



Consider Mandatory COVID-19 Vaccination Policy for All Employees

Board of Directors Meeting
October 13, 2021



Overview

Managing COVID-19 Impacts



- District has proactively implemented protective measures to ensure employee safety, while adapting to and meeting federal, state, and local requirements
- Confirmed COVID-19 Positive District Employees
 - 1.5% of employees over first 16 months
 - 7.5% cumulative total to date (likely associated with Delta variant)
 - Exposures appear to have occurred outside of workplace with no identified spreading at the District
 - Recent cases resulted in moderate operational and staffing impacts due to isolation, quarantine requirements
- Highlighted vulnerability to potential outbreak and operational disruption; in particular, during upcoming holiday season
- Currently reinstating more aggressive workplace measures (modified staffing plans, access restrictions)

Overview

District Vaccination Status



- Overall District vaccination rate = 62.7%
 - Low relative to service area (Antioch - 70.6%, Pittsburg - 70.7%, Bay Point - 79.1%) and most peer agencies
 - Extremely low vaccination rate in critical workgroups poses significant, ongoing threat to core mission of protecting public health and the environment
- District vaccination rate has plateaued in recent months
 - No employees electing to get vaccinated (and reporting it) after mid-July 2021
 - Full FDA approval of a COVID-19 vaccine on August 23, 2021
- Additional action would be needed to increase overall District vaccination rate

Mandatory Vaccination Policies Local Public Agencies



- Multiple local public agencies are mandating that employees be vaccinated with severe corrective and disciplinary action for non-compliance
 - Contra Costa County, East Bay Municipal Utility District, Central Contra Costa Sanitary District, City and County of San Francisco, City of Oakland
- Several peer agencies are awaiting guidance from Fed/OSHA and Cal/OSHA prior to taking similar actions
- Many local public agencies have instituted requirements for all new employees to be vaccinated
 - Effective September 26, 2021, the District has mandated that all new employees are vaccinated

Ensuring Employee Safety and COVID-19 Vaccinations

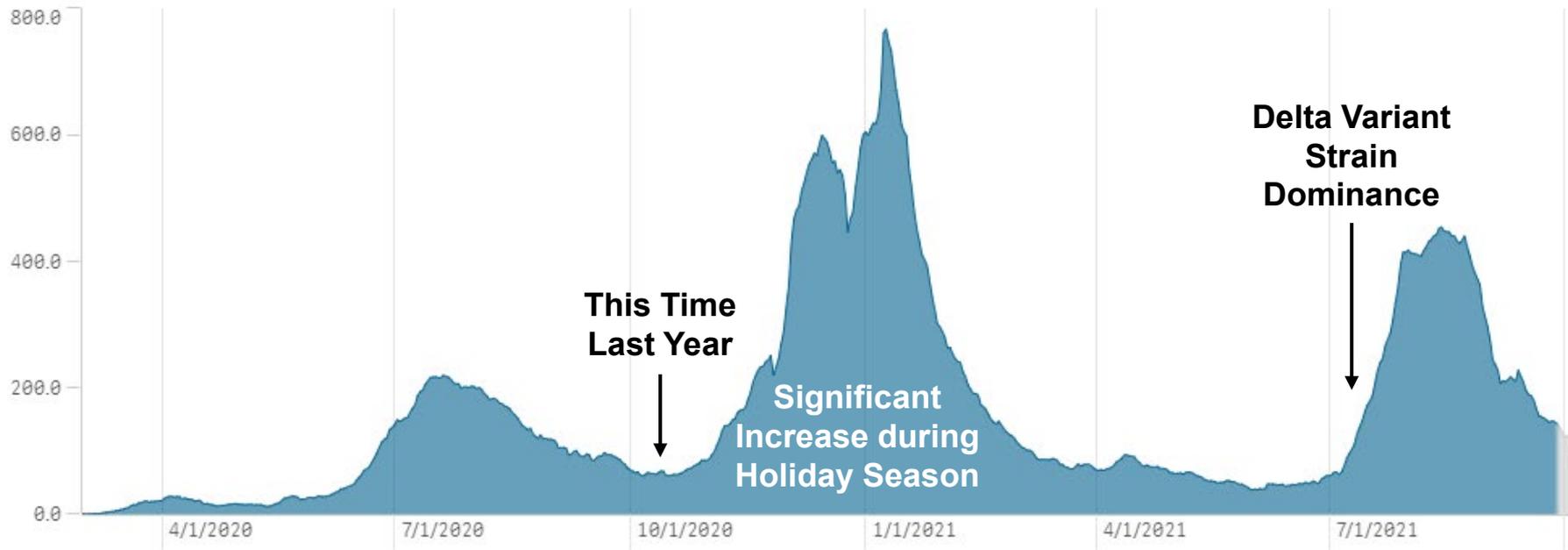


- Delta variant (~95% of cases) caused a severe rise in infections, hospitalizations, and deaths in the county over the past two months
- Unvaccinated individuals face higher risk of severe illness, hospitalization, and death due to COVID-19
 - Per CDC, unvaccinated individuals represented 92% of cases, 92% of hospitalizations, 91% of deaths from April 4 – July 17, 2021
- Significantly different quarantine requirements for unvaccinated individuals
 - 7-10 days if in close contact with positive case (no quarantine requirement for vaccinated if asymptomatic)
 - District could impose “essential worker” provision based on staffing needs but only if employee is asymptomatic and agrees to return—presents workplace exposure risks

County New Confirmed Cases since Onset of COVID-19 Pandemic



7-Day Rolling Average # of New Cases by Collection Day



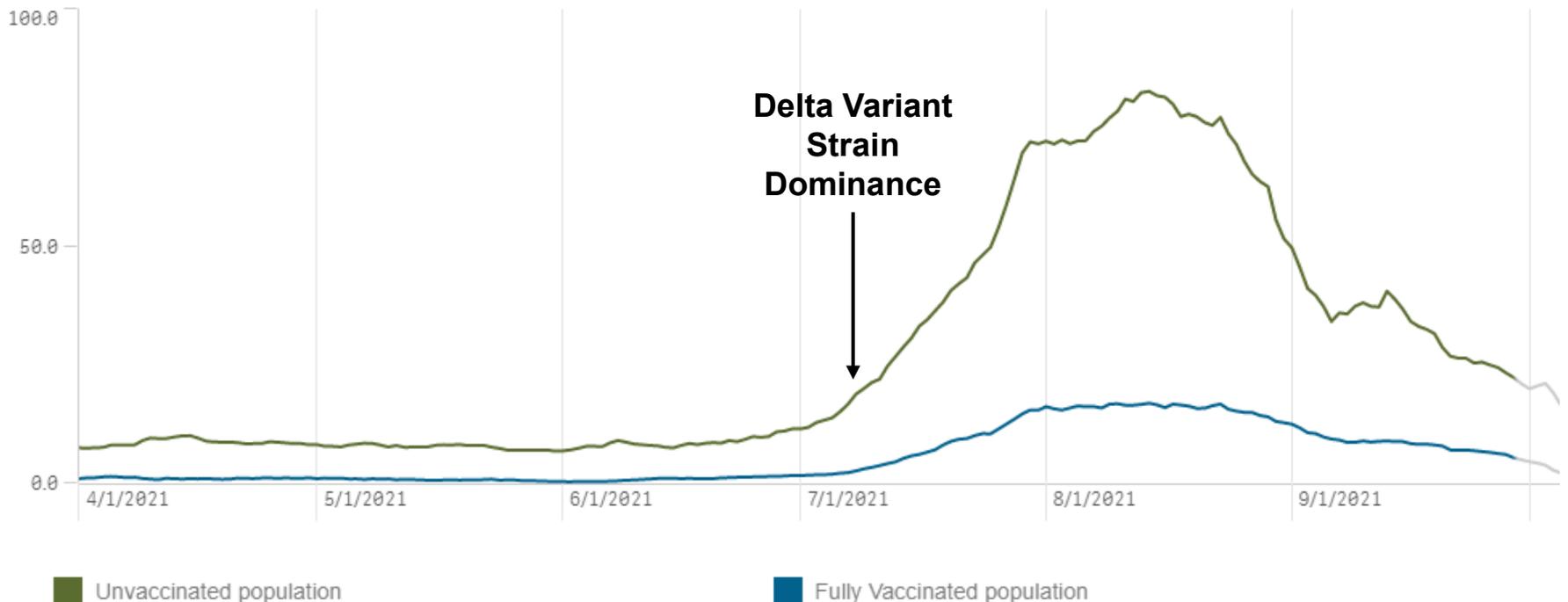
Previous 7-day average of number of new confirmed cases of COVID-19 in Contra Costa based on the date the specimen was collected. Data from the last 7 days is still being reported.

County New Confirmed Cases by Vaccination Status (since April 2021)



Case Rates for fully vaccinated vs unvaccinated populations

Number of new cases per day per 100,000 residents (7-day rolling average)



Previous 7-day average of number of new confirmed cases of COVID-19 by vaccination status in Contra Costa per 100,000 residents based on the date the specimen was collected. Data from the last 7 days is still being reported.

Key Board Considerations for District Mandatory Vaccination Policy



- Effective Date: Consider providing time for 1) employees to get vaccinated, and 2) meet and confer process with bargaining units regarding *impacts* of policy
 - December 1, 2021 would provide seven weeks (key timing relative to upcoming holiday season and associated increase last year)
- Disciplinary Actions: Staff would need to implement significant corrective and disciplinary actions for non-compliance, consistent with bargaining unit MOUs
- Medical/Religious Exemptions: District is required by law to provide exemptions and/or accommodation for bona fide medical reasons and sincerely held religious beliefs that do not create an undue burden
 - Staff would require regular COVID-19 testing in lieu of vaccination for employees with District-approved exemptions

Key Board Considerations for District Mandatory Vaccination Policy (cont'd)



- No Regular Testing Alternative to Vaccination: Because District's overall and critical work group vaccination rates are low, a testing alternative is not recommended (except for medical or religious exemptions)
 - Potential for significant, ongoing operational disruption with little to no increase in vaccination rates
- Labor Relations Obligations: District is obligated to engage in meet and confer process, if requested by bargaining units, regarding *impacts* of mandatory vaccination policy
- Address Potential for Operational Disruption: Staff also recommends that the Board provide the General Manager with broader contracting authority for a limited time to respond to the effects of the local and state emergency on the District

Mandatory Vaccination Policy Actions for Board Consideration



1) **Consider directing staff to:**

- a) Prepare, execute, and implement a mandatory COVID-19 vaccination policy for all District employees with an effective date of December 1, 2021, with associated disciplinary actions for non-compliance, and regular testing as an alternative for approved religious and medical exemptions only, and
- b) Engage in an associated meet and confer process with the labor bargaining units regarding the impacts of this policy; and

Consider making related findings in support thereof (Attachment 1 in Board Packet); and

- 2) **Consider adopting a resolution** to confirm the existence of a state and local emergency related to COVID-19 and authorizing the General Manager to contract for services during the emergency (under Government Code Section 53021).