

RESOLUTION NO. 01-05-2022

A RESOLUTION APPROVING THE SANTAQUIN CITY COVID-19 VACCINATION MANDATE IN ACCORDANCE WITH CFR 1910.501.

WHEREAS, on November 5, 2021, the U.S. Department of Labor enacted an Emergency Temporary Standard (ETS) requiring all employers having more than 100 employees to adopt a written policy mandating that employees be vaccinated against the COVID-19 virus (See CFR 1910.501); and

WHEREAS, Santaquin City has at least 100 employees and is subject to the ETS until otherwise determined; and

WHEREAS, Santaquin City has prepared a written policy with procedures in accordance with the above referenced ETS, which policy requires employees to choose to be fully vaccinated or undergo additional regular testing and safety precautions as outlined in the ETS; and

WHEREAS, the drafted policy will only be in effect so long as the ETS remains in effect and is considered to meet the minimum requirements necessary to comply with the ETS.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTAQUIN, UTAH, AS FOLLOWS:

1. The Santaquin City Mandatory Vaccination Policy, which is attached hereto as Exhibit A, is hereby adopted and shall be in effect so long as the Department of Labor Emergency Temporary Standards, as adopted on November 5, 2021 and found in CFR 1910.501, are in effect or until the city is not otherwise mandated to enforce such.
2. Effective Date. This resolution shall become effective upon passage.

APPROVED on the 4th day of January 2022.

SANTAQUIN CITY

Daniel M. Olson, Mayor

Attest:

K. Aaron Shirley
Santaquin City Recorder



Mandatory Vaccination Policy

Purpose:

This policy is adopted for compliance with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501), effective November 5, 2021 (hereafter referred to as "ETS").

Scope:

This Mandatory COVID-19 Vaccination Policy applies to all employees of Santaquin City, except for employees who do not report to a workplace where other individuals (such as coworkers or customers) are present; employees while working from home; and employees who work exclusively outdoors as provided in the ETS.

Where applicable, employees must comply with the regulations in this policy so long as the ETS on COVID-19 related vaccination and testing is in effect. Employees not in compliance with this policy will be subject to disciplinary actions contained herein or as otherwise outlined in the Santaquin City Personnel Handbook.

Employees may request an exception from this mandatory vaccination policy if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by the employee through the Human Resource Department. All such requests will be handled in accordance with applicable laws and regulations and the city's personnel policies.

Procedures:

Overview and General Information

All Santaquin City employees must choose to be either fully vaccinated against COVID-19 or provide proof of regular testing for COVID-19 and wear a face covering in accordance with the adopted CFR 1910.501. Employees must either be fully vaccinated or have instituted those precautions allowed under this policy no later than February 9, 2022 (See. CFR 1910.501(m)).

To be fully vaccinated, an employee must:

- Obtain the first dose of a two-dose vaccine no later than January 12, 2022; and the second dose no later than February 9, 2022; or
- Obtain one dose of a single dose vaccine no later than February 9, 2022.

Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine (see CFR 1910.501(c)). Proof of vaccination status shall be provided to the Human Resources Department as outlined below.

Vaccination Status and Acceptable Forms of Proof of Vaccination

29 CFR 1910.501(e) mandates that the city determine the vaccination status of each city employee and employees must provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted to the Human Resources Department or via email to shoffman@santaquin.org.

Acceptable Proof of Vaccination status, as provided in the ETS, is:

1. The record of immunization from a healthcare provider or pharmacy;
2. A copy of the COVID-19 Vaccination Record Card;
3. A copy of medical records documenting the vaccination(s);
4. A copy of immunization records from a public health, state, or tribal immunization information system; or
5. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) administering the vaccine(s).

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status on a form provided by the city's Human Resource Department.

All employees shall submit documentation of their vaccination status to the Human Resources Department by January 10, 2022. Presenting a false form of proof of vaccination constitutes grounds for immediate termination of employment. This includes proof of full vaccination, proof of partial vaccination, or statement that the employee is unvaccinated.

Supporting COVID-19 Vaccination (See CFR 1910.501(f))

For those employees who have not completed the vaccination process, the city will allow them to take up to four hours of duty time per dose to travel to a vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of paid duty time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of duty time will be granted. Employees who take longer than four hours to get the vaccine must send their supervisor an email documenting the reason for the additional time. Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated.

Employees may utilize up to two workdays of sick leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to two days of additional sick leave immediately following each dose if necessary.

Employees should provide advance notice to their supervisors before receiving a dose. Use of sick leave under this part shall be done in compliance with the city's personnel handbook policies.

Employee Notification of COVID-19

Employees will promptly notify their supervisor when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

Employees who test positive or are diagnosed with COVID-19 must utilize their accrued sick leave for any time off from work, in accordance with the city's use of leave policies.

Removal from Workplace

Employees who test positive or are diagnosed as having COVID-19 will not be allowed into the workplace until they can meet the criteria to return to work (See CFR 1910.501(h)). Assignments may be made to work from home, outdoors, in isolation, or in temporary reassignments of duties until the employee meets the criteria to return to normal work duties.

Return to Work Criteria

Employees may return to work if they receive a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing; meets the return to work criteria in CDC's "Isolation Guidance" outlined below; or receives a recommendation to return to work from a licensed healthcare provider (See CFR 1910.501(h)).

CDC's "Isolation Guidance," asymptomatic employees may return to work once 10 days have passed since the positive test, and symptomatic employees may return to work after all the following are true:

- At least 10 days have passed since symptoms first appeared, and
- At least 24 hours have passed with no fever without fever-reducing medication, and
- Other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).

If an employee has severe COVID-19 or an immune disease, Santaquin City will follow the guidance of a licensed healthcare provider regarding return to work.

COVID-19 Testing for Non-Vaccinated or Exempt Employees

If an employee covered by this policy is not fully vaccinated, the employee will be required to comply with this policy for testing.

Employees who report to the workplace at least once every seven days:

- (A) must be tested for COVID-19 at least once every seven days; and
- (B) must provide documentation of the most recent COVID-19 test result to their supervisor no later than the seventh day following the date on which the employee last provided a test result.

Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

(A) must be tested for COVID-19 within seven days prior to returning to the workplace; and

(B) must provide documentation of that test result to their supervisor upon return to the workplace.

If an employee does not provide documentation of a COVID-19 test result as required by this policy, they will be considered positive for COVID-19 and removed from the workplace until they provide a COVID-19 test result.

Employees who have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.

The city will provide tests for employees in the Public Safety Building bays. Employees who are tested as part of their employment with another employer may submit the test results from the other employer to Santaquin City as documentation of testing.

Face Coverings (See CFR 1910.501(c) and (i))

Employees who are not fully vaccinated must wear Face Coverings, as defined in the ETS, over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes. Policies and procedures for face coverings will be implemented, along with the other provisions required by OSHA's COVID-19 Vaccination and Testing ETS, as part of a multi-layered infection control approach for unvaccinated workers.

The following are exceptions to Santaquin City's requirements for face coverings:

1. When an employee is alone in a room with floor to ceiling walls and a closed door.
2. For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.
3. When an employee is wearing a respirator or Facemask as defined in the ETS.
4. Where Santaquin City has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee's mouth for reasons related to their job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).

New Hires:

Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment. All new employees are required to comply with the requirements outlined in this policy prior to starting work and as a condition of employment.

Confidentiality and Privacy:

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

Questions:

Please direct any questions regarding this policy to Dennis Marker, Operations Manager, 801-754-1907.