

RESOLUTION NO. 452

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CARNATION, WASHINGTON, ADOPTING A COVID-19
VACCINATION POLICY FOR CITY WORKERS.

WHEREAS, On February 29, 2020, Governor Jay Inslee issued Proclamation 20-05 declaring a state of emergency in all counties of the state related to the spread of the COVID-19 virus; and

WHEREAS, On March 6, 2020, the Carnation City Council declared the existence of an emergency within the City of Carnation related to the significant health risks posed by the COVID-19 virus; and

WHEREAS, On March 23, 2020, Governor Inslee issued a “Stay Home – Stay Healthy” order intended to reduce the spread and transmission of the COVID-19 virus, and has since issued several proclamations and orders related to the reopening of the state, including Proclamation 20-25.4 (“Safe Start-Stay Healthy”), Proclamation 20-25.14 (“Washington Ready”) and multiple amendments thereof; and

WHEREAS, 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”) or full authorization by the U.S. Food & Drug Administration (“FDA”) are safe and effective against infection with the coronavirus that causes COVID-19; and

WHEREAS, highly contagious COVID-19 variants are emerging, including the Delta variant, which, coupled with the continued significant numbers of unvaccinated people, is causing

high numbers of COVID-19 cases and hospitalizations to continue; and

WHEREAS, on August 9, 2021, Governor Inslee issued Proclamation 21-14 requiring state employees and health care workers to be fully vaccinated against Covid-19 by October 18, 2021 as a condition of employment; and

WHEREAS, On August 10, 2021, King County Executive Dow Constantine issued an Order requiring Covid-19 vaccination for all executive branch employees of King County by October 18, 2021 as a condition of employment; and

WHEREAS, On August 18, 2021, Governor Inslee issued a directive expanding the vaccination requirements of Proclamation 21-14 to all employees working in K-12 education, most childcare and early learning facilities, and higher education, and re-imposing a statewide mask mandate for all individuals regardless of vaccination status in public indoor spaces; and

WHEREAS, in order to provide and maintain a safe workplace, protect the health of employees and their families, and protect the community at large from the risks of COVID-19, the City Council finds it will have a beneficial effect upon the health, safety, and welfare of Carnation to require City Workers to be fully vaccinated; and

WHEREAS, For City employees who are members of a bargaining unit, this Policy is subject to good faith bargaining between the City and the bargaining unit prior to going into effect;

NOW, THEREFORE,

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARNATION AS FOLLOWS:

Section 1. Adoption of a City of Carnation Mandatory COVID-19 Vaccination Policy.

The Carnation City Council hereby adopts the City of Carnation Mandatory COVID-19 Vaccination Policy dated October 5, 2021, attached as Exhibit A and incorporated by this reference as if set forth in full.

Section 2. Severability. If any one or more sections, subsections, or sentences of this

resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this resolution and the same shall remain in full force and effect.

Section 3. Effective Date. This resolution shall take effect and be in full force immediately upon its passage and adoption by the City Council.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 5th DAY OF OCTOBER, 2021.

CITY OF CARNATION

Kimberly Lisk

Kimberly Lisk (Oct 7, 2021 14:06 MDT)

MAYOR, KIMBERLY LISK

ATTEST/AUTHENTICATED:

Mary Madole

CITY CLERK, MARY MADOLE

RESOLUTION NO.:.....452

City of Carnation Mandatory COVID-19 Vaccination Policy

Effective Date: October 5, 2021

PURPOSE

The purpose of this Mandatory COVID-19 Vaccination Policy is to ensure that all employees of the City of Carnation (“City”) and all other Workers who work at the City are fully vaccinated against SARS-CoV-2, the novel coronavirus that causes COVID-19 infections. 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”) or full authorization 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; it does not prohibit entities such as employers from imposing vaccination requirements.

SCOPE

This mandate is a condition of employment or contracting with the City that is applicable to all City “Workers,” which includes any person engaged to work as an employee, independent contractor, service provider, volunteer, or through any other formal or informal agreement to provide goods or services, whether compensated or uncompensated, but does not include a visitor or patron. Also, independent contractors are exempt from this Policy if they do not perform any work at a location that is: 1) owned, leased, or used by the City; and 2) no other City Workers are present at the location(s) where the independent contractors are performing work. Independent contractors are also exempt if they are physically present at a City site for only a short period of time and any moments of close physical proximity to others onsite are fleeting; examples include contractors delivering supplies by truck to a construction site where they remain physically distanced from others on the site or a driver for a contracted shipping and delivery service briefly entering a site to pick up parcels for shipping.

This Policy shall be effective for non-represented City employees, volunteers, independent contractors, and service providers on the Effective Date set forth above. For City employees who are members of a bargaining unit, this Policy is subject to good faith bargaining between the City and the bargaining unit prior to going into effect.

POLICY

No later than 4:00 p.m. on November 23, 2021, all Workers are required to provide acceptable proof to the City Manager that they have received either the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA (e.g., Pfizer-BioNTech or Moderna) or that they have received a single-dose of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA (e.g., Johnson & Johnson (J&J)/Janssen). City employees who have not been vaccinated as of the Effective Date of this Policy are entitled to use up to an hour of paid time off per injection to receive their vaccinations, and up to three (3) days of paid time off to recover from any adverse effects of their vaccinations. The paid time off referenced in this Policy is not deducted from the employee’s regular leave banks, and shall be recorded as “COVID-19 PTO” on their timesheets.

Workers who fail to provide acceptable proof of vaccination on or before 4:00 p.m. on November 23, 2021 will be separated from employment effective as of the end of the work day on November 30, 2021.

Anyone applying to become a Worker whose start date would be on or after November 30, 2021 is required to provide proof of full vaccination prior to their start date. "Full vaccination" means that it has been at least two weeks since an individual has received either the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA (e.g., Pfizer-BioNTech or Moderna) or a single-dose of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA (e.g., Johnson & Johnson (J&J)/Janssen). Additionally, if the CDC, DOH, FDA, or the local health district recommends booster vaccinations, Workers and applicants will need to receive the recommended booster vaccinations at the recommended intervals and provide proof of receipt of the booster vaccination in order to maintain their status as fully vaccinated.

Acceptable proof of full vaccination against COVID-19 includes:

- CDC COVID-19 Vaccination Record Card or photo of the card;
- Documentation of vaccination from a health care provider or electronic health record;
- State immunization information system record; or
- For an individual who was vaccinated outside of the United States, a reasonable equivalent of any of the above.

Personal attestation is not an acceptable form of verification of COVID-19 vaccination. The City may select which form of proof of full vaccination listed above is acceptable to the City; for example, the City may require an employee to provide an electronic health record or State immunization information system record instead of a CDC COVID-19 Vaccination Record Card.

Workers seeking 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 Manager to begin the interactive process no later than October 19, 2021. Applicants in need of a reasonable accommodation must submit a completed Request for Accommodation form to the City Manager to begin the interactive process within two (2) days after the date of the offer of employment. Accommodations will be granted if they are required by any applicable law or ordinance, provided that the accommodation does not cause the City undue hardship or pose a direct threat to the health and safety of others.

Workers who are not fully vaccinated on or before 4:00 p.m. on November 23, 2021 will no longer be employed by, or qualified to contract with, the City after November 23, 2021 unless they have been approved for a reasonable accommodation that includes exempting them from this vaccination requirement on or before November 23, 2021. 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 requirement shall not be eligible for hire.