

CITY OF OAKLAND

ADMINISTRATIVE INSTRUCTION



SUBJECT	Employee Mandatory Vaccination Policy	NUMBER	5XX
REFERENCE	None	EFFECTIVE	INSERT DATE
SUPERSEDE	None		

I. PURPOSE

The City of Oakland (City) must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as it reopens services and returns more employees to workplaces. According to the federal Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the Alameda County Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths.

Unvaccinated full and part-time employees, interns, and volunteers are at greater risk of contracting and spreading COVID-19 within the workplace and City facilities, and to the public that depends on City services. To best protect its employees and others in City facilities, and fulfill its obligations to the public, all employees must, as a condition of employment: (1) report their vaccination status to the City no later than October 15, 2021; and (2) be fully vaccinated and verify that vaccination status to the City not later than November 1, 2021, unless the employee has applied for an exemption, and unless stricter State or Federal legal requirements apply.

To be fully vaccinated, 14 days must have passed since an employee received the final dose of their chosen vaccine.

This policy applies to all employees, interns, and volunteers. It does not apply to vendors or visitors.

II. DEFINITIONS

Fully Vaccinated: Consistent with the Centers for Disease Control’s (CDC) current definition, which is subject to change, employees are considered fully vaccinated:

- 14 days after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or
- 14 days after a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine

Proof of Vaccination: Vaccination Record Card (CRC) issued from the CDC in either electronic or physical form.

Employee: For the purposes of this policy, the term “employee” includes all full-time, part-time temporary, and temporary agency employees. It also includes interns and volunteers.

III. POLICY

To protect the City’s workforce and the public that it serves, all City employees must report their vaccination status to the City. The City will use this information to enforce the Cal/OSHA masking, testing, quarantine, and other requirements and compliance with this Policy.

All City employees must report their vaccination status no later than by October 15, 2021, even if they are not yet fully vaccinated at that time. Employees with a medical condition or other medical restriction that affects their eligibility for a vaccine, as verified by their medical provider, or those with a sincerely held religious belief that prohibits them from receiving a vaccine, may request a reasonable accommodation to be excused from this vaccination requirement. Requests for accommodation must be submitted on or before October 15, 2021. The City will review requests for accommodation on a case-by-case basis consistent with existing procedures for reasonable accommodation requests. Among the accommodations, the City may consider mandatory periodic testing at least once per week.

Employees who previously reported that they were unvaccinated, and who have not applied for an exemption, and must be fully vaccinated and must update their status no later than November 1, 2021. Failure to comply with this policy may result in discharge for failure to meet a condition of employment.

The City of Oakland will provide either onsite access to the vaccines or a list of locations to assist employees in receiving the vaccine on their own. The COVID-19 vaccinations are free, whether an individual has health insurance or not. When not received in-house, vaccinations should be run through the employee’s health insurance and be submitted for reimbursement where applicable.

Unvaccinated employees requiring a vaccine to come into compliance with this policy will be paid for the time taken to receive vaccinations. For administrative leave requests, employees shall work with their managers to schedule an appropriate time to comply with this policy, but no more than two hours for each vaccine shall be granted.

The City of Oakland reserves the right to require that employees obtain periodic updated vaccinations (e.g. booster shots) and verification thereof under this policy. The City shall provide 10 weeks advanced notice of any such requirement.

IV. EMPLOYEE AND DEPARTMENT RESPONSIBILITIES

Individual employees are responsible for obtaining a COVID-19 vaccination and associated documentation. Additionally, employees must report their vaccination status and provide verification document(s) through the Oakland Vaccination Portal. Individual vaccine records are available electronically at <https://myvaccinerecord.cdph.ca.gov/>.

Department Directors are responsible for tracking their employees’ reporting statuses and providing both work time and computer access to employees as needed to enter information into the Oakland Vaccination Portal. Department Directors should remind employees of reporting cut-off dates and

encourage all employees to comply with the City's vaccination policy.

The Information Technology and Human Resources Management Departments are responsible for establishing and maintaining the Oakland Vaccination Portal. This portal will be user-friendly, collect and store employee information in a secure database, and include options for employees to request exemptions. Vaccination documents submitted by employees will be considered protected health information and will only be accessed by authorized City personnel to comply with applicable law and/or to promote workplace health and safety.

The City of Oakland Human Resources Department is responsible for tracking overall City compliance, evaluating vaccination exemptions through the interactive process, and processing suspension or discharge for those employees who fail to comply with the City's vaccination policy.

V. PROCESS FOR REPORTING VACCINATION STATUS

All City employees must report their vaccination status into the Oakland Vaccination Portal no later than October 15, 2021, with the following information:

- If completely unvaccinated, an employee must indicate accordingly.
- If an employee is fully or partially vaccinated, an employee must provide:
 - The type of vaccine obtained (Moderna, Pfizer, or Johnson & Johnson)
 - Date of the first dose of vaccine
 - Date of the second dose of vaccine for a 2-dose vaccine
 - Declaration under penalty of perjury that they have been fully vaccinated
 - Uploaded documentation verifying proof of vaccination status. Proof of vaccination can include a copy of the CDC Covid-19 Vaccination Record Card, documentation of vaccine from the employee's healthcare provider, or documentation issued by the State of California by going to: <https://myvaccinerecord.cdph.ca.gov/>
- If requesting a medical or religious exemption through the interactive process, complete and upload all required forms

Unless excused through an approved reasonable accommodation request, all employees must comply with the requirement to be fully vaccinated and submit documentation of that status no later than November 1, 2021.

To be fully vaccinated, 14 days must have passed since an employee received a single-dose vaccine or the second dose of a 2-dose vaccine. In other words, employees must plan ahead.

- Employees must receive the final dose of their chosen vaccine no later than October 18, 2021, to be fully vaccinated by November 1, 2021.
- Since the 2-dose vaccines require at least 14 days between the first and second doses, employees who wish to receive a 2-dose vaccine must receive their first dose no later than October 4, 2021, to receive their second dose by October 18, 2021.

VI. VACCINE EXEMPTION PROCESS

Employees seeking an exemption from the mandatory vaccine must indicate their exemption in the Oakland Vaccination Portal and upload associated documents by October 15, 2021. Employees seeking exemptions will be contacted and processed by the Human Resources Department. Each exemption will be evaluated individually through an interactive process between the City and the requesting employee.

Employees granted an exemption must still report their vaccination status by October 15, 2021, in the Oakland Vaccination Portal even though they may be exempt from taking a COVID-19 vaccine. Additionally, employees exempt from vaccination may be subject to additional workplace safety protocols such as frequent COVID-19 testing.

Limited individual exceptions include:

- A sincerely held religious belief that prevents the employee from receiving the vaccine.
- A qualifying medical reason, such as a disability, that interferes with the employee’s ability to receive the vaccine.

No employee will be discriminated against or retaliated against for seeking or obtaining a vaccination exemption.

VII. PROCEDURES

Responsible Party

Action

Employee

1. Read and understand the Employee Mandatory Vaccination Policy
2. Provide vaccine status in the Oakland Vaccination Portal by October 15, 2021
3. If seeking an exemption, complete and submit all required forms by October 15, 2021, and fully engage in the interactive process.
4. If not seeking an exemption, provide and upload verification of “fully vaccinated” status by November 1, 2021.

Supervisor

1. Read the Employee Mandatory Vaccination Policy
2. Provide vaccine status as indicated above
3. Approve administrative leave requests for employees to receive vaccinations, but no more than two hours for each vaccine shall be granted

Department Head or Designee

1. Read the Employee Mandatory Vaccination Policy
2. Provide vaccine status as indicated above
3. Approve administrative leave requests for employees to receive vaccinations, but no more than two hours for each vaccine shall be granted
4. Track departmental employees’ reporting status with assistance from HRM
5. Provide for work time and computer access to departmental employees as needed to enter information into the Oakland Vaccination Portal
6. Communicate regularly to employees about reporting dates and compliance with the Employee Vaccination Policy

7. Initiate the process of discharge for those employees who fail to comply with the City's Mandatory Vaccination Policy

Department of Information
Technology

1. Establish and maintain the Oakland Employee Vaccination Portal

Department of Human Resources
Management

1. Establish and administer the Employee Mandatory Vaccination Program and issue additional department requirements, guidelines, or procedures that are consistent with this policy
2. Develop the Oakland Vaccination Portal with the Department of Information Technology
3. Track and maintain employee vaccination records
4. Evaluate and administer vaccination exemptions through the interactive process
5. Advise and guide departments regarding processing discharge for those employees who fail to comply with the City's Mandatory Vaccination Policy



EMPLOYEE REQUEST FOR REASONABLE ACCOMMODATION - MEDICAL
(COVID-19 Vaccination Exemption)

Employee Name	Employee ID#
Job Code and Title	Department
Division/Unit	Supervisor/Manager

The City of Oakland will provide reasonable accommodations to qualified individuals with disabilities in accordance with the federal Americans with Disabilities Act and the California Fair Employment and Housing Act. Employees may be required to provide documentation which supports a request for reasonable accommodation.

EMPLOYEE CERTIFICATION

I have a disability or medical condition that prevents me from receiving any COVID-19 vaccine. To be eligible for this exemption, I understand that I must provide to the City a written medical certification signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician, stating that I qualify for the exemption and indicating the probable duration of my inability to receive the vaccine (or if the duration is unknown or permanent). The written medical certification should **not** identify the underlying medical condition or disability.

I received and reviewed information regarding the City’s policy requiring COVID-19 vaccination. I understand that a detailed review of my disability status may be required, and I agree to cooperate fully in this process. I further understand that if my request is approved, I am obligated to report any changes in my disability status which may require a re-evaluation of this request. Granting of this request does not signify approval of any future reasonable accommodation request for any other position within the City of Oakland.

I hereby certify that I make this request based on my belief that I have a disability or medical condition that prevents me from complying with COVID-19 vaccination requirements. I understand that any falsified information can lead to disciplinary action, up to and including termination of employment. I further understand that the City is not required to provide this exemption accommodation if doing so would pose a direct threat to myself or others in the workplace or would create an undue hardship.

Employee Signature

Date

Date Received: ___/___/20___ Medical Certification Received <input type="checkbox"/> Yes <input type="checkbox"/> No Date Medical Certification Received: ___/___/20___

For HR use only:



EMPLOYEE REQUEST FOR RELIGIOUS ACCOMMODATION (COVID-19 Vaccination Exemption)

Employee Name	Employee ID#
Job Code and Title	Department
Division/Unit	Supervisor/Manager

The City of Oakland is committed to equal employment opportunities for all employees and a work environment that is free of unlawful harassment, discrimination, and retaliation. Consistent with this commitment, the City complies with all laws protecting employees' religious beliefs, practices, and observances. When requested, the City will provide an exemption or reasonable accommodation for employees' sincere religious beliefs, practices, and observances, which prohibit the employee from receiving a COVID-19 vaccination, provided the requested accommodation is reasonable and does not create an undue hardship for the City or pose a direct threat to the health and/or safety of the employee or others in the workplace.

The City of Oakland requires all persons working for the City to be fully vaccinated against COVID-19. However, a religious exemption may be granted to City employees who: (1) hold a sincere religious belief that conflicts with the vaccination requirement, (2) complete this request form, and (3) provide any information needed to support the exemption request.

EMPLOYEE CERTIFICATION

I request an exemption from the City of Oakland's requirement that I be fully vaccinated against COVID-19. I make this request based on my sincere religious belief(s), practice(s), or observance(s). My beliefs conflict with the vaccination requirement, and I certify the following is true:

1. My religion or belief system is (enter name or description): _____
2. I have held this belief(s) system, or practiced and observed this religion since (enter date or year): _____
3. My religion, belief system, or practice requires me to abstain from the COVID-19 vaccination because (describe the specific tenet, practice, or observation that conflicts with the COVID-19 vaccination requirement and/or explain how you follow it):

4. If your religion, belief system, or practice requires you to abstain from the COVID-19 vaccination, but not other types of vaccinations, please describe the specific tenet, practice, or observation that expressly conflicts with the COVID-19 vaccination (attach a separate sheet if needed).

5. If requested, I can provide a written statement, an affidavit or other documents from a religious leader, or other person describing my beliefs and practices, including information regarding when I embraced the belief or practice, as well as when, where, and how I have adhered to the belief, practice, observance. YES NO

I hereby certify that I make this request based on my sincerely held religious beliefs that prevent me from complying with COVID-19 vaccination requirements. I understand that any falsified information can lead to disciplinary action, up to and including termination of employment. I also understand that my request for an accommodation may not be approved if it is not reasonable, if it poses a direct threat to the health and/or safety of others in the workplace and/or me, or if it creates an undue hardship for the City.

Employee Signature

Date

For HR use only:

Date Received: ___/___/20___ Supporting Documents Received Yes No

Date Supporting Documents Received: ___/___/20___