



128-0062021-002

Agenda Item **No.5(d)**
Meeting of November 2, 2021

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Sally Oerth, Interim Executive Director

SUBJECT: Adopting a COVID-19 Vaccination Policy and delegating authority to the Executive Director to implement the COVID-19 Vaccination Policy consistent with policies of the City and County of San Francisco and applicable law

EXECUTIVE SUMMARY

During the COVID-19 public health emergency, OCII is committed to maintaining the health and safety of Agency employees. To that end, OCII intends to follow, to the extent consistent with OCII policies and applicable Federal and State laws, the COVID-19 Vaccination Policy that the City and County of San Francisco ("City") has implemented to maintain employee health and safety during the COVID-19 public health emergency.

Ordinance No. 215-12 (October 4, 2012) authorized the Commission to hire an Executive Director with the responsibility for the day-to-day management of all affairs and activities of the Successor Agency. The Commission has previously authorized, by Resolution No. 21-2020 (July 21, 2020), the Executive Director to adopt certain compensation and leave policies based on City policies during the public health emergency. To the extent that the Executive Director's authority needs to be supplemented or affirmed, OCII management requests that the Successor Agency Commission ("Commission") authorize, the policy changes that would allow OCII to replicate the City COVID-19 Vaccination Policy.

Staff recommends approval of a resolution Adopting a COVID-19 Vaccination Policy and Delegating Authority to the Executive Director to Implement the COVID-19 Vaccination Policy consistent with Policies of the City and County of San Francisco and Applicable Law.

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DISCUSSION

On February 25, 2020, Mayor London Breed issued the Proclamation Declaring the Existence of a Local Emergency (“Mayoral Proclamation”) in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic and subsequently the County Health Officer issued public health orders and declared a local health emergency. These declarations remain in effect and the Mayor has supplemented the Mayoral Proclamation at least thirty-eight times. See Mayoral Proclamations, available at <https://sfmayor.org/mayoral-declarations-regarding-covid-19>. In March 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the COVID-19 pandemic, and that state of emergency remains in effect and since March 17, 2020, OCII offices have been closed and OCII employees have worked remotely.

Recent orders of the County Health Officer have removed some of the health and safety restrictions that had previously limited the opening of businesses and government offices. The Health Officer justified the lifting of some restrictions because the “public health threat of serious illness or death from COVID-19 is generally decreasing in [San Francisco] County, the Bay Area, and the State due to the vaccines.” Order of the Health Officer No. C19-07y, “Encouraging COVID-19 Vaccine Coverage and Reducing Disease Risks,” as amended September 10, 2021 (the “Safer Return Together Order”) at page 6, <https://www.sfdph.org/dph/alerts/files/C19-07-Safer-Return-Together-Health-Order.pdf>. Nonetheless, the Safer Return Together Order acknowledges that “COVID-19 continues to pose a risk especially to individuals who are not Fully Vaccinated, and certain safety measures continue to be necessary to protect against COVID-19 cases and deaths.

Among the safety measures in the Safer Return Together Order at page 9 is an emphasis on the necessity of vaccinations. “All Businesses and governmental entities are strongly urged to consider implementing measures to require Personnel and patrons to be Fully Vaccinated as soon as possible. In June 2021, the City, through its Department of Human Resources, issued the “COVID-19 Vaccination Policy,” requiring City Employees to report their vaccination status by a certain date and to become fully vaccinated following deadlines established by County Health Order and the Federal Food and Drug Administration’s final approval of a COVID-19 vaccine. On September 8, 2021, the City amended the COVID-19 Vaccination Policy to clarify that the deadline for all City employees to be fully vaccinated is November 1, 2021 and to provide standards for exemptions from the vaccination requirement on the basis of a medical condition or a sincerely-held religious belief. On October 27, 2021, the City amended the COVID-19 Vaccination Policy to allow those employees who are partially vaccinated on the vaccination deadline of November 1, 2021 to continue to work, subject to certain requirements and restrictions (“City Policy”). Under the City Policy, partially vaccinated employees have an additional five weeks, but must be fully vaccinated by December 6, 2021.

OCII, through its Human Resources Division ("HR"), has issued a requirement that OCII employees submit their vaccination status to HR by September 17, 2021, Email, Monica Stean to CII-Everyone, Re: OCII Vaccination Reporting Policy and Procedures (Sep. 3, 2021) (the "OCII Requirement to Report Vaccination Status") and all OCII employees have complied with the reporting requirement. As of the date of this memo, thirty-eight staff are fully vaccinated, one staff person is partially vaccinated, and two staff persons are unvaccinated. The two unvaccinated staff have indicated they will be fully vaccinated by OCII's return to the office.

The close working relationship between OCII and City employees also supports OCII's adoption of the City's vaccination requirement prior to a return to the office. OCII offices are located in a City-owned building in which various City departments and agencies also have their offices; OCII is a tenant of the City and shares its space on a floor occupied by the Mayor's Office of Housing and Community Development and the Office of Economic and Workforce Development. OCII anticipates reopening its offices in the near future but has not yet established a date for the reopening.

OCII Management requests the Commission delegate to the Executive Director the authority to adopt the OCII COVID-19 Policy ("Policy") that will require OCII employees be fully vaccinated by December 31, 2021 and to allow a limited extension of this vaccination deadline of five weeks for employees who are partially vaccinated under terms and conditions consistent with the City Policy. Moreover, the vaccination and reporting requirements of the Policy will be conditions of OCII employment and minimum qualifications for all OCII employees that are effective upon the vaccination deadline of December 31, 2021.

California Environmental Quality Act

Approval of this Memorandum of Understanding is not a "Project" subject to environmental review pursuant to the California Environmental Quality Act ("CEQA") because it is an administrative activity of government that will not result in direct or indirect physical changes in the environment, per CEQA Guidelines § 15378 (b)(5).

Requested Action

Staff recommends approval of a resolution Adopting a COVID-19 Vaccination Policy and Delegating Authority to the Executive Director to Implement the COVID-19 Vaccination Policy consistent with Policies of the City and County of San Francisco and Applicable Law.

(Originated by Monica Davis Stean, Human Resources and Administrative Services Manager)

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Sally Oerth

Interim Executive Director