

# COVID-19 VACCINATION REQUIREMENT EXEMPTION REQUEST PROCEDURES

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## **I. INTRODUCTION**

The City of Los Angeles (City) has an obligation to provide and support a safe and secure workplace. Guidance provided by the federal Centers for Disease Control and Prevention (CDC), the California Department of Public Health (CDPH), the Los Angeles County Department of Public Health (DPH), and other local health authorities related to the SARS-CoV-2 virus (COVID-19) uniformly cite vaccination as the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated City employees are at greater risk of contracting and spreading COVID-19 within the workplace, at City facilities, and to the public that depends on City services. Therefore, it is the City's goal to have a fully vaccinated workforce.

To best protect its workforce and others in City facilities, and to fulfill its obligations to the public, the City has adopted the *COVID-19 Vaccination Requirement for All Current and Future City Employees* (hereinafter "COVID-19 Vaccination Requirement") to protect the health of our workforce, their families, customers and visitors, and the community at large from the spread of COVID-19. Employees will not have the option to "opt out" of getting vaccinated and become subject to weekly testing without a City approved exemption.

City employees may request an exemption from the COVID-19 Vaccination Requirement due to the following:

- A disability or medical condition that does not allow them to get vaccinated for COVID-19; or
- A sincerely held religious belief, practice, or observance that prohibits them from receiving a COVID-19 vaccine.

City employees may request a deferment from the COVID-19 Vaccination Requirement due to the following:

- Receipt of a monoclonal antibody or convalescent treatment for COVID-19 within 90 days of the date the request is submitted; or
- A positive COVID-19 test result resulting in the requesting party being in isolation per the recommendation of their healthcare provider.

Personal, political, or philosophical objections to a COVID-19 vaccine are legally insufficient justification for granting an exemption to the COVID-19 Vaccination Requirement.

## **COMPLIANCE WITH FEDERAL AND STATE LAWS**

The Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA) prohibit employment discrimination against applicants and employees on the basis of disability or medical condition. Title VII of the Civil Rights Act (Title VII) and the FEHA prohibit employment discrimination against applicants and employees on the basis of religion. In accordance with these laws, it is the policy of the City to provide equal employment opportunities to applicants and employees with disabilities, and applicants and employees with sincerely held religious beliefs, practices, or observances.

## **COMPLIANCE WITH THE EQUAL EMPLOYMENT OPPORTUNITY POLICY**

Discriminating against, or harassing employees, applicants or persons providing services by contract to the City of Los Angeles because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, domestic violence victim status, sexual orientation, gender, gender identify, gender expression, military and veteran status, union affiliation or activity, or other protected category under the law is prohibited and unlawful. For the purpose of this guidance document the term “employees” includes unpaid interns and volunteers.

## **II. MEDICAL AND RELIGIOUS EXEMPTIONS**

Departments must consider any request for a medically related or religious exemption that provides sufficient notice of an employee’s inability to comply with the City’s COVID-19 Vaccination Requirement due to a medical condition or a sincerely held religious belief.

**Departments must review requests for exemption from the City’s COVID-19 Vaccination Requirement on a case-by-case basis, and engage in an interactive process with employees who submit such requests, as appropriate. The granting of the exemption shall initiate an interactive process to determine how, where and whether the employee may be accommodated.**

Exemptions and/or deferments from the COVID-19 Vaccination Requirement may be granted under the following circumstances:

**For medical reasons:**

- (1) The employee has a disability or medical condition that precludes them from receiving a COVID-19 vaccination as defined in the City's ***Request for Medical Exemption/Vaccination Deferment Form*** and ***Request For Healthcare Provider Statement***;
- (2) The employee submits a ***Request for Medical Exemption/Vaccination Deferment Form*** to request exemption or deferment;
- (3) The employee provides required medical documentation (i.e. ***Request For Healthcare Provider Statement***) from a licensed health care provider to support an exemption or deferment; **and,**
- (4) An exemption/deferment would not pose an undue hardship to the City or a direct threat to the health and safety of the employee or others that cannot be mitigated.

**OR**

**For religious reasons:**

- (1) The employee holds a sincere religious belief, practice, or observance that precludes them from receiving a COVID-19 vaccination;
- (2) The employee submits a ***Request for Religious Exemption Form***;
- (3) The employee provides required documentation confirming the basis of their exemption including, but not limited to, the ***Religious Accommodation Certification Form***; **and,**
- (4) An exemption would not pose an undue hardship to the City or a direct threat to the health and safety of the employee or others that cannot be mitigated.

**NOTE:** City workforce members covered under the State Public Health Officer Orders of July 26, 2021 (Unvaccinated Workers in High Risk Settings) must satisfy the requirements in those orders, including any process for seeking exemption as outlined by those respective orders.

**PROCEDURE FOR REQUESTING A MEDICAL EXEMPTION OR DEFERMENT**

1. Employees must complete and sign the ***Request for Medical Exemption/Vaccination Deferment Form***. Each employee must also submit a completed ***Healthcare Provider Certification Form*** from their healthcare provider to support their request.

Completed Exemption Request and Certification forms are to be submitted to the employee's Departmental Personnel Officer (DPO) or HR Director or their designee within twenty (20) business days of issuance of the forms to the employee.

2. The Department must acknowledge receipt of an employee's submission of a **Request for Medical Exemption/Vaccination Deferment and Certification Forms** as soon as practicable. Acknowledgements may be made by email stating that the request has been received.
3. Designated department personnel must engage employees in a timely, good faith interactive process if the need for a medical exemption from the COVID-19 Vaccination Requirement is not established by the completed required forms.
4. Designated department personnel must make a preliminary assessment based on a review and analysis of all submitted documentation and information provided by the employee, as soon as practicable, after receipt of the employee's exemption request.
5. The DPOs must submit their preliminary assessment to the Personnel Department's COVID-19 Exemption/Deferment Review Unit within three (3) business days of making said assessment.
6. The Personnel Department's COVID-19 Exemption/Deferment Review Unit will notify the designated DPO or HR Director or their designee that the preliminary assessment is either approved or denied.
7. For approved employee requests for exemption, designated department personnel must use the **Approval of Exemption Form** to document and communicate final determinations on employee requests for disability and/or medically related exemptions or deferments to the vaccination requirement. For requests that are denied, designated department personnel must use the **Denial of Exemption Form**. The reason for any denial must be stated on the form.
8. When an exemption is approved, copies of all **Approval of Exemption Forms** will be uploaded to a secure database along with the employee's "unvaccinated" status for the purpose of tracking recurring COVID testing.
9. **Employees are to be reminded that the knowing submission of any false or misleading information on any government record is an act in violation of the City's policies that may subject the submitting party to discipline. (See City of Los Angeles Personnel Policies Section 33.2).**

## PROCEDURE FOR REQUESTING A RELIGIOUS EXEMPTION

1. The employee must complete and sign the ***Request for Religious Exemption Form***. The employee must also submit a completed ***Religious Accommodation Certification Form*** from their religious organization, religious leader, religious scholar, or person knowledgeable of their religious beliefs, practice or observances to support their request. Completed forms are to be submitted to the Departmental Personnel Officer (DPO) or their designee.

Completed Exemption Request and Certification forms are to be submitted to the employee's Departmental Personnel Officer (DPO) or HR Director or their designee within twenty (20) business days of issuance of the forms to the employee.

2. The Department must acknowledge receipt of a completed employee request for a religious exemption from the COVID-19 Vaccination Requirement as soon as practicable. Acknowledgements may be made by email stating that the request has been received.
3. Designated department personnel must engage employees in a timely, good faith interactive process if the need for a religious exemption from COVID-19 vaccination requirements is not established by the completed ***Request for Religious Exemption Form***.

**NOTE:** In situations where, after engaging the employee in the interactive process, there is an objective basis for questioning either the religious nature or the sincerity of a particular belief, observance, or practice, a department may seek additional information to support an employee's religious exemption request. **Before doing so, department personnel conducting the interactive review process should contact their department's assigned liaison Deputy City Attorney in the Labor Relations Division.**

4. Additional information which the employee can, at their discretion, submit as part of a completed request for religious exemption from the COVID-19 Vaccination Requirement may include the following:
  - a) Articles from religious scholars that describe the nature of the religious belief(s), practice(s), or observance(s) and the need for an exemption from the COVID-19 Vaccination Requirement;

- b) Excerpts from religious or sacred texts explaining the religious belief(s), practice(s), or observance(s) that prohibit vaccination;
  - c) Written materials that describe the religious belief(s), practice(s), or observance(s) that prohibit vaccination;
  - d) Statements, affidavits, or other documents from the employee describing their religious belief(s), practice(s), or observance(s), as well as when, where, and how the employee has adhered to the belief, practice, or observance that prohibits vaccination; or
  - e) Statements, affidavits, or other documents from potential witnesses identified by the employee as having knowledge of whether the employee adheres or does not adhere to the religious belief(s), practice(s), or observance(s) that prohibit vaccination, (e.g., religious leader, family, friend, neighbor, supervisor, or coworker who may have observed the employee's past adherence, or lack thereof, or discussed it with the employee).
5. Designated department personnel must make a preliminary assessment based on a review and analysis of all submitted documentation and information provided by the employee, as soon as practicable, after receipt of the employee's exemption request.
  6. The DPO/HR Director must submit their preliminary assessment to the Personnel Department's COVID-19 Exemption Review Unit within three (3) business days of making said assessment.
  7. The Personnel Department's COVID-19 Exemption/Deferment Review Unit will notify the DPO or HR Director or their designee about its final determination.
  8. For approved requests, designated department personnel must use the **Approval of Exemption Form** to document and communicate final determinations on employee requests for Religious Exemption related exemptions to the COVID-19 Vaccination Requirement. For requests that are denied, designated department personnel must use the **Denial of Exemption Form**. The reason for any denial must be stated on the form.
  9. When an exemption is approved, copies of all **Approval of Exemption Forms** will be uploaded to a secure database along with the employee's "unvaccinated" status for the purpose of tracking recurring COVID testing.

- 10. Employees are to be reminded that the knowing submission of any false or misleading information on any government record is an act in violation of the City's policies that may subject the submitting party to discipline. (See *City of Los Angeles Personnel Policies Section 33.2*).**

## **EMPLOYEES WHO BEGIN CITY EMPLOYMENT ON OR AFTER OCTOBER 20, 2021**

In accordance with Los Angeles City Ordinance 187134, candidates for employment must meet the minimum requirement of being fully vaccinated against COVID-19 or have received an exemption and report their vaccination status prior to appointment by the hiring authority (LAMC Sec. 4.704(a)). The ordinance is available at:

[https://clkrep.lacity.org/onlinedocs/2021/21-0921\\_ord\\_187134\\_8-24-21.pdf](https://clkrep.lacity.org/onlinedocs/2021/21-0921_ord_187134_8-24-21.pdf)

## **COVID-19 TESTING REQUIREMENTS FOR INDIVIDUALS WITH APPROVED EXEMPTIONS OR DEFERMENTS**

Unvaccinated City employees who are granted a medical or religious exemption or deferment to the COVID-19 Vaccination Requirement and newly hired employees (prior to October 20, 2021) who are in the process of achieving full vaccination and who are required to regularly report to a City worksite shall be subject to weekly COVID-19 tests. Testing will be provided to such employees at no cost during their work hours following a process and timeline determined by the City.

Unvaccinated City employees who receive a medical or religious exemption or deferment under the COVID-19 Vaccination Requirement and newly hired employees (prior to October 20, 2021) who are in the process of achieving full vaccination and who are authorized to work remotely, e.g., telecommuting or teleworking, shall be subject to COVID-19 testing if they are required to report to a worksite on an as-needed basis.

Unvaccinated City employees who receive a medical deferment under the COVID-19 Vaccination Requirement, e.g., due to a COVID-19 monoclonal antibody or convalescent treatment (within the last 90 days) or a positive COVID-19 test and present isolation period, shall be required to obtain their first vaccination dose within fourteen (14) days of the expiration of their deferment period.

City employees undergoing regular COVID-19 testing at the direction of their department will be provided further instructions on how to provide proof of testing and results to their DPO and HR Director. Asymptomatic employees may return to the workplace while awaiting test results. At no time shall an individual with a positive COVID-19 test result be permitted to enter a City facility or work location.

Regardless of test results, City employees must adhere to all workplace screening requirements and safety protocols when in a City facility or work location and/or when in contact with other City employees or members of the public while working.

## **APPEAL FROM DENIAL OF REQUEST FOR EXEMPTION**

Employees who wish to appeal a denial of their request for exemption may file an appeal with the Personnel Department using the ***Appeal from Denial of Request for Exemption Form***. Appeals will be adjudicated by department heads/General Managers (or their management designee). The name of the employee seeking an appeal will be redacted from the appeal and supporting documentation prior to submission to the department. The department will submit its final decision to the Personnel Department and the employee will be subsequently notified of the decision.

Further detail on the appeal process will be provided at a later date.