



**Hidden Valley Lake Community Services District
Personnel Committee Meeting
Wednesday, February 9, 2022
9:00 am**

This Meeting Will Be Conducted With In Person Attendance In Accordance With County And State Covid Guidelines, Including Mask Requirements For All Those Attending In Person.

Public participation is welcome and encouraged. Members of the public shall be given the opportunity to comment on each agenda item before the Governing Board acts on that item, G.C. 54953.3. All other comments will be taken under Public Comment.

PLACE: Hidden Valley Lake CSD
Administration Office, Boardroom
19400 Hartmann Road
Hidden Valley Lake, CA

- 1) **CALL TO ORDER**
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ROLL CALL**
- 4) **APPROVAL OF AGENDA**
- 5) **DISCUSSION AND POSSIBLE RECOMMENDATION:** Discussion of Mandatory Vaccine Policy
- 6) **PUBLIC COMMENT**
- 7) **COMMITTEE MEMBER COMMENT**
- 8) **ADJOURN**

Public records are available upon request. Board Packets are posted on our website at www.hvlcsd.org/meetings. In compliance to the Americans with Disabilities Act, if you need special accommodations to participate in or attend the meeting, please contact the District Office at 987-9201 at least 48 hours prior to the scheduled meeting.

**ACTION OF
HIDDEN VALLEY LAKE COMMUNITY SERVICES DISTRICT**

DATE: February 9, 2022

AGENDA ITEM: Discuss committee recommendation regarding Mandatory Vaccine Policy

RECOMMENDATIONS: TBD

FINANCIAL IMPACT: TBD

BACKGROUND:

The topic of vaccination against the COVID-19 virus is volatile, and guidelines from authorities continue to be in flux. The challenges of HR departments nationwide to find a standard guideline is frustrating. The District is no different.

We have found that the Cal OSHA ETS continues to be the authority on COVID-19 procedure requirements, which includes the language of exclusion pay. A helpful link provided by the California Department of Industrial Relations covers much of these requirements.

<https://www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html>

In the vaccine section of this FAQ, employers are not required to, but are allowed to mandate vaccinations.

Q: May an employer require employees to be vaccinated against COVID-19?

A: Yes. As explained by the Department of Fair Housing and Employment, an employer may require employees to receive an FDA approved vaccination against COVID-19 infection so long as the employer: does not discriminate against or harass employees or job applicants on the basis of a protected characteristic; provides reasonable accommodations related to disability or sincerely-held religious beliefs or practices; and does not retaliate against anyone for engaging in protected activity (such as requesting a reasonable accommodation).

Both our general and legal counsel have provided feedback on this option. It appears that clients are not selecting vaccine mandates for current employees, because of the likely resignation of many employees. Additionally, the precedent-setting action of the US Supreme Court staying the enforcement of the Fed OSHA ETS can open the door to employee challenges. This might prove to be a long expensive uphill battle for the District.

Further feedback from our California Special Districts Association (CSDA) representative revealed that they were unable to locate any other Special Districts in the area that have implemented a mandatory vaccine policy.

The three tables of the CDPH isolation and quarantine publication identifies what to do in three specific situations 1. Positive COVID test, 2. Unvaccinated exposed to COVID positive, and 3. Vaccinated exposed to COVID positive. A Mandatory Vaccine Policy would eliminate the need to follow the guidelines of Table 2., thus saving the District from potential “exclusion pay” expenses.

The remaining question appears to be, at what immediate cost to the District are we subjecting ourselves to, to protect against the potential costs of exclusion pay? On the one hand, it is likely that several staff members will resign. The District will incur recruiting, interviewing, hiring, and most of all training costs to bring in new staff. On the other hand, in the event that the policy is challenged, the District will face a long, uphill and costly battle to uphold the policy.

We look to the personnel committee to discuss and determine a recommended course of action for the upcoming Board of Directors meeting.

Table 1: Exclusion Requirements for Employees Who Test Positive for COVID-19 (Isolation)

<p>Requirements apply to all employees, regardless of vaccination status, previous infection, or lack of symptoms.</p>	<ul style="list-style-type: none"> ○ Employees who test positive for COVID-19 must be excluded from the workplace for at least 5 days. ○ Isolation can end and employees may return to the workplace after day 5 if symptoms are not present or are resolving, and a diagnostic specimen* collected on day 5 or later tests negative. ○ If an employee is unable or chooses not to testⁱ and their symptoms are not present or are resolving, isolation can end and the employee may return to the workplace after day 10. ○ If an employee has a feverⁱⁱ, isolation must continue and the employee may not return to work until the fever resolvesⁱⁱⁱ. ○ If an employee’s symptoms other than fever are not resolving, they may not return to work until their symptoms are resolving or until after day 10 from the positive test. ○ Employees must wear face coverings around others for a total of 10 days after the positive test, especially in indoor settings. Please refer to the section in this FAQ on face coverings for additional face covering requirements. <p>* Antigen test preferred.</p>
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Table 2: Employees Who Are Exposed to Someone with COVID-19 (Quarantine)

<p>Requirements apply to employees who are:</p> <ul style="list-style-type: none"> ○ Unvaccinated; OR ○ Vaccinated and booster-eligible⁺ but have not yet received their booster dose.⁺⁺ <p>⁺ Refer to CDC COVID-19 Booster</p>	<ul style="list-style-type: none"> ○ Employees must be excluded from the workplace for at least 5 days after their last close contact with a person who has COVID-19. ○ Exposed employees must test on day 5. ○ Quarantine can end and exposed employees may return to the workplace after day 5 if symptoms are not present and a diagnostic specimen collected on day 5 or later tests negative. ○ If an employee is unable or chooses not to test and does not have symptoms, quarantine can end and the employee may return to the workplace after day 10. ○ Employees must wear face coverings around others for a total of 10 days after exposure, especially in indoor
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<p>Shots to determine who is booster eligible.</p>	<p>settings. Please refer to the section in this FAQ on face coverings for additional face covering requirements.</p> <ul style="list-style-type: none"> ○ If an exposed employee tests positive for COVID- 19, they must follow the isolation requirements above in Table 1. ○ If an exposed employee develops symptoms, they must be excluded pending the results of a test. ○ Employees are strongly encouraged to get vaccinated or boosted.
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†Employers are not required to exclude asymptomatic employees in this category if:

- A negative diagnostic test is obtained within 3-5 days after last exposure to a case;
- Employee wears a face covering around others for a total of 10 days (please refer to the section in this FAQ on [face coverings](#) for additional face covering requirements); and
- Employee continues to have no symptoms.

Table 3: Employees Who Are Exposed to Someone with COVID-19 (No Quarantine Required)

<p>Requirements apply to employees who are:</p> <ul style="list-style-type: none"> ○ Boosted; OR ○ Vaccinated, but not yet booster-eligible.× <p>× Refer to CDC COVID-19 Booster Shots to determine who is booster eligible.</p>	<p>Employees do not need to quarantine if they:</p> <ul style="list-style-type: none"> ○ Test on day 5 with a negative result. ○ Wear face coverings around others for 10 days after exposure, especially in indoor settings. Please refer to the section in this FAQ on face coverings for additional face covering requirements. ○ If employees test positive, they must follow isolation recommendations above. ○ If employees develop symptoms, they must be excluded pending the results of a test.
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In addition to the above, pursuant to section 3205(c)(10)(E), when an order to isolate, quarantine, or exclude an employee is issued by a local or state health official, the employee shall not return to work until the period of isolation or quarantine is completed or the order is lifted even if the order exceeds the specified exclusion requirements in the ETS or CDPH recommendation.

2. **Q: What if tests cannot be obtained following a close contact?**

A: If employees covered by Table 2 cannot be tested as required, quarantine must continue for at least 10 days as explained in the table. If employees covered by Table 3 cannot be tested on day 5, employers should follow the ETS. For vaccinated close contacts, as of January 14, 2022, that means wearing a face covering and maintaining six feet of distance for 14 days following the close contact.

3. **Q: What happens if a COVID-19 case returns to work in compliance with the ETS and CDPH guidance but is still be with the definition of "high risk exposure period"?**

A: In some circumstances, a COVID-19 case can return to work in compliance with the ETS and CDPH guidance while still within the definition of "high risk exposure period." As long as that person complies with the return to work requirements, then people who spend 15 minutes or more within six feet of that person will not be considered to have a "close contact" under the ETS.

i Employers may require employees submit to viral testing for COVID-19. Please refer to the [FAQ from DFEH](#) for further information.

ii A fever is a measured body temperature of 100.4 degrees Fahrenheit or higher.

iii A fever resolves when 24 hours have passed with no fever, without the use of fever-reducing medications.