

Adopted December 7, 2021

RESOLUTION NO. 08-2021

**A RESOLUTION OF THE CITY OF MOUNT RAINIER
ADOPTING A MANDATORY VACCINATION POLICY FOR
CITY EMPLOYEES**

WHEREAS, in early 2020, a public health crisis began, caused by the spread of a virus that causes the illness known as COVID-19, which has killed more than half a million people in the United States alone, sickened millions more, and continues to infect, injure and kill; and

WHEREAS, the COVID-19 virus causes systemic symptoms that impact respiratory and cardiac systems, along with other bodily systems, which symptoms may not only be acute, causing hospitalization and, often, death, but also chronic, disabling many of those infected for months and sometimes years; and

WHEREAS, because of the foregoing impacts of the COVID-19 virus, governments across the world have had to implement strict public health measures to attempt to control the disease, which measures have disrupted economies in ways that may take years to overcome; and

WHEREAS, in early 2021, the U.S. Food and Drug Administration approved three vaccinations against COVID-19, which vaccinations have proved safe and effective at reducing infection and minimizing the impact of the illness in those who do become infected; and

WHEREAS, the vaccinations are now widely available to persons living in the United States; but many people nevertheless remain unvaccinated; and

WHEREAS, as long as the COVID-19 virus spreads widely and rapidly, the crisis will continue, not only causing illness and potentially long-term physical injury and allowing the mutation of the virus in ways that may impair the efficacy of the treatment measures and vaccinations that have been so hard won, but also continue to strain the health care delivery systems in Maryland, adversely impact the State's economy, and decrease the efficiency of City government; and

WHEREAS, universal vaccination will mitigate the foregoing impacts; and

WHEREAS, the City Council deems the vaccination of its workforce to the maximum extent reasonably possible to be the most prudent course of action in furtherance of the public health, safety and welfare,

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THAT the vaccination policy for City employees attached hereto as Exhibit A is hereby adopted.

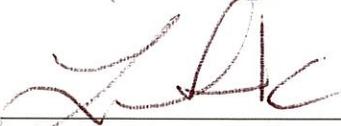
BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER that this resolution shall take effect immediately upon adoption, provided that a fair summary has been read at the meeting at which it is introduced and at the meeting at which it was acted upon, it is posted at City Hall for at least two weeks after it becomes effective, a fair summary is published at least once in a newspaper having general circulation in the City, inclusive of the City's newsletter mailed or otherwise delivered to every City household, and filed in City Hall by the City Manager.

INTRODUCED AND ADOPTED by the Council of the City of Mount Rainier, Maryland at the legislative meeting of the City Council on December 7, 2021.

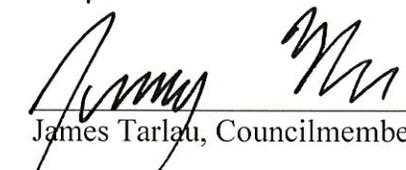
Attest:


Kourosh Kamali, City Manager


Celina Benitez, Mayor


Luke Chesek, Councilmember Ward 1


Jarrett Stolzfus, Councilmember Ward 2


James Tarlau, Councilmember Ward 1

Vaccination, Testing, and Face Covering Policy

Purpose:

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. The City encourages all employees to receive a COVID-19 vaccination in order to protect themselves and other employees. Until such time as an employee is fully vaccinated, however, this policy's sections on testing and face coverings will apply.

Scope:

This COVID-19 Policy on vaccination, testing, and face covering use applies to all employees of the City. Employees who are not fully vaccinated must comply with masking and testing requirements. Employees who violate the terms of this policy are subject to discipline, up to and including dismissal.

Employees may be entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by submitting a written request to the City Manager. All such requests will be handled in accordance with applicable laws and regulations.

Procedures:

Vaccination

In order to be excused from masking and testing requirements, City employees must receive a vaccination approved by the Centers for Disease Control (CDC) (currently, Pfizer, Moderna or Johnson & Johnson). Employees are considered fully vaccinated two weeks after completing primary vaccination (all doses required by the manufacturer). Employees are encouraged to receive booster shots in accordance with the guidance of the CDC, as it may be amended from time to time.

All vaccinated employees are required to provide proof of COVID-19 vaccination to the City's Human Resources department. Acceptable proof of vaccination is a copy of a record of immunization, such as the CDC's COVID-19 Vaccination Record Card or other medical record from a licensed health care provider, including a County health department, State-run vaccination clinic, or a pharmacy. A vaccination record must contain the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).

An employee who has not submitted adequate proof of vaccination will be considered unvaccinated for purposes of this policy.

Testing and Face Coverings

Effective immediately, and until an employee is fully vaccinated, an employee must wear a face covering indoors and when occupying a vehicle with another person for work-related purposes. Face coverings must: (i) completely cover the nose and mouth; (ii) be made with two or more layers of a breathable material that is tightly woven; and (iii) be without slits, exhalation valves, visible holes, punctures, or other openings. When necessary to communicate with people who are hearing impaired or otherwise need to see a speaker's face or facial expressions to communicate, a clear plastic face shield may be used instead. Employees must provide their own masks.

An employee need not wear a mask when he or she is alone in a room with floor to ceiling walls and a closed door, while an employee is actively eating or drinking (the mask should be replaced between bites of food or sips of liquid), or when removal is necessary for identification purposes in compliance with safety and security requirements.

Beginning on January 1, 2022, employees who are not fully vaccinated will be required to undergo regular COVID-19 testing.

Employees who report to the workplace at least once every seven days:

- (A) must be tested for COVID-19 at least once every seven days; and*
- (B) must provide documentation of the most recent COVID-19 test result to his or her supervisor no later than the seventh day following the date on which the employee last provided a test result.*

Any employee who does not report to the workplace during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

- (A) must be tested for COVID-19 within seven days prior to returning to the workplace; and*
- (B) must provide documentation of that test result to his or her supervisor upon return to the workplace.*

If an employee does not provide documentation of a COVID-19 test result as required by this policy, the employee will be placed on unpaid leave until he or she provides a test result. Notwithstanding the foregoing, an employee may choose to use accrued personal leave (but not sick leave) for this purpose.

Employees who have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.

Employee Notification of COVID-19 and Required Absences from the Workplace

An employee should not report to work and must notify his or her supervisor promptly if he or she develops any of the following symptoms:

- *Fever or chills*
- *Cough*
- *Shortness of breath or difficulty breathing*
- *Fatigue*
- *Muscle or body aches*
- *Headache*
- *New loss of taste or smell*
- *Sore throat*
- *Congestion or runny nose*
- *Nausea or vomiting*
- *Diarrhea*

An employee who develops any of the foregoing symptoms while at work should notify his or her supervisor at once and should return home. Employees are required to notify their supervisors promptly when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

Leave for employees who must remain out of work for the foregoing reasons may be governed by the Family and Medical Leave Act (FMLA). Requests for FMLA leave should be submitted in accordance with the City's FMLA policy. Employees whose duties, in the judgment of the City Manager, permit them to work remotely may be granted approval to work from home under these circumstances, subject to any conditions the City Manager deems appropriate.

Return to Work Criteria

Any employee who has been out of the workplace because he or she has tested positive for COVID-19 positive or been diagnosed with COVID by a licensed health care provider must remain out of work until the employee receives a negative result on a COVID-19 antigen test and meets the return to work criteria in CDC's "Isolation Guidance" or receives a recommendation to return to work from a licensed healthcare provider.

Under CDC's "Isolation Guidance," asymptomatic employees may return to work once 10 days have passed since the positive test, and symptomatic employees may return to work when all the following conditions are met:

- At least 10 days have passed since symptoms first appeared, and
- At least 24 hours have passed with no fever, without fever-reducing medication, and
- Other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).

If an employee has severe COVID-19 or an immune disease, the City will follow the guidance of a licensed healthcare provider regarding return to work.

Confidentiality and Privacy

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

Questions

Please direct any questions regarding this policy to the City Manager.