



City of Hayward

COVID-19 Vaccine and Testing Mandate Policy for New Employees, Non-Regular Employees, Interns and Volunteers

PURPOSE:

The City of Hayward (the “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, volunteers, and interns 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 individuals are at greater risk of contracting and spreading COVID-19 within City facilities and to the public that depends on City services.

To best protect its employees and others in City facilities, and to fulfill its obligations to the public, all employees who received formal offers of employment from the City of Hayward on or after February 1, 2022 must, as a condition of initial and continued employment, be fully vaccinated and report their vaccination status to the City prior to their start date with the City or have an approved medical or religious exemption from this vaccine mandate. Employees who are exempt from receiving a COVID-19 vaccine will be subject to the testing requirements set forth below.

Non-regular full-time and part-time employees (temporary employees and annuitants), volunteers and interns will be expected to comply with this policy regardless of their start date with the City. Individuals in these categories may request a medical or religious exemption as set forth below. However, the City will not pay for the cost of testing for individuals in these categories who hold an approved exemption, nor will they be eligible for the additional paid leave benefits set forth below. Failure of individuals in these categories to comply with the reporting requirements set forth below may result in the City terminating its relationship with non-compliant individuals.

Individuals who have previously been, or subsequently are, notified that they are subject to a public health order shall be subject to the requirements of that public health order to the extent those requirements conflict with this policy.



The City reserves the right to amend this policy to ensure compliance with any subsequent Federal, State, and/or local public health orders, rules, or regulations related to COVID-19 and/or to reflect updated public health guidance related to, among other things, best practices to prevent the spread of COVID-19. The City further reserves the right to require that covered individuals (as defined below) obtain periodic updated vaccinations (e.g., booster shots) and verification thereof under this policy. The City shall provide four (4) weeks' advance notice of any such requirement except where such requirement is mandated by Federal, State, or local authorities and such mandate takes effect less than four (4) weeks' following its issuance.

Any part, provision or representation of this policy is subject to change in response to local, State or Federal action. Also, any part, provision or representation of this policy which is held to be void or unenforceable shall be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.

DEFINITIONS UNDER THIS POLICY:

“COVID-19”: Coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

“COVID-19 Test”: A test for SARS-CoV-2 that is:

- (A) Cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the United States Food and Drug Administration (FDA) diagnostic test to detect current infection with the SARS-CoV-2 virus (e.g., PCR, antigen);
- (B) Administered in accordance with the authorized instructions; and
- (C) Not both self-administered and self-read unless observed by the employer or an authorized telehealth proctor. Examples of tests that satisfy this requirement include tests with specimens that are processed by a laboratory (on-site collected specimens which are processed either individually or as pooled specimens), proctored rapid tests, and point of care tests.

“Exempt Individuals”: For purposes of this policy only, the term “exempt individuals” includes all covered individuals who have an approved medical or religious exemption from the vaccine mandate set forth herein.

“Face covering” means a surgical mask, a medical procedure mask, a respirator worn voluntarily, or a tightly woven fabric or non-woven material of at least two layers (i.e., fabrics that do not let light pass through when held up to a light source) that completely covers the nose and mouth and is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they shall have two layers of fabric or be folded to make two layers. A face covering has no visible holes or openings and must cover the nose and mouth, is a solid piece of material without slits, visible holes, or punctures, and must fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face. A face covering does not include a scarf, ski mask, balaclava, bandana, turtleneck, collar, or single layer of fabric.

This definition includes clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet this definition and which may be used to facilitate communication with people who are deaf or

hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

“Fully Vaccinated”: Consistent with the CDC’s current definition, which is subject to change, means that the person received, at least 14 days prior, either the second dose in a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine. Vaccines must be FDA approved; have an emergency use authorization from the FDA; or, for persons fully vaccinated outside the United States, be listed for emergency use by the World Health Organization (WHO). If the CDC or other appropriate public health agency updates the definition of “fully vaccinated,” the City reserves the right to likewise modify this definition.

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

“Unvaccinated Individuals”: For purposes of this policy, “unvaccinated individuals” shall be defined to include covered individuals who (i) report to the City that they are unvaccinated, and/or (ii) decline to report their vaccination status to the City.

REQUIREMENT TO REPORT VACCINATION STATUS:

All covered individuals will be required, as a condition of initial and continued employment by the City (for employees) or service with the City (for volunteers and interns), to be fully vaccinated and to provide proof of vaccination to the City prior to their start date. Non-regular employees, volunteers, and interns who are covered by this policy and are currently working for the City will be required to provide proof of vaccination within sixty (60) calendar days of the effective date of this policy. The City will use this information to enforce applicable masking, testing, quarantine, and other requirements and compliance with this Policy. Covered individuals who fail to report their vaccination status to the City will be treated as though they are unvaccinated, as set forth below.

Covered individuals must upload their proof of vaccination through (i) the [Munis Employee Self Service \(ESS\) portal \(instructions linked here\)](#) if uploading their data before February 21, 2022 and (ii) the City’s Primary Health portal if uploading their data on or after March 1, 2022. Only City employees authorized to access employee personnel information will have access to the medical portion of the file. The City will share information about an individual’s vaccination status only on a need-to-know basis, including to the individual’s department, managers, and supervisors for the purpose of enforcing masking, quarantining in the event of a close contact, and other safety requirements.

Covered individuals 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 (i) at least 15 working days prior to an individual’s anticipated start date or (ii) within sixty (60) calendar days of the effective date of this policy for current non-regular employees, volunteers, and interns, to the Human Resources Department via the COVID mailbox (COVID@hayward-ca.gov). The City will review requests for accommodation on a case- by- case basis consistent with existing procedures for reasonable accommodation

requests. Covered individuals in these categories who have previously submitted proof of vaccination to the City need not resubmit proof of vaccination.

The City will provide a list of locations to assist covered individuals in receiving the vaccine on their own. COVID-19 vaccinations are free, whether an individual has health insurance or not. Vaccinations should be run through your health insurance and any cost or copay may be submitted to Human Resources for reimbursement where applicable.

TESTING/MASKING REQUIREMENTS FOR EXEMPT INDIVIDUALS

Individuals with an approved exemption will be subject to the following testing and masking requirements:

- 1) Exempt individuals will be required to wear a face covering at all times while performing their duties (inside and outside) unless they are medically exempted from mask wearing, while working alone in a fully enclosed office, and while drinking and eating. In accordance with updated Cal/OSHA guidelines, face coverings are readily available at no cost upon request.
- 2) Exempt individuals will be required to take a COVID-19 test twice weekly while on duty. Following a test, individuals shall wait at least two calendar days before taking their second weekly test (e.g. if an individual tests on Monday, they must wait until at least Wednesday before completing their second test). Tests will be administered on-site or at local providers during work hours. For City employees, the City will cover any testing cost that exceeds what is otherwise covered by an employee's medical insurance. The City will not cover any testing costs for interns, volunteers or other non-regular employees covered by this policy. City employees who are covered individuals will be required to utilize on-site testing if testing is offered on-site during an employee's work shift. If there is no on-site testing offered during an employee's work shift and they must utilize a local provider during work hours, they will be given time without loss of pay to complete testing for each test, including travel time between the testing site and their work site.

Employees will not be paid for travel time between the testing site and their home or other non-work site unless (i) they are testing during work hours and (ii) the City is not offering on-site testing during their work hours. If the employee prefers to test on their own time and outside of working hours, testing must be conducted at the employee's own expense by a certified laboratory 2 to 3 days after their last testing date in order to comply with the City's twice weekly testing policy.

Exempt individuals must submit test results within 8 hours of receiving them to Human Resources (via the COVID mailbox (COVID@hayward-ca.gov), unless and until the City launches an electronic portal to submit testing results).

Covered individuals with a positive COVID-19 test result will be required to isolate per current Cal/OSHA guidelines and the City's COVID Prevention Program.

- a. Should an individual receive a positive result, the individual should not report to work/their volunteer or intern shift. Instead, the individual should stay at home, or return home if the result is received while at a City facility. Regular employees, non-regular employees, interns, and volunteers should advise Human Resources of the positive result as soon as possible and contact their health professional for further guidance. Human Resources will follow-up with any individual who receives a positive test result to ensure that the individual is aware of all benefits available, if any, and to obtain necessary information for conducting any appropriate contact tracing efforts in the workplace.
- b. Additional testing will be required or made available to individuals prior to their return to work following quarantine/isolation.

CONDITION OF CITY SERVICE:

Compliance with this policy shall be considered a condition of employment/volunteer or intern service with the City for all covered individuals. Unvaccinated individuals who do not have an approved medical or religious exemption may have their offers revoked or their employment/relationship with the City terminated based on their failure to comply with this policy. Covered individuals with an exemption application pending as of their intended start date may (i) have their start date delayed until the City makes a determination with respect to their exemption request or (ii) be permitted to begin employment with the City conditioned on either (x) approval of their exemption request or (y) full vaccination within thirty (30) days following the rejection of their exemption request.

ADDITIONAL PAID LEAVE FOR VACCINATED & EXEMPT EMPLOYEES:

The City will provide the following leave benefits to fully vaccinated and exempt regular employees covered by this policy (these benefits are not available for non-regular employees, volunteers, or interns):

- 1) 8 hours of floating holiday effective their first full pay period of employment, which must be used no later than December 31, 2022. This additional, temporary floating holiday shall have no cash value and if not used by December 31, 2022, will be forfeited. Floating holiday hours shall be prorated for part-time employees based on their budgeted FTE.
- 2) Eligibility for up to an additional 80 hours of paid leave to be used for the following COVID-related reasons (“COH COVID Leave”):
 - a. The employee is subject to a quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the State Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer who has jurisdiction over the City; or
 - b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or

- c. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis; or
- d. The employee is caring for a family member, as defined in subdivision (c) of Section 245.5 of the California Labor Code, who is subject to an order or guidelines described in subparagraph (a) or who has been advised to self-quarantine, as described in subparagraph (b); or
- e. The employee is caring for a child, as defined in subdivision (c) of Section 245.5 of the California Labor Code, whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.
- f. The employee is experiencing adverse effects from a COVID-19 vaccine booster shot.

In all cases, employees must agree to seek diagnostic testing in order to use COH COVID Leave for any of the reasons set forth above.

COH COVID Leave will expire at the earlier of (i) the revocation of any local, State or Federal emergency declaration related to the COVID-19 pandemic, (ii) the imposition of a similar benefit by Federal, State, or Local Authorities, or (iii) December 31, 2022. COH COVID Leave shall have no cash value and any leave not used prior to its expiration will be forfeited. COH COVID Leave shall be prorated for part-time employees based on their budgeted FTE.