



## Legislation Text

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Lisa Jenkins, Human Resources Director

Briza Morales, Risk Manager

**SUBJECT:**

Update on the City's Mandatory COVID-19 Vaccination Policy and Discontinuation of Mandated Testing for Unvaccinated Employees (Human Resources Director Jenkins).

**A) RECEIVE UPDATE**

**B) APPROVE**

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**RECOMMENDATION:**

Staff recommends that the City Council receive an update on the City's mandatory COVID-19 vaccination policy and approve the discontinuation of the mandated weekly testing for unvaccinated employees.

**FISCAL IMPLICATIONS:**

Should the City Council direct the mandatory weekly testing for unvaccinated employees to continue in lieu of the staff recommendation, the monthly cost of testing is estimated at up to \$12,000 per month (\$144,000 per year), which would require staff to return to the City Council with a proposed agreement and a request for an appropriation of funds. Expended funds will be submitted to the Federal Emergency Management Agency (FEMA) for possible reimbursement as COVID-19 expenses. Through July 1, 2022, FEMA has indicated it will extend 100% federal reimbursement through its Public Assistance Program for eligible costs associated with ongoing COVID-19 recovery efforts and vaccine initiatives. Following July 1, the federal cost share will shift to 90% rather than the statutory minimum 75% federal cost share. The City has spent approximately \$157,450 in COVID-19 testing services from August 10, 2021 through June 1, 2022, the majority of which has been submitted to FEMA for reimbursement, but not yet reimbursed.

**BACKGROUND:**

The City is committed to protecting the health and safety of its employees and the community we serve. Since the beginning of the pandemic, the City has implemented various safety measures to reduce exposure to COVID-19 at City facilities, programs, and events. These measures have included the installation of barriers, providing staff with face coverings or N95 respirators, stocking

hand sanitizer and disinfectants, implementing social distancing, increasing cleaning and disinfecting, minimizing in-person meetings, and supporting telework when feasible. The City has also implemented protocols for quarantine and isolation, contact tracing, and workplace exposure testing in compliance with the Los Angeles County Department of Public Health and California Occupational Health and Safety Administration (Cal/OSHA)..

On August 3, 2021, to address growing concerns over COVID-19 transmission rates and to decrease COVID-19 exposures within the workplace and community, City Council directed Human Resources to engage in required discussions with the affected labor associations to implement a weekly testing requirement for unvaccinated employees and to verify the vaccination status of all City employees. Human Resources staff promptly obtained updated vaccination status information from employees, secured testing providers, coordinated testing, and engaged the employee labor groups as required. Vaccinated employees were required to submit a self-attestation form affirming their vaccination status. A COVID-19 screening testing program became effective on August 12, 2021. The screening program required unvaccinated employees and employees who had not submitted a self-attestation form to test for COVID-19 on a weekly basis. The testing was made available onsite on various days and times to accommodate different employee schedules. In addition, testing was made available to vaccinated employees on a voluntary basis.

On September 21, 2021, City Council directed Human Resources to research, draft, and implement a policy requiring City employees to become fully vaccinated and submit proof of such vaccination by December 1, 2021, or to be approved for a medical or religious exemption. The goal of the policy was to further increase vaccination among the City's workforce, decrease the risk of community transmission, and decrease the risk of serious illness, hospitalization, and death from COVID-19 infection. As a result of required meet and confer discussions with the City's labor groups, the City Council subsequently approved updated compliance deadlines for the COVID-19 vaccination mandate policy, which included a March 1, 2022, date to submit exemption requests and a June 1, 2022, date for all employees, except those with an approved exemption, to be fully vaccinated. The policy continued the previously established requirement for unvaccinated employees to continue with mandatory weekly testing.

## **DISCUSSION:**

Throughout the pandemic, the City has utilized various options for mandatory and voluntary employee testing, including contracts with various testing providers, and resources through Los Angeles County Department of Public Health, Beach Cities Health District and partner testing sites. Per Cal/OSHA, all employers are required to provide testing for known workplace exposures. Further, if an employer requires screening testing, the employer is also required to pay for the testing and the employees' time to complete the testing requirement. In order to implement the Council-directed testing program, the City contracted with various testing providers. In selecting providers for the onsite testing, staff considered various factors in addition to the cost of the testing, including the ability to provide FDA-approved testing, the flexibility in scheduling onsite testing to minimize employee time away from the worksite, the ease of administration and record-keeping, and the turnaround time of the confirmatory PCR testing.

For the onsite testing program, the City contracted with DropFusion IV, LLC from August 10, 2021 to November 21, 2021 and spent \$97,450. This included mandatory and voluntary testing services at a rate of \$100 per rapid antigen test.

From November 29, 2021 to June 30, 2022, the City is contracted with SafeSite, Inc. The contract is for a not to exceed amount of \$49,000 with a rate of \$57 per rapid antigen test. During the first four months of the contract, SafeSite also provided voluntary testing at no cost to the City, to the tune of 1,150 screening tests. The City has spent \$29,000 for services through April 28, 2022. SafeSite, Inc. has notified the City that they will not be able to continue supporting the City's onsite testing program past June 30, 2022.

In addition, the City contracts with Dr. Paul's Immediate Care for workplace exposure testing, and mandatory testing for cases when employees are not available for the on-site testing. The contract is from September 10, 2021 to June 30, 2022 for a not to exceed amount of \$45,000. The service rate is \$125 per rapid antigen test. To date, the City has spent approximately \$31,000. While the testing is more expensive, the available hours and convenience have caused the City to continue to utilize this option on an as needed basis.

As of the compliance deadline of June 1, 2022, 88% (368 employees) of the City's active workforce is fully vaccinated. Of the fully vaccinated employees, 29% (106 employees) have had a prior confirmed COVID-19 infection. Of the City's active workforce, 12% (49 employees) are unvaccinated and approved for a religious or medical exemption, and 45% (22 employees) of these unvaccinated employees have had a prior confirmed COVID-19 infection. The active workforce excludes employees out of the workplace, such as on leave or seasonal employees not currently scheduled to work. The number of employees testing each week onsite varies, as employees are excused from testing when they are not scheduled to work and some employees elect to test through their personal provider or through a County test site. Additionally, employees who test positive for COVID-19 are excused from testing for 90 days.

Since the onsite screening testing program began on August 12, 2021, 16 employees have been identified as positive via the screening program, including seven unvaccinated employees and nine vaccinated employees. During the same period, 105 employees in total have tested positive for COVID-19. While 16 cases were identified during the screening testing, the majority of the employee cases during this time period were identified based on employees testing as a result of a close contact exposure or having symptoms. The last unvaccinated employee identified as COVID-19 positive through the screening program was on February 1, 2022.

While the provision of more testing provides more opportunities to identify positive cases and quickly exclude them from the workplace, the staff recommendation to discontinue the mandated testing takes into account the cost and staff time spent on implementing such a requirement, balanced against the yield of positive cases identified. In summary, seven positive cases among the unvaccinated employee population have been identified in the nine months the screening program has been in effect.

Based upon City Council direction, staff will research testing providers and testing options. Should City Council accept the staff recommendation to discontinue the mandatory screening testing for unvaccinated employees, the City will still need to have contracted testing options for the required exposure testing.

## **CONCLUSION:**

Taking into consideration the number of weeks the mandatory testing has been in place, the number of positive cases identified through the mandatory testing, and the funds expended, staff recommends the City Council discontinue the mandated weekly testing for unvaccinated employees. The other terms and conditions of the City's mandatory COVID-19 vaccination policy would remain in effect.

**PUBLIC OUTREACH:**

After analysis, staff determined that public outreach was not required for this issue.

**LEGAL REVIEW:**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.