)Covered Persons will certify that the information they provide regarding vaccination status is true and accurate.
- b) All Covered Persons who certified that they were partially vaccinated for COVID-19 as of September 17, 2021, must certify that they are fully vaccinated for COVID-19 by no later than 5:00 pm on October 29, 2021.
- c) All Covered Persons who requested but were denied an exemption, must certify that they are fully vaccinated for COVID-19 by no later than 5:00 pm on October 29, 2021, or such later date as may be specified in the denial of the exemption..
- d) Covered Persons are required to provide the City with proof of vaccination status within the relevant time frames set forth above. Proof of vaccination status may include any of the following documents:
 - i. A screenshot of the digital vaccination record, which is available free and instantly from the state of California, <https://myvaccinerecord.cdph.ca.gov/>
 - ii. A photo of the CDC COVID-19 vaccination record card
 - iii. Documentation by the employee's Health Care provider

5. Requests for Exemptions

The City will review requests for medical/disability and religious exemptions on a case -by-case basis consistent with procedures for reasonable accommodation requests.

- a) **Medical/Disability Exemption:** Covered Persons with a medical condition, disability, or other medical restriction that affects their ability to safely receive a

COVID-19 vaccine, as verified by their Health Care provider, may request a reasonable accommodation to be exempted from this vaccination requirement.

Requests for medical/disability exemption must be submitted to the Human Resources Department using a process and form designated by the City no later than September 17, 2021 at 5:00 p.m. Covered Persons requesting a medical/disability exemption will be required to obtain a completed Certification from their Health Care Provider on a form to be provided by the City.

- b) **Requests for Religious Exemption:** Covered Persons with a sincerely held religious belief, practice, or observance that prohibits them from receiving a vaccine may request a reasonable accommodation to be exempted from this vaccination requirement.

Requests for religious exemption must be submitted to the Human Resources Department using a process and form designated by the City no later than 5:00 p.m. on September 17, 2021. If the City possesses an objective basis for questioning the nature or sincerity of the religious belief, practice, or observance, the City may request that the Covered Person produce additional information to support their request for exemption.

6. Confidentiality of Vaccination Status and Records

The City will maintain the confidentiality of documentation and information regarding a Covered Person's vaccination status and any request for exemption. The City will limit access to such documentation and information to those employed or retained by the City, such as the City's Human Resources staff and individual employees' immediate supervisors, with a need to know as provided by the American with Disabilities Act, the Confidentiality of Medical Information Act, California Civil Code section 56.20 (c), and other applicable local, state, or federal laws.

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7. Definitions

- a) "Covered Persons": Covered Persons are all City employees and volunteers (including interns or externs); all members of City Boards, Commissions, and Task Forces; and all contractors with whom the City, after the effective date of this policy, enters into contracts that will require them to visit or work in City facilities or interact with City residents or employees,
- b) COVID-19 Vaccine: A COVID-19 vaccine satisfies the requirement of this policy if the FDA has approved the vaccine's use under either the EUA or BLA approval processes. Vaccines that currently meet this requirement include Moderna or Pfizer- BioNTech (two-dose COVID-19 vaccine series) and Johnson & Johnson/Janssen (a single-dose COVID-19 vaccine).
- c) "Fully Vaccinated": A Covered Person is fully vaccinated if 14 days or more have passed from the date the Covered Person received the final dose of a two-dose COVID-19 vaccine series (Moderna or Pfizer- BioNTech) or a single-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, California Department of Public Health, or Los Angeles County Department of Public Health.
- d) "Partially Vaccinated": A Covered Person is partially vaccinated if they have received at least one dose of a COVID-19 vaccine but do not meet the definition of fully vaccinated.
- e) "Unvaccinated": A Covered Person is unvaccinated if they have not received any doses of COVID-19 vaccine or if their vaccination status is unknown.



John Jalili
Interim City Manager

8-23-21

Date