

**SUBJECT: COVID-19 VACCINATION POLICY**

**ADMINISTRATIVE PROCEDURES**

**CITY OF BURLINGAME**

**January 21, 2022**

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**I. PURPOSE:**

The City of Burlingame (City) seeks to provide a safe work environment and protect the health and safety of City employees and the public. The City is adopting this Policy as an emergency public health response to COVID-19 to mitigate the negative public health consequences associated with the increased incidence, positive test rates, and prevalence of new virus variants, including increased hospitalizations, intensive care unit (“ICU”) admissions, and deaths in San Mateo County.

This policy is intended to be consistent with COVID-19 public health guidance and legal requirements, including as subsequently revised. This Policy is further intended to effectuate positive public health outcomes in the City by reducing the likelihood of hospitalizations, ICU admissions, and deaths.

Unvaccinated older adults and unvaccinated people who have certain medical conditions are at a high risk of severe illness from COVID-19. People with weakened immune systems who are fully vaccinated might not respond as well to the vaccine so they may also be at risk for getting very sick and dying from COVID-19. A small percent of fully vaccinated persons do get infected, usually with mild symptoms. However, it is still possible for fully vaccinated people to spread the virus to others.

To protect City personnel, the Burlingame community members with whom City personnel interact, and all community members, the City will require all City personnel, including employees, contractors who work at City worksites and facilities or interact in person with other City employees or members of the public in the performance of their duties on behalf of the City, volunteers, and interns (“covered workers”), to comply with this COVID-19 Vaccination Policy (“Policy”).

**II. VACCINATION GUIDELINES:**

All covered workers must be Fully Vaccinated by March 1, 2022.

“Fully Vaccinated” means:

1. it has been at least two (2) weeks since the covered worker has completed the entire recommended series of a COVID-19 vaccine (meaning they have received the second dose in a two-dose COVID-19 series or the single dose COVID-19 vaccine); and
2. the covered worker has obtained a vaccination booster, when eligible; and
3. the covered worker has provided proof of vaccination to the Human Resources Department in a form consistent with the requirements for verification of vaccine status

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in the State of California's July 26, 2021 Public Health Officer Order, which is available [here](#).

“Partially Vaccinated” means: covered workers who have received at least one dose of a COVID-19 vaccine but do not meet the definition of Fully Vaccinated.

“Unvaccinated” means: covered workers who have not received any doses of COVID-19 vaccine or whose status is unknown.

Between January 21, 2022 and February 28, 2022, all Unvaccinated and Partially-Vaccinated covered workers must continue to test pursuant the Mandatory Testing Policy. Effective March 1, 2022 all covered workers without a temporary deferral or an approved medical or religious exemption must be Fully Vaccinated or they will be separated as discussed below.

The City will reasonably consider requests for temporary deferral of deadlines based on objective evidence of factors such as limited availability of vaccination appointments, issuance of government agency guidance or requirements temporarily affecting eligibility to receive vaccination due to prior COVID-19 treatments, delay in the covered worker's receipt of exemption documentation despite the covered worker's reasonable efforts, and other similar factors outside of the covered worker's reasonable control.

### **III. PROCEDURES AND RESPONSIBILITY (Covered Workers):**

#### **Getting Vaccinated.**

Unvaccinated City employees, interns, and volunteers who elect to be vaccinated in accordance with this Policy may do so during their normal working hours. Employees will receive two hours of release time for each vaccine administration (receipt of shot). Any additional time taken may be charged to the employee's sick leave balance or may be unpaid if the employee has no available sick leave or elects to take the time off unpaid. Covered workers who are already Fully Vaccinated will not be provided with leave under this Policy. Contractors shall not use City contract time to get vaccinated.

All covered workers are eligible for a vaccine booster six (6) months or two (2) months (depending on the brand of vaccine) after completing their first vaccination series (meaning six (6) months after they received the second dose in a two-dose COVID-19 series or two (2) months after completing the single dose COVID-19 vaccine). Covered workers who are eligible for a vaccine booster as of the effective date of this Policy, but who have not yet obtained one, must obtain a vaccination booster and provide proof to the Human Resources Department within twenty-one (21) calendar days of the effective date of this Policy. Covered workers who are not yet eligible for a vaccine booster must obtain a vaccination booster and provide proof to the Human Resources Department no more than twenty-one (21) calendar days after the covered worker's date of eligibility for the vaccine booster (meaning the day falling six (6) months after the day they received the second dose in a two-dose COVID-19 series or the day falling two (2) months after the day they received the single dose COVID-19 vaccine). Covered workers who do not obtain a booster vaccination by the deadlines stated above, and who have not requested a temporary deferral

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or medical or religious exemption, will be subject to normal disciplinary process, up to and including separation for City service in accordance with this Policy.

Covered workers who have an adverse reaction to the vaccine may use sick leave to cover their time away from work. If the covered worker does not have sick leave available, they will be provided with administrative leave. Administrative leave will be provided for the lesser of 1) the period of actual incapacity due to the adverse reaction, or 2) three (3) days.

All covered workers 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/>.

### **Reporting Vaccination Status and Documentation.**

All covered workers must report their vaccination status using the following process and forms designated by the City. Any covered worker who refuses to report their vaccination status will be treated as Unvaccinated under this policy, as well as for purposes of the City compliance with any legal obligations or policy provisions that distinguish between vaccinated and unvaccinated individuals. The City will use the information provided by covered workers about their vaccination status to enforce the Cal/OSHA masking, testing, quarantine, and other requirements and compliance with this Policy.

Covered workers must certify their vaccination status by returning the COVID-19 Vaccination Attestation Form and proof of vaccination to the Human Resources Department. Covered workers will certify the information they provide regarding vaccination status is true and accurate and they may be subject to discipline, up to and including termination, for providing untruthful information to the City.

Proof of vaccination includes any of the following documents:

1. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes name of person vaccinated, type of vaccine provided and date last dose administered); OR
2. a photo of a Vaccination Record Card as a separate document; OR
3. a photo of the client's Vaccination Record Card stored on a phone or electronic device; OR
4. documentation of COVID-19 vaccination from a health care provider; OR
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 [i]; OR
6. documentation of vaccination from other contracted employers who follow these vaccination records guidelines and standards.

Any time a covered worker's vaccination status changes, the covered worker must update the Human Resources Department by following the procedures in section III of this Policy.

Covered workers are not requested or required to provide any additional medical information as proof of vaccination status. The City reserves the right to inspect the original hard copy of any proof of vaccination status provided if there is reason to doubt its validity.

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The City will maintain information provided about vaccination status as a confidential medical record. Only authorized City employees will have access to personnel information. The City will share information on a covered worker's vaccination status only on a need-to-know basis to enforce masking and safety requirements, including to the covered worker's department head, managers, and/or supervisors.

### **Requesting an Exemption.**

Covered workers may request to be exempted from this vaccination requirement and instead be approved for one or more alternative measure(s) as a reasonable accommodation if they:

1. Have a contraindication recognized by the U.S. Centers for Disease Control and Prevention (CDC) or by the vaccine's manufacturer to every approved COVID-19 vaccine. A contraindication means a condition that makes vaccination inadvisable; or
2. Have a disability and are requesting an exception as a reasonable accommodation; or,
3. Object to COVID-19 vaccination based on their sincerely-held religious belief, practice, or observance.

The City will make Exemption Request forms available to covered workers on the Human Resources Department website and in the Human Resources Department. Exemption Request forms must be submitted to the Human Resources Department no later than February 1, 2022. Covered workers requesting a medical/disability exemption will be required to provide a completed Certification from their Health Care Provider with their request.

The City will review the covered worker's request for temporary or permanent medical, disability, and religious exemptions on a case-by-case basis consistent with procedures for reasonable accommodation requests pursuant to Federal and state law. During the interactive process the covered worker shall continue to abide by the Mandatory Masking and Testing policy and continue to test weekly and wear a face covering.

If a covered worker's request for exemption is not approved, or if they cannot be reasonably accommodated, they must become Partially or Fully Vaccinated (and provide proof of vaccination to the Human Resources Department as provided above) within fourteen (14) calendar days after receiving notice that their exemption has been denied, and must be Fully Vaccinated (and provide proof of vaccination to the Human Resources Department as provided above) no later than six (6) weeks after they were notified that the request for exemption was not approved. Failure to become Fully Vaccinated by the stated deadline will result in separation from service, as described below.

### **Consequences for Noncompliance.**

1. Covered workers who are not Fully Vaccinated after March 1, 2022 (except those who have received the first vaccination series and not yet eligible for a booster vaccine as of March 1, 2022) and who have not requested or been approved for a temporary deferral or religious or medical exemption will be separated from service for not meeting the City's minimum qualifications of becoming Fully Vaccinated.

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- a. Permanent, non-probationary employees who are members of a recognized bargaining unit will have the opportunity for a Skelly hearing with the City Manager, or designee, before being separated. If the City Manager, or designee, upholds the separation after the Skelly hearing, the employee will be separated from City service. Following the Notice of Intent to Terminate, the employee will be placed on Paid Administrative Leave, pending the conclusion of the Skelly process.
  - b. Probationary employees are at-will, and will be immediately separated from service to the City.
  - c. The City will terminate the agreement with Unvaccinated contractors following the applicable contract termination provision.
  - d. Volunteers will be immediately separated from service pursuant to the volunteer program.
  - e. Interns and casual employees are at-will, and will be immediately separated from service to the City.
2. Covered workers who, as of March 1, 2022, have received the first series of vaccination (meaning they received the second dose in a two-dose COVID-19 series or the single dose COVID-19 vaccine) but who are not yet eligible for a booster vaccine will be separated from employment with the City in accordance with the procedures described above if they are not Fully Vaccinated (and provide proof of same to the Human Resources Department) on or before the twenty-first (21<sup>st</sup>) calendar day following the date the covered worker became eligible for a booster vaccine.
  3. Covered workers who 1) request a religious or medical exemption that is not granted 2) are granted an exemption but cannot be reasonably accommodated without undue hardship or without posing a direct threat to themselves or others, or 3) are denied a temporary deferral will be separated from service in accordance with the procedures described above.
  4. Covered workers may choose to resign in lieu of termination.

**IV. PROCEDURES AND RESPONSIBILITY (New Hires):**

Prior to beginning employment, covered workers hired on or after January 21, 2022 must submit certification that they are Fully Vaccinated for COVID-19 (including type of vaccine obtained and date(s) of the doses), unless they have an approved exemption.

Covered workers hired on or after January 21, 2022 who have received the first series of vaccination (meaning they received the second dose in a two-dose COVID-19 series or the single dose COVID-19 vaccine) but who are not yet eligible for a booster vaccine will be allowed to serve the City until their booster vaccine eligibility date, after which time they may be separated in accordance with section III of this Policy.

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### **Requesting an Exemption.**

The City will review job candidates' requests for temporary or permanent medical, disability, and religious exemptions on a case-by-case basis consistent with procedures for reasonable accommodation requests pursuant to Federal and state law.

**Medical/Disability Exemption:** Job candidates with a medical condition, disability, or other medical restriction that affects their eligibility for a vaccine, as verified by their medical provider, may submit a request through the Human Resources Department to be exempted from this vaccination requirement and instead be approved for one or more alternative measure(s) as a reasonable accommodation.

Job candidates requesting a medical/disability exemption will be required to provide a completed Certification from their Health Care Provider with their request.

**Religious Exemption:** Job candidates with a sincerely held religious belief, practice, or observance that prohibits them from receiving a vaccine, may request a reasonable accommodation through the Human Resources Department using a process and form designated by the City to be exempted from this vaccination requirement and instead be approved for one or more alternative measure(s) as a reasonable accommodation.

### **Requests for Temporary Deferral of Deadlines.**

The City will reasonably consider a job candidate's requests for temporary deferral of being Fully Vaccinated and employment start date based on objective evidence of factors such as limited availability of vaccination appointments, issuance of government agency guidance or requirements temporarily affecting eligibility to receive vaccination due to prior COVID-19 treatments, delay in job candidate's receipt of exemption documentation despite the candidate's reasonable efforts, and other similar factors outside of the job candidate's reasonable control. The City's determination is final, as permitted by law.

### **Consequences for Noncompliance.**

The City will separate any covered worker who is hired on or after January 21, 2022 and who is not in compliance with this Policy pursuant to the procedures discussed in section III.

## **IV. EFFECTIVE DATE/PERIOD:**

This Policy shall be effective January 21, 2022 and shall remain in full force and effect until the City Manager determines that the local public health circumstances have sufficiently improved to permit the suspension of the Policy. The City reserves the right to revise and update this policy as appropriate to address such modifications. In doing so, the City will comply with applicable obligations to meet and confer in accordance with requirements of the Meyers-Milias-Brown Act.

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*Lisa K. Goldman*

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City Manager