

## RESOLUTION NO. 21-1158

### A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WATER REPLENISHMENT DISTRICT OF SOUTHERN CALIFORNIA APPROVING THE COVID-19 SAFETY POLICY

WHEREAS, the U.S. Centers for Disease Control (CDC), the California Department of Public Health, and the Los Angeles County Department of Public Health, COVID-19 continues to pose a serious public health threat. A surge of COVID-19 infections has occurred largely resulting from the Delta variant, a highly transmissible variant. Without additional interventions, infection rates will continue to increase, and the unvaccinated will be most at risk of serious illness, including hospitalizations and death; and

WHEREAS, the U.S Food and Drug Administration (“FDA”) approved the Pfizer-BioNTech COVID-19 vaccine, and two other vaccines have received Emergency Use Authorization (EUA) from the FDA; and

WHEREAS, the overwhelming scientific evidence has established that the COVID-19 vaccines are safe and effective; and

WHEREAS, the CDC, the California Department of Public Health, and the Los Angeles County Department of Public Health have determined that vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths; and

WHEREAS, the Water Replenishment District must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees, contractors and the public as it continues to provide essential services. Unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace; and

WHEREAS, there exists a health emergency that requires action to safeguard the Water Replenishment District employees against risks of infection, illness, hospitalization and death from COVID-19; and

WHEREAS, to best protect its employees and fulfill its obligations, the Water Replenishment District should require that all employees, including designated contractors be fully vaccinated and their vaccination status should be verified based on established protocols and standards. Individuals with medical conditions or a sincerely held religious belief should be allowed to request a reasonable accommodation.

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Water Replenishment District of Southern California does hereby approve the following WRD COVID-19 Safety Policy:

**I. PURPOSE:**

The purpose of the WRD COVID-19 Safety Policy is to provide employees a healthy and safe workplace as required under the California Occupational Safety and Health Act (Lab. Code §§ 6300, *et seq.*) and associated regulations (8 C.C.R. § 3205).

Consistent with its duty to provide and maintain a workplace that is free of recognized hazards, WRD has adopted this policy to safeguard the health and well-being of employees and their families; WRD contractors and visitors; others who spend time in WRD facilities; and the community from infectious conditions that may be mitigated through an effective vaccination program. This policy is intended to comply with all state and local laws. It is based upon guidance provided by the Centers for Disease Control and Prevention (CDC) and public health and licensing authorities, as applicable.

**II. PROCEDURES:**

a. All WRD employees must provide proof of COVID vaccination by October 1, 2021.

- i. To establish that they have received a vaccination, employees shall present written documentation of full COVID-19 vaccination from the designated site or from another authorized healthcare provider.
- ii. Human Resources will maintain a copy of each employee's vaccination certification card separate from the employee's personnel file and such records will be secured for confidentiality.

b. Employees who are not vaccinated by October 1, 2021, will undergo weekly COVID-19 testing.

- i. Human Resources will maintain a copy of the employee's weekly COVID-19 testing records separate from the employee's personnel file and such records will be secured for confidentiality.
- ii. All employees who are not vaccinated (including employees with approved medical or religious exemptions) will undergo weekly COVID-19 testing.
- iii. An employee may submit costs incurred from COVID-19 testing for reimbursement through the District's Health Reimbursement Arrangement (HRA).

- iv. The time it takes for the testing or vaccination, including travel time to and from the location will be compensated and will be considered as time worked. Nonexempt (hourly) employees must obtain their manager's approval to schedule their testing outside of the employee's regular working hours.
  - c. If an employee declines the vaccination on account of a qualifying medical condition or a sincerely held religious belief, the employee may request a medical or religious exemption or other accommodation in writing. Each medical or religious exemption request will be evaluated on a case-by-case basis.
    - i. In accordance with WRD's Disability Accommodations Policy, WRD provides reasonable accommodations, absent undue hardship, to qualified individuals with disabilities that enable them to perform their job duties. If an employee believes there is a need for an accommodation regarding this policy because of a disability, the employee is responsible for requesting a reasonable accommodation from the Human Resources Department.
    - ii. WRD provides reasonable accommodations, absent undue hardship, to employees with sincerely held religious belief, observances, or practices that conflict with getting vaccinated. If an employee believes there is a need for an accommodation regarding this policy due to a sincerely held religious belief, the employee is responsible for requesting a reasonable accommodation from the Human Resources Department.
    - iii. Employees requesting a medical or religious exemption will need to complete a Request for Medical or Religious Exemption Form and will need to submit documentation substantiating the request. A list of acceptable documents may be requested from the Human Resources Department.
  - d. Non-Retaliation
    - i. There will be no retaliation against an employee who exercises their choice to vaccinate or undergo weekly COVID-19 testing requirements.
    - ii. WRD prohibits any form of discipline, reprisal, intimidation, or retaliation for reporting a violation of this policy or any other health and safety concern. Employees also have the right to report work-

related injuries and illnesses, and WRD will not discharge or discriminate or otherwise retaliate against employees for reporting work-related injuries or illnesses or good faith health and safety concerns.

- e. New employees hired on or after October 1, 2021, must provide proof of vaccination as a condition of employment or request a legal or religious accommodation. Each accommodation request will be reviewed on a case-by-case basis and in accordance with this policy. Only those new hires granted an accommodation based on legal or religious exemptions will be subject to weekly COVID-19 testing in accordance with this policy.
- f. This policy may be modified as needed to include recommended guidelines or mandates by the California Department of Public Health, the Los Angeles County Department of Public Health, the Division of Occupational Safety and Health (CAL-OSHA), and Centers for Disease Control and Prevention (CDC).
- g. All Directors shall be subject to this policy and will need to provide proof of vaccination by October 1, 2021 or be subject to weekly COVID-19 testing.
  - i. A Director may submit costs incurred from COVID-19 testing for reimbursement through the District's Health Reimbursement Arrangement (HRA).
- h. Contractors who interact with staff on an ongoing basis at the District's facilities will be subject to this policy.
  - i. Department Managers will identify the contractors who are subject to this policy.
  - ii. Contractors will adhere to this policy by self-attesting in writing and maintain records of proof of vaccination or weekly COVID-19 testing for at least three years and provide the District the right to audit COVID-19/vaccine records with 24-hour notice.
  - iii. Contractors are required to notify the District immediately if any contractor who has been at a District facility tests positive for COVID-19.

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PASSED, APPROVED and ADOPTED by the Board of the Water Replenishment District of Southern California on September 2, 2021, by the following votes:


AYES: 4

NOES:

ABSENT: 1

ABSTAIN:

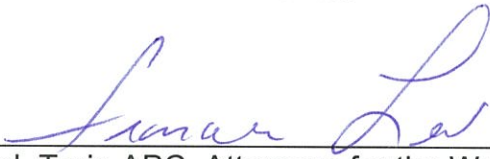
APPROVED:

  
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John D.S. Allen  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors

APPROVED AS TO FORM:

  
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Leal, Trejo APC, Attorneys for the Water  
Replenishment District of Southern California