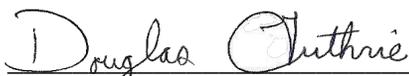


Report of the President & CEO

September 23, 2021

**RESOLUTION APPROVING THE HOUSING AUTHORITY'S COVID-19 MANDATORY
VACCINATION POLICY AND AUTHORIZING THE DEVELOPMENT AND
IMPLEMENTATION OF PROCEDURES IN FURTHERANCE OF SAID POLICY**



Douglas Guthrie
President & Chief Executive Officer



Annie Markarian
Director, Labor & Employee Relations

Purpose: The purpose of this item is to approve the Housing Authority of the City of Los Angeles' ("HACLA") COVID-19 Mandatory Vaccination Policy. This Policy mandates that all HACLA employees, except those with an approved accommodation, are fully vaccinated against COVID-19 as a condition of employment.

Issues: March 2020 and the turbulent months that followed will never be forgotten. HACLA, along with most other public and private entities, closed most of its doors to the public and it has yet to fully reopen them. Staff were directed to change the way they serve our clients, seemingly overnight, with many services being sidelined and others being done on-line and by phone to the extent possible. Like others, we've managed to continue to provide core services, but our comprehensive service to the community has been impacted. This Policy is an imperative step to resuming full operations as soon as possible in order to fully actualize HACLA's mission.

According to the Center for Disease Control, and the Los Angeles County Department of Public Health, COVID-19 continues to pose a significant public health risk, especially as cases surge with the highly infectious spread of the Delta variant. Vaccination is known to be the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. HACLA 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.

Consistent with its duty to provide and maintain a workplace that is free of recognized hazards, HACLA is mandating that all employees, except those with an approved accommodation, be fully vaccinated against COVID-19 as a condition of employment. The mandate goes into effect on November 1, 2021, with a grace period through November 15, 2021. Those with an approved medical or religious accommodation, will be required to undergo weekly testing starting November 1, 2021, at HACLA's expense.

This mandate is consistent with the response seen by the Federal Government, City of Los Angeles, as well as other public and private employers. Notably, on August 23, 2021, the Food and Drug Administration fully approved the Pfizer-BioNTech COVID-19 Vaccine. In anticipation of this approval, the City of Los Angeles passed L.A. City Ordinance 187134, requiring all current and future City personnel to receive one of the three available vaccines. Less than 3 weeks later President Biden announced a similar plan mandating that all Federal employees receive the COVID-19 vaccine, and extended a vaccine/testing requirement on large companies and other Federal contractors.

The Equal Employment Opportunity Commission has previously announced that employers may require vaccines as a condition of employment, provided accommodations are made under the Americans with Disabilities Act. Similarly, on July 26, 2021, in a case pertaining to flu vaccines, the Public Employment Relations Board held that employers have the management right to require vaccines, but are required to negotiate on the impacts of the decision.

All HACLA Bargaining Unit representatives were provided a notice of HACLA's intent to mandate vaccines for all employees, and were invited to negotiate over any foreseeable impacts. Four of the five bargaining units participated in a collective meeting on September 8, 2021. Moreover, HACLA remains committed to working with the Bargaining Units to review procedures, including but not limited to the accommodation process.

Vision Plan: The Policy supports all four core principals of HACLA's vision plan by promoting workplace health and safety, and forging a path to resuming full operations.

Funding: The Chief Administrative Officer confirms the following:

Source of Funds: CARES Act funds will be used for any testing costs incurred through the end of 2021. If needed, operating budget funds will be identified for 2022.

Budget Impact: At this time, it is unclear how many staff will be required to undergo weekly testing, so a precise cost cannot be provided. This cost will be better understood by October, but it is not expected to be significant.

Environmental Review: Not applicable

Section 3: Not Applicable

Attachments:

1. **COVID-19 Mandatory Vaccination Policy**
2. **Resolution**

RESOLUTION NO. _____

RESOLUTION APPROVING THE HOUSING AUTHORITY'S COVID-19 MANDATORY VACCINATION POLICY AND AUTHORIZING THE DEVELOPMENT AND IMPLEMENTATION OF PROCEDURES IN FURTHERANCE OF SAID POLICY

WHEREAS, according to the Center for Disease Control, and the Los Angeles County Department of Public Health, COVID-19 continues to pose a significant public health risk, especially as cases surge with the highly infectious spread of the Delta variant.

WHEREAS, vaccination is known to be the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths.

WHEREAS, the Housing Authority of the City of Los Angeles 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.

WHEREAS, for the reasons set forth in the board report presented to the Board of Commissioners (the "Board") at its meeting held this date, it is in the best interest of the Housing Authority of the City of Los Angeles ("HACLA") to adopt the proposed "COVID-19 Mandatory Vaccination Policy" applicable to all HACLA employees.

NOW, THEREFORE, BE IT RESOLVED that the Board approve the attached "COVID-19 Mandatory Vaccine Policy" and authorizes the development and implementation of procedures to be approved by the President and CEO in furtherance of said Policy, as needed.

BE IT FURTHER RESOLVED that the Board authorizes the President and CEO to update this Policy to be compliant with evolving legal mandates without seeking further Board approval.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

APPROVED AS TO FORM:

HOUSING AUTHORITY OF THE
CITY OF LOS ANGELES

BY: _____
James Johnson, General Counsel

BY: _____
Cielo Castro, Chairperson

DATE ADOPTED: _____

Housing Authority of the City of Los Angeles

COVID-19 Mandatory Vaccination Policy

The Housing Authority of the City of Los Angeles (“HACLA”) is committed to providing and maintaining a safe workplace that is free of known hazards. To achieve this goal, HACLA shall mandate vaccination against COVID-19.

I. PURPOSE & APPLICABILITY

- A. Due to the nature of HACLA’s business of providing service to the public, the COVID-19 Mandatory Vaccination Policy (“Policy”) serves to safeguard the health and well-being of the employees and their families, and any Third Party doing business with HACLA from the risks associated with COVID-19.
- B. This Policy applies to all HACLA employees.

II. DEFINITIONS

Definitions used in this Policy include:

- A. **Fully Vaccinated:** 14 or more days must have passed since the employee received either (1) the second dose of a two-dose COVID-19 vaccine series; or (2) a single-dose COVID-19 vaccine. Fully vaccinated includes booster shots approved by the FDA at intervals recommended by the Center for Disease Control. Reasonable time shall be provided to employees to receive boosters as they become available.
- B. **Interactive Process:** The collaborative effort involving an employer and employee to conduct an individualized assessment of both the essential duties and the specific physical or mental limitations of the individual that are directly related to the need for reasonable accommodation.
- C. **Reasonable Accommodation:** Under Title I of the Americans with Disabilities Act (ADA), a reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process.
- D. **Third Party:** A Third Party is defined as any individual that is not a HACLA employee, who an employee may have contact with during the course of employment. A Third Party may be, but is not limited to one of the following: residents, clients, program participants, vendors, interns, volunteers, applicants and contractors.

III. POLICY

Consistent with its duty to provide and maintain a workplace that is free of recognized hazards, HACLA has adopted this Policy to safeguard the health and well-being of employees and their families, and any Third Party from infectious conditions, specifically COVID-19 that may be mitigated through an effective vaccination program.

Housing Authority of the City of Los Angeles

COVID-19 Mandatory Vaccination Policy

IV. GENERAL PROVISIONS

- A. Effective November 1, 2021, all HACLA employee, except those with an approved medical or religious accommodation, shall be Fully Vaccinated against COVID-19 as a condition of employment, and submit proof of vaccination.
- B. The vaccine shall be approved by the U.S. Food and Drug Administration (FDA) for COVID-19, have an emergency use authorization from the FDA, or, for persons vaccinated outside the United States, be listed for approved or emergency use by the World Health Organization.
- C. Vaccinations may be taken during working hours, and reasonable paid time off will be provided, to the extent needed, for those experiencing side effects from the vaccine that prevent them from performing the duties of their position. Employees who are getting vaccinated during work hours must submit the applicable paid leave request form to Human Resources and coordinate with their supervisors to minimize operational impact.
- D. Employees who are not Fully Vaccinated by October 31, 2021, due to an approved accommodation must undergo COVID-19 testing at least weekly.
- E. Employees who are not Fully Vaccinated by October 31, 2021, and have not been approved for a medical or religious accommodation, will be provided a grace period through November 15, 2021 to become Fully Vaccinated, and must undergo COVID-19 testing at least weekly until Fully Vaccinated.
- F. COVID-19 testing shall be made available at no cost to eligible HACLA employees at one or more HACLA facility. Time spent testing at a HACLA facility shall be compensable.

V. REASONABLE ACCOMMODATIONS

- A. Exemption from this Policy shall be considered due to a serious medical condition, disability or because of a sincerely held religious belief.
- B. Any employee who has a qualifying medical condition/disability that contraindicates the vaccination, or who objects to being vaccinated on the basis of sincerely held religious beliefs and practices, must notify the Human Resources Department of their intent to request a medical or religious exemption by or before September 27, 2021. HACLA will engage in an interactive process to determine if a reasonable accommodation can be provided. To the extent feasible, determinations regarding approved accommodations will be communicated by or before October 25, 2021.

Housing Authority of the City of Los Angeles

COVID-19 Mandatory Vaccination Policy

C. Accommodations will be granted where they do not cause HACL A undue hardship or pose a direct threat to the health and safety of others.

D. An employee may request an accommodation without fear of retaliation.

VI. VIOLATION OF THE POLICY

Violation of this Policy, including but not limited to submission of falsified documents, will be subject to disciplinary action, including termination in accordance with the Personnel Rules and any applicable Memorandum of Understanding.

VII. PROCEDURES

The President and CEO or designee has the authority to adopt any additional procedures necessary to implement or improve this Policy.

VIII. LEGAL COMPLIANCE

This Policy is intended to comply with all state and local laws. It is based upon guidance provided by the Occupational Safety and Health Administration (OSHA), the Centers for Disease Control and Prevention (CDC) and other public health and licensing authorities, as applicable.

IX. AMENDMENT TO THE POLICY

This Policy may only be amended by the Board of Commissioners, subject to meet and confer requirements pursuant to the Meyers-Milias- Brown Act.