

CITY OF CULVER CITY
ADMINISTRATIVE REGULATIONS

Policy Number: II-26

Effective Date: 09/07/21

Revised: 11/02/21

**Subject: Mandatory Vaccination Policy with Vaccines Approved Under the
Biologics License Application (BLA) Process**

Source/Authority: City Manager

Purpose

The City of Culver City (“City”) adopts the following mandatory vaccination policy (“Policy”), as may be amended, in order to effectuate positive public health outcomes in the City and in Los Angeles County (“County”). The Policy requires that all City employees as well as volunteers, interns and certain contractors be fully vaccinated in order to reduce likelihood of hospitalizations, intensive care unit (“ICU”) admissions, and deaths in the County.

Policy and Procedures

I. Preamble

To protect City employees, contractors, volunteers and interns, the community members with whom they interact, and all residents of the City, the City will require all City employees, volunteers, interns, and certain contractors, to be fully vaccinated subject to the limited exceptions provided below.

The City adopts this vaccination policy as an emergency public health response 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 the City and County by reducing the likelihood of hospitalizations, ICU admissions and deaths.

City employees, contractors, 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 employees who need to be vaccinated in accordance with this Policy may do so during their normal working hours and will receive appropriate compensation for their time spent being vaccinated. Should an employee become ill as a result of receiving a vaccination in accordance with this Policy and be unable to work or telework as a result, the City will provide such employee up to three (3) days paid leave for that purpose.

Employees must coordinate with their supervisors to ensure appropriate coverage such that their absence is the least disruptive possible to City operations.

II. Relevant Definitions

1. "City personnel", for purposes of this Policy and related requirements, includes: (1) City employees, interns, and volunteers; and (2) City contractors who work at City worksites and facilities or interact with other City employees, contractors or members of the public in the performance of their duties on behalf of the City. City contractors who qualify as City personnel include, for example, contracted staff who consistently work within City facilities, but would not include, for example, a third-party that a department retains on occasion to pick up or deliver a package or documents. Identification as City Personnel for purposes of this Policy is not intended to and shall not bestow employment status upon any individual who is not an employee of the City nor change the at-will nature of any person's employment status.
2. "COVID-19 vaccine" means a COVID-19 vaccine approved by the FDA under either the Biologics License Application ("BLA") (*i.e.*, general use) approval process or the Emergency Use Authorization ("EUA") approval process.
3. "Fully vaccinated" means (1) it has been at least two weeks since a person has completed the entire recommended series of a COVID-19 vaccine, 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 which is available at the following web address: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx>.

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.

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.

III. Scope

The policy applies to all City personnel, as defined above.

IV. Effective Period

The policy shall be effective immediately 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.

V. Vaccination Requirement

The City will require that City personnel adhere to the following requirements:

1. All City personnel who require an accommodation related to the vaccination requirement must submit a request for exemption by September 30, 2021.
2. All City personnel must be fully vaccinated or must have previously submitted a request for exemption under V.1 by October 28, 2021.
3. Effective immediately, all newly hired City employees and any new volunteers, interns or contractors must be fully vaccinated or must submit a request for exemption.

Requests for exemption from the vaccination must be submitted according to the requirements set forth in Section VI, below.

If a person's request for exemption is approved, the individual will be required to submit to COVID-19 testing as described in Section VI below.

If a person's request for exemption is not approved, the individual must be partially or fully vaccinated within 14 days and fully vaccinated within 6 weeks of when they were notified that their request for exemption was not approved.

City employees, volunteers, interns or covered contractors who fail to comply with this policy shall not be permitted to perform services at City worksites or facilities. City employees will be placed on paid administrative leave until the completion of the disciplinary proceedings, as described below. In accordance with City rules, failure to

comply with City policy may result in discipline up to and including termination in accordance with due process requirements prescribed in state law and the City's Civil Service Rules. Employees who are making a good faith attempt to comply with City policy, but are delayed through no fault of their own, shall not be penalized or disciplined.

A contractor, volunteer or intern may be released from performing any services for the City for such failure.

VI. Limited Exemptions to Vaccination Requirement

Limited Exemptions for City Employees:

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

1. Have a health/medical condition or recently recovered from COVID-19 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 employees should:

1. Contact the City's Human Resources Division to obtain a copy of the appropriate form. The available forms are:
 - a. Disability Accommodation Request Form (This form also provides for requests for exemption based on contraindications); and
 - b. Religious Accommodation Request Form

Employees may contact the City's Human Resources Division at 310-253-5640 or covid.vaccination@culvercity.org.

2. Complete and submit the applicable form(s) to the City Human Resources Division at covid.vaccination@culvercity.org.
3. The Human Resources Division 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.

Limited Exemptions for City Contractors, Volunteers, and Interns

If a City contractor, volunteer or intern is covered by this Policy and requests an exemption to the vaccination requirement, the individual's sponsoring department may request an

ad hoc exemption from the City Manager, who will consider the requested exemption on a case-by-case basis. The City Manager consideration will include but not be limited to the sponsoring department's need and whether the contractor, volunteer, or intern meets the standard for an exemption available to City employees, as described above.

COVID-19 Testing Accommodation for Exempted City Personnel

Unless determined by the City to be unreasonable or unsafe, City personnel exempted from the vaccination requirement as provided in Section V, above, shall submit to weekly COVID-19 testing as a health and safety measure for all workplace accommodations.

The City will provide weekly COVID-19 testing as part of the accommodation to City personnel who are exempted from the vaccination requirement as provided in Section V. Such testing will be provided at no cost to City personnel.

The City will also accept negative COVID-19 test results from a supervised test administered no more than three (3) days prior to commencement of the employee's regularly scheduled work week as satisfying this accommodation.

The City will not accept unsupervised self-administered tests.

City-provided testing will be provided at no cost to City personnel. Testing will be provided on a weekly basis unless more frequent testing is required by a superseding authority or other more stringent federal, state, or local requirements.

City personnel will not receive compensation for the time waiting to be tested, being tested, or waiting for test results as part of this accommodation.

City personnel who test at the City testing site may return to work after being tested, and do not have to wait to receive test results before returning to work. Employees who test positive will be required to return home and await further instructions from the City's COVID Response Team (CRT).

City personnel exempted from the vaccination requirement will also be required to wear a face covering, as determined by the City Manager, such as an N95, at all times while inside and performing official City duties unless the individual is alone in a private office or vehicle, or eating or drinking, provided the individual is at least six feet away from any other individuals. The City will provide such face coverings at no cost to City personnel upon request. Cloth face coverings shall not be permitted.

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. In the event that such modifications are necessary, the City will discharge fully and faithfully its bargaining obligations under the Meyers-Milias-Brown Act.

The City will consider employee requests for accommodations that are not provided for in this Policy.

VII. Vaccine Boosters

If public health authorities, including the CDC, the California Department of Public Health (“CDPH”), or the Los Angeles County Department of Public Health recommend or require that individuals receive a COVID-19 vaccine booster to prevent the contraction and transmission of the virus that causes COVID-19, the City Manager may elect to require such boosters. The City shall provide employee organizations the opportunity to meet and confer about the effects of the City Manager’s decision to require such boosters.

VIII. Confidentiality of Vaccination Records

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

Approved: 
John M. Nachbar, City Manager