

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 39-2021

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

- WHEREAS, The Redevelopment Dissolution Law (Cal. Health & Safety Code §§ 34170 et seq.) terminated redevelopment agencies, established successor agencies, and provided, among other things, that successor agencies are separate from the city or county that initially established a redevelopment agency to which the successor agency succeeded; and,
- WHEREAS, The Redevelopment Dissolution Law authorizes successor agencies to hire employees for purposes of implementing the wind down of redevelopment activities and completing the enforceable obligations of the former redevelopment agency; and,
- WHEREAS, Under Section 34173 (g) of the Health and Safety Code, successor agency employees may be separate from city or county employees and may retain their own collective bargaining status; and,
- WHEREAS, The City and County of San Francisco implemented, by Ordinance No. 215-12 (Oct 4, 2012), the Redevelopment Dissolution Law by establishing a Successor Agency Commission (“Commission”) with broad authority to take any action that the Redevelopment Dissolution Law requires or authorizes and to take any other action that the Commission deems appropriate consistent with Redevelopment Dissolution Law; and,
- WHEREAS, Ordinance No. 215-12 authorized the Commission to hire an Executive Director with the responsibility for the day-to-day management of all the affairs and activities of the Successor Agency (commonly known as the Office of Community Investment and Infrastructure or “OCII”) and further provided that the Commission could delegate to the Executive Director any of the Commission’s duties except for approval of a collective bargaining agreement; and,
- WHEREAS, The Commission has taken various actions as the OCII employer to approve terms and conditions of employment for its employees, including approval of the Personnel Policy (as amended by Resolution No.57-2015 (Sep. 1, 2015)), the Resolution Establishing Classifications of Positions and Compensation Schedules (Resolution No. 21-2019 (July 16, 2019)) and Memoranda of Agreements with the International Federation of Professional and Technical Engineers, Local 21 and with the Service Employees Internal Union, Local 1021 (Resolution Nos. 19-2019 and 20-2019 (July 16, 2019)) (together, the “OCII Employment Policies”); and,

- WHEREAS, 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>; and,
- WHEREAS, 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,
- WHEREAS, Since March 17, 2020, OCII offices have been closed and OCII employees have worked remotely; and,
- WHEREAS, 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 October 13, 2021 (the “Safer Return Together Order”) at page 6, *available at* <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.” *Id.*; and,
- WHEREAS, 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;” and,
- WHEREAS, In June 2021, the City and County of San Francisco (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; and,
- WHEREAS, On September 8, 2021, and October 27, 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, to provide a limited exception to the vaccination deadline for employees who are partially vaccinated, and to provide standards for exemptions from the vaccination requirement on the basis of a medical condition or a sincerely-held religious belief; and,
- WHEREAS, The City’s COVID-19 Vaccination Policy is attached as Exhibit A to this Resolution and is incorporated by reference herein as if fully set forth herein except to the extent expressly modified by this Resolution; and,

WHEREAS, 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; and,

WHEREAS, OCII offices are located in a City-owned building in which various City departments and agencies 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; and,

WHEREAS, OCII anticipates reopening its offices in the near future, but has not yet established a date for the reopening; and,

WHEREAS, The Successor Agency 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; now, therefore be it

RESOLVED, The Commission confirms that the date for OCII employees to report their vaccination status under the OCII Requirement to Report Vaccination Status was September 17, 2021; and, be it further

RESOLVED, The Commission delegates to the Executive Director the authority to adopt a requirement (the “OCII COVID-19 Vaccination Policy”) that OCII employees shall be fully vaccinated by December 31, 2021 and that substantially conforms, to the extent consistent with this Resolution, to paragraph 5 of the section entitled “Vaccination Requirements for Employees,” including an extension of the vaccination deadline for partially vaccinated employees, and to the section entitled “Requesting an Exemption from the Vaccination Requirement” of the City’s COVID-19 Vaccination Policy, attached hereto as Exhibit A; and, be it further

RESOLVED, The Commission approves the vaccination and reporting requirements of the OCII COVID-19 Vaccination Policy as conditions of OCII employment and minimum qualifications for all OCII employees that are effective upon the vaccination deadline of December 31, 2021; and, be it further

RESOLVED, The Commission authorizes the Executive Director to take all necessary actions, to the extent permitted under applicable law, to adopt and implement policies and procedures consistent with the City COVID-19 Vaccination Policy, as amended from time to time.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of November 2, 2021.

Commission Secretary

Exhibit A: City’s COVID-19 Vaccination Policy, as amended Oct. 27, 2021.

City and County of San Francisco

Carol Isen

Human Resources Director



Department of Human Resources

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COVID-19 Vaccination Policy

Issued: 6/23/2021

Amended 8/6/2021

Amended 9/8/2021

Amended 10/27/2021

10/27/2021 Revision: This revision updates the vaccination policy for city employees who are required to be fully vaccinated against COVID-19 by November 1, 2021. The revision does not apply to city employees who had an earlier deadline for vaccination (e.g., September 30 or October 13, 2021).

This revision modifies the policy to allow departments discretion to allow, as necessary for continuity of critical City operations, employees who can demonstrate that they have received at least their first dose of a COVID-19 vaccine regimen to continue work after November 1 subject to certain requirements and restrictions. All partially vaccinated employees must document that they are fully vaccinated by no later than December 6, 2021.

PURPOSE STATEMENT

The City and County of San Francisco (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 to workplaces.

According to the federal Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the San Francisco 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 employees, interns, fellows, and volunteers are at greater risk of contracting and spreading COVID-19 within the workplace and City facilities, and to the public that depends on City services.

To best protect its employees and others in City facilities, and fulfill its obligations to the public, all employees must, as a condition of employment: (1) report their vaccination status to the City; and (2) be fully vaccinated and report that vaccination status to the City no later than either the applicable deadline under the San Francisco Health Order, if it applies, or 10 weeks after the Federal Food & Drug Administration (FDA) giving final approval to at least one COVID-19 vaccine (November 1, 2021).

LEGAL REQUIREMENTS

On June 17, 2021, Governor Newsom issued Executive Order No. N-09-21, which implements new California Division of Occupational Safety and Health (Cal/OSHA) rules, effective June 17, 2021. These rules require employers to take specific measures to protect employees from COVID-19, including enforcing masking and quarantine requirements, and offering COVID-19 testing and time off, for employees who are unvaccinated or for whom the employer does not have documentation verifying

they are fully vaccinated. The Cal/OSHA rules require employers to verify and document that an employee is fully vaccinated before allowing that employee to discontinue masking indoors. For unvaccinated employees or employees for whom the City does not have documentation verifying fully vaccinated status, the City must enforce masking, provide COVID-19 testing following a close contact in the workplace or anytime they have COVID-19 symptoms, and exclude these employees from the workplace for 10 days after a close contact. Upon request, the City also must provide non-vaccinated employees with respirators (N95 masks) and provide education about using that type of mask.

On July 26, 2021 CDPH issued an Order ([CDPH Vaccination Status Order](#)) that workers in high-risk and other healthcare settings must report their vaccination status no later than August 23, 2021. The CDPH Vaccination Status Order also requires routine testing and more rigorous masking for unvaccinated or only partially vaccinated personnel working in these settings.

On August 24, 2021, the San Francisco Health Officer updated the [SF Health Order](#) requiring all employers to determine the vaccination status of employees who routinely work onsite in high-risk settings by no later than September 30, 2021 and precluding unvaccinated employees from entering those facilities after that date, and precluding unvaccinated employees who may occasionally or intermittently enter those settings from entering those facilities after October 13, 2021. This order further requires employees (among others) to remain masked in the workplace, effectively superseding the Cal/OSHA COVID-19 Temporary Emergency Standard which allows vaccinated employees who had documented that status to remove their masks.

On August 2, 2021 DHR issued a revised policy Face Coverings at Work Policy that can be found here: <https://sfdhr.org/sites/default/files/documents/COVID-19/Face-Covering-Requirements-at-Work.pdf>

On August 5, 2021, CDPH issued a new Order ([Health Care Worker Vaccine Requirement](#)) mandating all workers who provide services or work in identified health care facilities to receive their final dose of a vaccine regimen *no later than September 30, 2021*. The only exemptions to the Health Care Worker Vaccine Requirement are for workers who have a documented and [approved exemption](#) from vaccination on the basis of a sincerely-held religious belief or due to a qualifying medical condition or restriction.

STATEMENT OF POLICY

Definition of “Employees” Under This Policy

For purposes of this policy only, the term “employees” includes all full, part-time, and as-needed City employees regardless of appointment type, volunteers, interns, and City fellows (such as San Francisco Fellows, McCarthy Fellows, Fish Fellows, and Willie Brown Fellows).

Requirement to Report Vaccination Status

To protect the City’s workforce and the public that it serves, all City employees were required to report their vaccination status to the City by July 29, 2021 (with a subsequent extension to August 12, 2021), by providing the following information:

- Whether the employee is vaccinated (yes or no)
- For employees who are vaccinated or partly vaccinated:

- o The type of vaccine obtained (Moderna, Pfizer, or Johnson & Johnson, or other vaccine received in approved clinical trials)
- o Date of first dose vaccine;
- o Date of second vaccine for a 2-dose vaccine;
- o Declaration under penalty of perjury that they have been fully vaccinated, and
- o Upload documentation verifying proof of vaccination status. Proof of vaccination can include a copy of the CDC COVID-19 Vaccination Record Card, documentation of vaccine from the employee's healthcare provider, or documentation issued by the State of California by going to: <https://myvaccinerecord.cdph.ca.gov/>

To be fully vaccinated, 14 days must have passed since an employee received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. All unvaccinated employees must continue to comply with masking, testing, and other safety requirements until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy. Employees who previously reported that they were unvaccinated must update their status once they are fully vaccinated.

Failure to comply with the reporting requirement may result in discipline, or non-disciplinary separation from employment with the City for failure to meet the minimum qualifications of the job.

How to Report Vaccination Status

Volunteers, interns, and City fellows must verify that they are fully vaccinated to the Departmental Personnel Officer or Human Resources professional by showing a copy of their CDC COVID-19 Vaccination Record Card, documentation from the individual's healthcare provider, or documentation issued by the State of California as described above. The department must retain documentation that the individual's vaccination status has been verified **but must not retain copies of the individual's vaccination record.**

All other employees must report their vaccination information and upload documentation verifying that status into the City's People & Pay system using the Employee Portal or by hand using the COVID-19 Vaccination Status Form. 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 employee's vaccination status only on a need-to-know basis, including to the employee's department, managers, and supervisors for the purpose of enforcing masking, quarantining in the event of a close contact, and other safety requirements.

Vaccination Requirements for Employees

1. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees routinely assigned to or working onsite in high-risk settings must receive their final dose of a vaccine regimen no later than September 30, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who are routinely assigned to or working onsite in high-risk settings. Those employees who fail to meet the vaccination and reporting requirements under

this Policy will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.

2. To comply with the CDPH Health Care Worker Requirement and ensure delivery of City services, City policy requires that all City employees who are not otherwise covered by the SF Health Order, but who provide services or work in the health care facilities identified in the state's order, must receive their final dose of a vaccine regimen no later than September 30, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious-beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees provide services or work in the health care facilities identified in the state's order. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.

3. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees who in the course of their duties may enter or work in high-risk settings even on an intermittent or occasional basis or for short periods of time must be fully vaccinated — no later than October 13, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who in the course of their duties may enter or work in high-risk settings even on an intermittent or occasional basis or for short periods of time. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and therefore unable to perform an essential function of their job and will not meet the minimum requirements to perform their job.

4. Volunteers, interns, and City fellows must be fully vaccinated – and must have reported that status and providing documentation verifying that status to the Departmental Human Resources personnel – as a condition of serving as a City volunteer, intern or fellow. Those already working and who do not fall under the SF Health Order must be fully vaccinated no later than October 13, 2021. Failure to comply with this policy will result in suspension of the internship, fellowship, or volunteer opportunity until such time as the individual provides verification that they are fully vaccinated.

5. All other City employees must be fully vaccinated as a condition of employment within ten weeks after the FDA provides final approval to at least one COVID-19 vaccine (November 1, 2021). Employees who are not fully vaccinated by November 1, 2021 may not enter the workplace after that date. To maintain continuity of City operations, limited exceptions may be allowed for employees who demonstrate that they are partially vaccinated.

Office Environments

Departments have discretion, but are not required, to allow employees who work in office environments to work remotely provided the employees have received at least one dose of a COVID-19 vaccine regimen by November 1, 2021 and reported and documented that status to the City consistent with this Policy *and* the Department receives approval from the City Human Resources Director.

This is allowable for a maximum of up to three days (or 24 hours) per week. The remaining two days (or 16 hours), which are intended to be spent in person in the workplace, employees may use their accrued vacation or other non-sick leave time to cover those work hours that unvaccinated or partially vaccinated employees are restricted from the workplace due to not being fully vaccinated as required by City Policy. Employees who are partially vaccinated and have received written approval to work remotely after November 1, 2021 must report and document that they are fully vaccinated no later than **December 6, 2021**.

Non-office Environments

Departments have discretion, but are not required, to allow employees to enter the workplace after November 1 provided, the employees have received at least one dose of a COVID-19 vaccine regimen by November 1, 2021 and reported and documented that status to the City consistent with this Policy. Employees who are permitted in the workplace after November 1, 2021 must report and document that they are fully vaccinated no later than **December 6, 2021**.

Employees who are not fully vaccinated against COVID-19 and who are permitted in the workplace after November 1, 2021 must continue to wear a well-fitted mask at all times while at the workplace. Departments are strongly encouraged to require employees who are not yet fully vaccinated after November 1, 2021 to test at least once weekly and provide proof of a negative COVID-19 test result until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy.

Failure to comply with this Policy may result in a disciplinary action, or non-disciplinary separation from employment for failure to meet the minimum qualifications of the job.

Requesting an Exemption from the Vaccination Requirement

Employees 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 but must still report their status by the August 12, 2021 extended deadline. The City will review requests for accommodation on a case-by-case basis and engage in an interactive process with employees who submit such requests. For some positions where fully vaccinated status is required to enter the facility where the employee works, an accommodation may require transfer to an alternate vacant position, if available, in another classification for which the employee meets the minimum qualifications. Requests for Reasonable Accommodation forms and procedures can be found here: <https://sfdhr.org/new-vaccine-and-face-covering-policy-city-employees>

COVID-19 VACCINATION COMPLIANCE DEADLINES ADDENDUM TO VACCINATION POLICY AMENDED AUGUST 5, 2021

Below are the vaccination status reporting deadlines for City employees.

COVID-19 VACCINATION STATUS REPORTING DEADLINES	
July 29, 2021	Reporting Deadline
August 12, 2021	Grace Period - Final day to report vaccination status

Below are the vaccination deadlines for City employees. City employees working in high-risk settings are subject to non-disciplinary release if not vaccinated by the deadlines referenced below for failure to meet the minimum qualifications of their jobs.

COVID-19 VACCINATION DEADLINES BY EMPLOYEE TYPE	
Employees who are assigned to or routinely work onsite in High-Risk Settings or other Health Care Facilities	Must receive their final dose of a vaccine regimen <i>no later than September 30, 2021.</i> • Moderna: First shot <i>no later than</i> September 2, 2021; Second shot <i>no later than</i> September 30, 2021. • Pfizer: First shot <i>no later than</i> September 9, 2021; Second shot <i>no later than</i> September 30, 2021. • Johnson & Johnson: First shot <i>no later than</i> September 30, 2021
Employees intermittently or occasionally working in "High-Risk Settings"	Must be fully vaccinated <i>no later than October 13, 2021.</i> • Moderna: First Shot <i>no later than</i> September 1, 2021; Second Shot <i>no later than</i> September 29, 2021 • Pfizer: First Shot <i>no later than</i> September 8, 2021; Second Shot <i>no later than</i> September 29, 2021 • Johnson & Johnson: First Shot <i>no later than</i> September 29 2021
All other employees not working in "High-Risk" or other health care settings	Must be fully vaccinated <i>no later than November 1, 2021.</i> • Moderna: First shot <i>no later than</i> September 20, 2021; Second shot <i>no later than</i> October 18, 2021. • Pfizer: First shot <i>no later than</i> September 27, 2021; Second shot <i>no later than</i> October 18, 2021. Johnson & Johnson: First shot <i>no later than</i> October 18, 2021. For continuity of City operations limited exceptions may be made for partially vaccinated employees. Such employees must report and document they are fully vaccinated no later than December 6, 2021. <i>Office environments:</i> Departments have discretion to allow employees to work remotely, if they are not fully vaccinated, but have received at least the first dose of a COVID-19 vaccine series. Written approval required <i>Non-office environments:</i> Departments have discretion to allow employees at the worksite after November 1, 2021 if they are not fully vaccinated but have received at least the first dose of a COVID-19 vaccine series. Masking required.

