




MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Karen Boyd
Ian Appleyard

SUBJECT: Status of Return-to-Office Planning
& Mandatory Employee Vaccinations

DATE: December 7, 2021

City Administrator 
Approval

Date December 7, 2021

Status Update: Return-to-Office Plans

Current plans require that on Monday, January 3, 2022, City employees who have been working remotely will return to the office, some under new telecommuting arrangements that provide for a hybrid of in-person and remote work (no more than 3 days/week remote).

In July, City staff who were interested in continuing to telecommute on a part-time basis submitted applications to their department. Each department evaluated the requests and made determinations for individual employees, prioritizing operational needs and staffing configurations to meet public service requirements. The new schedules are currently set to begin Monday, January 3, 2022.

The goal is to provide a safe and healthy workplace for all City employees and visitors alike. By following recommended public health guidelines throughout the pandemic—particularly the indoor mask requirement and now mandatory vaccinations—City employees have been diligent in minimizing workplace spread of the COVID-19 virus and the City has maintained a healthy workforce.

We are closely monitoring the emergence of the new omicron variant and are mindful that public health experts and scientists worldwide have predicted that variants will continue to emerge as the virus mutates; it seems COVID will be with us for the foreseeable future. We know that the measures we are practicing—wearing masks indoors and getting vaccinated—are effective and have helped us avoid workplace-related outbreaks.

Health and safety protocols will continue in all City buildings. **For the time being, masks will continue to be required indoors for employees and the public alike, regardless of vaccination status.**

The City has invested hundreds of thousands of dollars and a huge number of staff hours to making safety improvements to City facilities. Oakland Public Works' Facilities Services Division has been hard at work throughout the pandemic providing sanitized and safe facilities for those who continued reporting to the workplace and for those who will soon return.

- The Facilities team will continue to frequently clean and sanitize public spaces and common areas.
- OPW has installed new devices and equipment to enhance a clean and healthy work environment, including:
 - Hands-free temperature scan devices for employees and visitors to conduct self-service health checks when entering
 - Hand sanitizing stations throughout City buildings
 - Plexiglass dividers at public contact points and in conference rooms.
 - New touchless water faucets and toilet flushers in restrooms
 - Touchless water bottle refilling stations
- In Civic Center buildings and most City facilities, the heating/ventilation and air conditioning system (H/VAC) is equipped with pre-filters and filters that meet or exceed CDC recommendations. The system circulates 100% fresh air—no air is being re-circulated.
- Security guards will have masks available for anyone entering the Civic Center buildings without one.

This short video highlights what has been done to these facilities and what those improvements mean for returning staff: <https://vimeo.com/637997838>

The City will continue to take every measure reasonably available to avoid increasing possible risk for staff and the public in the process of re-opening City facilities. As we have been doing all along, we will:

- Continue to monitor case and hospitalization rates as new variants like omicron emerge and the normal flu season approaches, particularly following the holidays;
- Track evolving guidance from public health authorities, including the Alameda County Public Health Department, California Department of Public Health, CalOSHA, and the CDC; and
- Adjust our plans accordingly if conditions change for the worse.

With regard to welcoming the public back to City facilities such as City Hall, which have not yet reopened to the public, our current planned date for reopening is also January 3, 2022. We will be monitoring the situation in the next few weeks in order to make a determination as to whether to hold that date or push it out.

Status Update: Implementation of Mandatory Employee Vaccination Policy

We now have a powerful tool to provide a safe and healthy workplace for our employees and their families, protect the public we serve, and reduce the risk of community transmission: vaccinations.

In alignment with public health guidance and a growing number of public- and private-sector employers, on October 4, 2021, the City Administrator issued [Administrative Instruction 593—Employee Mandatory Vaccination Policy](#). The Employee Mandatory Vaccination Policy requires that all employees must, as a condition of employment:

- Report and verify their vaccination status to the City no later than November 15, 2021, and
- Be fully vaccinated as defined by this policy no later than November 29, 2021, unless the employee has applied for an exemption, and unless stricter Federal, State, or other legal requirements apply.

The policy applies to all employees, interns, and volunteers. It does not apply to vendors or visitors, though, separately, we are including language in new City contracts requiring contractor staff that engages with City employees be vaccinated. The policy provides a system for requesting exemptions for medical reasons or for sincerely held religious beliefs.

Progress to Date

As detailed in the chart below, since the policy took effect, to date:

- **94% of the City’s approximately 3,560 permanent/full-time City employees are fully vaccinated!**
- 5% have requested a medical or religious exemption
- Only 1% of permanent employees did not comply with the mandatory vaccination policy.

Total Permanent/Full Time Employees (1)	VACCINATED	UNVACCINATED Exemption Requests (2)		NON-COMPLIANT (3)
		Medical	Religious	
		33	151	
3,560	3,339	184		37
	94%	5%		1%

HONORABLE MAYOR AND CITY COUNCIL

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1. *This table only includes the City's permanent (full-time and part-time) employees. It does not include temporary part-time employees who are often seasonal or have short-term assignments such as lifeguards, camp counselors, or program instructors. Seasonal employees who did not comply will be inactivated and required to show proof of vaccination if they choose to return.*
2. *No exemptions have been granted to date; all requests are being reviewed and will be handled on a case-by-case basis.*
3. *These employees did not submit proof of vaccination; are not vaccinated and are not seeking an exemption; or are on long-term leave. As exemption decisions are reached, this category will be updated to include employees whose exemption request was denied.*

City staff are reviewing the 184 requests for exemption on a case by-case basis consistent with existing procedures for reasonable accommodation requests and emerging case law. Among the accommodations, the City may consider mandatory periodic testing at least once per week in addition to masking, which is currently required for all City employees.

As shown in the charts below, the percentages are similar for Police and Fire Department employees.

PUBLIC SAFETY EMPLOYEE VACCINATION RATES**Oakland Police Department**

TOTAL EMPLOYEES	VACCINATED	UNVACCINATED Exemption Requests		NON-COMPLIANT
		<i>Medical</i>	<i>Religious</i>	
		3	45	
1,017	959	48		10*
	94%	5%		<1%

*Most of these 10 employees are on long-term leave and it is expected they will be vaccinated upon return from that leave.

Oakland Fire Department

TOTAL EMPLOYEES	VACCINATED	UNVACCINATED Exemption Requests		NON-COMPLIANT
		<i>Medical</i>	<i>Religious</i>	
		12	24	
520	484	36**		0
	93%	7%		0%

** Approximately half have applied for both a medical and religious exemption.

Compliance with the mandatory vaccination policy is a condition of employment. Those employees who do not comply with the policy will receive a Notice of Intent to Terminate employment and will be prohibited from coming to the workplace. Civil Service employees will be provided an opportunity to attend a Skelly hearing; after receiving a recommendation from the hearing officer, the City Administrator will make the final decision regarding termination. Those who are terminated will receive two-weeks' notice. Exempt employees who are at-will and not subject to Civil Service processes will be terminated without a hearing.

Employee Notifications

Informing City employees about the vaccination policy requirements took place over nearly three months and involved multiple communications channels. Employees were initially notified in late August that the policy was coming and were provided a draft to review. Employee unions were invited to comment on the draft policy, and those comments were integrated into the final policy issued on October 4.

To facilitate compliance, the City:

- **Notified City employees** by: regular and frequent citywide and departmental email announcements; workplace posters/flyers in English, Spanish, and Chinese; tailgate and staff meetings; and text messages (OPW and OakDOT employees).
- **Created a [Frequently Asked Questions \(FAQ\)](#)** to help respond to employees' questions about the policy, compliance deadlines and requirements, and consequences for non-compliance.
- **Established free, walk-up onsite COVID vaccination clinics.** Initially there were three sites, located at the Municipal Service Center, the Police Administration Building, and 250 Frank Ogawa Plaza. Currently there is a vaccination clinic operating 7 days/week from 9 am to 5pm at 250 Frank Ogawa Plaza; no appointment needed.
- **Provided regular updates** about vaccination deadlines, locations of vaccine clinics, and instructions and a QR code for uploading proof of vaccination using the secure and confidential online portal.
- **Updated the [Employee Resources](#) page** of oaklandca.gov with the policy and FAQs.

Legislative Planning: Public Meetings and Emergency Ordinances

The Administration will continue to work closely with the City Council President to consider how and when to resume holding public meetings in person, with consideration given to a potential hybrid model to provide the public with an option for continued remote/online participation. At the beginning of the pandemic, Governor Newsom issued an Executive Order suspending certain Ralph M. Brown Act rules and allowing local and state legislative bodies to hold public meetings via teleconference and to make meetings accessible electronically. In 2021, Governor Newsom signed AB-361 which continues to allow the City Council and boards/commissions to conduct meetings by teleconference.

The City Attorney will review and advise the Administration about emergency ordinances, orders, and declarations that remain in place which should be revised or rescinded in alignment with Alameda County and the State of California.

The global pandemic is not over, variants of the COVID-19 virus continue to emerge, and public health guidance continues to evolve, all which will require the City to monitor new developments and revise our operations in an ongoing and flexible manner for the foreseeable future.

Respectfully submitted,

Karen Boyd

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