

**CITY OF DUVALL  
WASHINGTON**

**RESOLUTION NO. 21-12**

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF DUVALL, WASHINGTON, REQUIRING COVID-19  
VACCINATIONS AS A CONDITION OF EMPLOYMENT.**

**WHEREAS**, Public Health and Safety is a core responsibility of government; and

**WHEREAS**, The City of Duvall has been in a Declaration of Emergency in response to the Coronavirus (COVID-19) since March 2020; and

**WHEREAS**, The Food and Drug Administration has provided Emergency Use Authorization for multiple COVID-19 vaccinations; and

**WHEREAS**, all people ages 12 and older have been eligible to receive the COVID-19 vaccine since May 10, 2021 providing ample time for all eligible people to become fully vaccinated; and

**WHEREAS**, the COVID-19 Delta variant is significantly more transmissible than previous variants, leading to a significant rise in positive cases, hospitalization and deaths in recent weeks; and

**WHEREAS**, on July 27, 2021 the Centers for Disease Control release updated guidance on the need for urgently increasing COVID-19 vaccination rates amid high transmission rates; and

**WHEREAS**, in King County since June 30, 2021 the 7-day average of positive COVID-19 cases per 100,000 residents has jumped from 20 to 142.2 on August 12, 2021, putting the region well above the threshold for a high community transmission rate; and

**WHEREAS**, area hospitals and healthcare facilities are reaching or exceeding existing ICU capacity, directly related to hospitalized COVID-19 patients; and

**WHEREAS**, the Governor of the State of Washington has issued a vaccine mandate to all executive branch state employees due to “the emergence of highly contagious COVID-19 variants, including the “delta variant” that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals”; and

**WHEREAS**, COVID-19 infection and exposure among the City of Duvall employees and the related isolation periods could put public health and safety at risk due to the potential unavailability of law enforcement, emergency management, certified water or sewer operators; and

**WHEREAS**, it is in the City and Public’s best interest to make every reasonable and public health recommended steps to reduce the risk transmission among City employees and reduce the risk of mostly preventable serious illness or death among staff and the public we serve.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUVALL,  
WASHINGTON, DO RESOLVE AS FOLLOWS:

The City Council hereby supports the Mayor's recommendation to implement a mandatory COVID-19 vaccination policy for all current and future employees as a condition of employment, with the exception of approved religious or medical exemptions and directs the Mayor to implement the policy in Exhibit A and work with our employees' labor representatives regarding this decision and its impacts..

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 17<sup>th</sup> DAY OF August, 2021.

CITY OF DUVALL

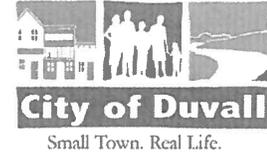
Approved as to form:

  
Mayor Amy Ockerlander

  
Daniel P. Kenny, City Attorney

ATTEST/AUTHENTICATED:

  
Jodi Wycoff, City Clerk



<b>TITLE:</b>	<b>City of Duvall COVID-19 Vaccination Mandate</b>
<b>POLICY NUMBER:</b>	<b>21-XX</b>
<b>EFFECTIVE DATE:</b>	August __, 2021
<b>APPROVED BY:</b>	Amy Ockerlander, Mayor
<b>AMENDED:</b>	
<b>ATTORNEY REVIEW:</b>	Dan Swedlow, Summit Law

#### PURPOSE

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COVID-19 continues to persist in Washington State, including a recent increase in COVID-19 infections caused by variants that are more readily transmitted than prior forms of SARS-CoV-2, the novel coronavirus that causes COVID-19 infections. An increase in the number of COVID-19 cases will put more strain on healthcare resources, lead to more hospitalizations, and potentially more deaths. The U.S. Centers for Disease Control and Prevention (“CDC”) and the Washington State Department of Health (“DOH”) have determined that the COVID-19 vaccines that have received emergency use authorization (“EUA”) by the U.S. Food & Drug Administration (“FDA”) are safe and effective against infection with the coronavirus that causes COVID-19. Individuals have the choice to receive or not receive COVID-19 vaccines that are authorized under an EUA; however, the FDA only requires that this information be given to potential vaccine recipients by the vaccine provider and does not prohibit entities such as employers from imposing vaccination requirements.

The purpose of this COVID-19 vaccination mandate is to protect the health and safety of employees of the City of Duvall (“City”) and the members of the public with whom they come into contact; to reduce the spread of variants of SARS-Cov-2, thereby reducing the incidents of sickness and death from COVID-19; and to reduce the amount of time employees are absent from work due to the need to isolate or quarantine as a result of exposure to SARS-CoV-2, the novel coronavirus that causes COVID-19 infections.

#### SCOPE

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This mandate is a condition of employment applicable to all current and future City employees. All City department employees who refuse to be vaccinated will be subject to dismissal from employment for failing to meet legal job qualifications. The City will work with labor organizations on meeting collective bargaining obligations and adhering to civil service rules.

#### POLICY

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This policy provides a phased in approach to vaccinations. As we work toward the vaccination mandate there will be a period of time where a testing program will need to be put in place.

City employees: Phase 1 B (full vaccination) with Phase 1 A (regular testing) included. Employees should be aware that, at the City’s discretion, employees will be subject to Phase 1 A if they are not fully

## Exhibit A

vaccinated upon policy initiation based on health and safety concerns related to the ongoing presence of COVID-19 in the community.

This policy requires all applicants for positions at the City who are not current City employees to be fully vaccinated as set forth herein.

### **Phase 1 B: Full Vaccination**

All employees are required to obtain their first COVID-19 vaccination injection within five (5) days of the effective date of this mandate and to be fully vaccinated against COVID-19 within seven (7) weeks of the effective date of this mandate (the “vaccination deadline”) as a condition of their employment.

All applicants for employment with the City are also required to be fully vaccinated against COVID-19 prior to their employment. Applicants who are offered a position with the City who are not fully vaccinated may, at the discretion of the City Administrator, be given a grace period of no longer than six weeks from the date of their offer letter to become fully vaccinated.

In order to be considered fully vaccinated against COVID-19, employees and applicants must have been injected with either a two-dose mRNA vaccine that has received EUA or full approval from the FDA (such as the Moderna or Pfizer COVID-19 vaccines), or a single dose of any single-dose vaccine that has received EUA or full approval from the FDA (such as the Johnson & Johnson COVID-19 vaccine), and at least two weeks must have passed after the final dose of the vaccine. If an employee or applicant was vaccinated against COVID-19 outside of the United States, the employee or applicant is considered to be fully vaccinated if the employee or applicant was injected with a vaccine that has received World Health Organization (“WHO”) Emergency Use Listing (“EUL”) or full WHO approval, and the employee or applicant has completed the full vaccination series for the vaccine and the appropriate amount of time has passed according to the manufacturer’s guidance. Employees and applicants are considered to be fully vaccinated for a period of twelve (12) months after they receive their final dose of their COVID-19 vaccine unless the CDC, DOH, or local health district recommends booster vaccinations, in which case employees and applicants will need to obtain the recommended booster vaccinations in order to maintain their status as fully vaccinated.

COVID-19 vaccinations that are available at no cost to employees and applicants can be located through the DOH Vaccine Locator or by contacting the Public Health – Seattle & King County. Employees will be permitted to take up to one (1) hour of paid time off per appointment for any COVID-19 vaccination appointments that occur during their scheduled work hours after the effective date of this mandate. Employees who need time off to be vaccinated shall coordinate their time off with their supervisors. When scheduling vaccination appointments, employees should keep in mind that they are not considered fully vaccinated until two (2) weeks after their final injection.

If the City is offering onsite COVID-19 testing to employees at the City’s expense, such testing will also be available on a voluntary basis to asymptomatic, fully vaccinated employees who have been in close contact as defined by the CDC with someone who has tested positive for COVID-19. The timing of the testing must be consistent with CDC and/or DOH guidance, whichever is more protective of public health. Any fully vaccinated employee who has symptoms of COVID-19 must not be on City premises and must get tested elsewhere so as to avoid possibly infecting others on City premises.

Employees in need of an exemption from this policy due to a disability, or because of a sincerely held religious belief, must submit a completed Request for Accommodation form to the City Administrator to begin the interactive accommodation process within five (5) days of the effective date of this mandate.

## Exhibit A

Employees who are currently unvaccinated and who have previously tested positive for COVID-19 are currently required by the CDC to wait 90-days prior to receiving the vaccination. These employees will be required to submit of a positive test result and will have 90-days plus 7-weeks from the date of the positive COVID test to become fully vaccinated. Applicants in need of a reasonable accommodation must submit a completed Request for Accommodation form to the City Administrator to begin the interactive accommodation process within two (2) days after the date of the offer of employment. Accommodations will be granted where they do not cause the City undue hardship or pose a direct threat to the health and safety of others. Staff members receiving the exception status will be required to participate long term in the Phase 1 A regular testing program for a length of time determined by the City Administrator.

No later than ten (10) days before the vaccination deadline, employees will be required to provide either proof of vaccination as determined by the City Administrator or an approved reasonable accommodation as determined by the City Administrator exempting them from this mandate because of a disability or a sincerely-held religious belief.

This vaccination mandate is a condition of employment. Employees who have not provided proof that they have been fully vaccinated or who have not received a reasonable accommodation exempting them from this mandate on or before the vaccination deadline shall be separated from employment. Applicants who have not provided proof that they have been fully vaccinated or who have not received a reasonable accommodation exempting them from this vaccination mandate shall not be eligible for hire.

### **Phase 1 A: Regular Testing**

Employees required (currently non-fully vaccinated staff) to participate in testing while awaiting full vaccination status, who have no symptoms of COVID-19 as defined by the CDC and no known close contact as defined by the CDC with someone who has tested positive for COVID-19 must provide proof of a negative viral antigen test or a negative nucleic acid amplification test (“NAAT”) **test twice per week (spaced so that the tests are 3-4 days apart, typically Mondays and Thursdays)** and show proof of their test results twice per week to a designated City employee, who will keep a log of each employee’s test results. The information on the log will be treated as confidential consistent with EEOC guidance to the extent permitted by applicable law. Based on current availability and cost, the City will provide test kits to employees requiring testing and testing will be performed by each employee onsite at City Hall, or an area designated by the City Administrator twice per week at the beginning of their shifts. However, if the cost or availability of testing increases, the City may require employees who are required to participate in this regular testing program (Accommodation exception as listed above) to obtain testing at the employees’ expense.

Employees participating in the Phase 1 A (regular testing) program who have symptoms of COVID-19 as defined by the CDC and/or have been in close contact as defined by the CDC with someone who has tested positive for COVID-19 must not be on City premises and must get tested elsewhere so as to avoid possibly infecting others on City premises, and must follow the state DOH guidance and CDC guidance for quarantining (whichever is more protective of public health). The timing of the testing should be consistent with CDC and/or DOH guidance, whichever is more protective of public health.

Per current CDC guidance, employees participating in Phase 1 A (regular testing) who have tested positive for COVID-19 within the last three (3) months and have recovered do not need to be tested as long as they do not develop new symptoms of COVID-19. If CDC or DOH guidance changes, such employees will be required to be tested with the same frequency listed above.

## Exhibit A

Employees will not need to use leave for onsite COVID testing during Phase 1A. Employees may use leave in accordance with the City of Duvall American Rescue Plan Act of 2021 Emergency Leave Policy through September 30, 2021 or until which date the program is extended with council approval. Any leave necessary in excess may be utilized through the employees accrued paid time off for COVID-19 testing if they comply with the City's policies for requesting and using paid time off.

**Request for Accommodation: Medical Exemption from Vaccination**

To request an exemption from required vaccinations, please complete section 1 below and have your medical provider complete section 2 before returning this form to the human resources department.

**Section 1**

Name (print):	Date:
Dept.:	Position:
Manager:	Work/Cell Phone:

I am requesting a medical exemption from City of Duvall’s mandatory vaccination policy for the following vaccination(s):

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I verify that the information I am submitting to substantiate my request for exemption from [Company Name]’s vaccination policy is true and accurate to the best of my knowledge. I understand that any falsified information can lead to disciplinary action, up to and including termination.

I further understand that City of Duvall is not required to provide this exemption accommodation if doing so would pose a direct threat to myself or others in the workplace or would create an undue hardship for City of Duvall.

Employee Signature:	Date:
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**Section 2**

**Medical Certification for Vaccination Exemption**

Employee Name: \_\_\_\_\_

Dear Medical Provider,

City of Duvall requires vaccination against COVID-19 as a condition of employment. The individual named above is seeking an exemption to this policy due to medical contraindications.

Please complete this form to assist City of Duvall in the reasonable accommodation process.

# Religious Accommodation Request Form

## **Part 1: To be completed by employee**

Name: \_\_\_\_\_ Department: \_\_\_\_\_

Date of request: \_\_\_\_\_

Immediate supervisor: \_\_\_\_\_

Requested accommodation (job change, schedule change, dress/appearance code exception, vaccination exemption, etc.):

\_\_\_\_\_  
\_\_\_\_\_

Length of time the accommodation is needed: \_\_\_\_\_

Describe the religious belief or practice that necessitates this request for accommodation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe any alternate accommodations that might address your needs:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have read and understand City of Duvall's policy on religious accommodation. My religious beliefs and practices, which result in this request for a religious accommodation, are sincerely held. I understand that the accommodation requested above may not be granted but that the company will attempt to provide a reasonable accommodation that does not create an undue hardship on the company. I understand that City of Duvall may need to obtain supporting documentation regarding my religious practice and beliefs to further evaluate my request for a religious accommodation.

Employee signature: \_\_\_\_\_ Date: \_\_\_\_\_