

City of Benicia Personnel Policy #44
Weekly COVID Testing for Unvaccinated Employees

To: All Employees
Date: October 4, 2021
From: Erik Upson, City Manager
Kim Imboden, Human Resources Manager
Re: COVID Policy for Mandatory Weekly Testing for Unvaccinated Employees

I. Preamble

To protect City of Benicia (“Benicia”) personnel, the community members with whom Benicia personnel interact, and all residents of the City of Benicia, the City of Benicia will require all Benicia personnel, including employees, contractors (who work at Benicia worksites and facilities or interact with other Benicia employees or members of the public in the performance of their duties on behalf of the City of Benicia), volunteers and interns, to either be fully vaccinated or be tested weekly, subject to the limited exceptions provided.

Benicia has adopted this vaccination or weekly testing policy as a continuation to the emergency public health response to mitigate the negative public health consequences associated with increased incidence and test positivity rates and the prevalence of new virus variants, including increased hospitalizations, intensive care unit (“ICU”) admissions, and deaths. This policy will comply with all applicable laws and is based on guidance from the Centers for Disease Control and Prevention and state and local health authorities, as applicable.

Benicia employees, contractors, volunteers and interns may obtain the COVID-19 vaccine at a vaccination site of their choosing. Information on the COVID-19 vaccines and how to obtain a vaccination is available on the City’s Intranet System or in the Human Resources Department. As a reminder, employees may use their COVID leave (or any other accrued leave if their COVID leave has already been exhausted) to obtain the vaccine and/or if the employee needs to be off work after the vaccination.

II. Scope

The policy applies to all Benicia personnel, and non-personnel as listed herein (refer to Section IX, Relevant Definitions)

III. Vaccinations

Employees who are, or become, vaccinated, shall provide proof of such vaccination to the Human Resources Department. Acceptable documentation is listed in Section IX(5) of this policy. Please provide proof of vaccination directly to the Human Resources Department. More information on how/when to provide proof of vaccination will be distributed to each department as a supplement to

this policy. Please note: the prior self-attestation forms do not fulfill the proof of vaccination requirement under this policy.

IV. Weekly Testing for Personnel Not Fully Vaccinated

Employees who are not fully vaccinated will be required to have a weekly COVID testing. More information on how to obtain the weekly test can be found in *Attachment A, Procedural Instructions for Recurring COVID-19 Testing*. The City will be paying for the cost of testing onsite and the testing will be done on duty. There is no cost to the employee for this onsite testing. The employee will perform the test on themselves. The test will be handled by the employee, and the employee only. There will be no cross contamination between employees in the administering of the test. The test results will be confirmed by a supervisor.

V. Limited Exemptions to Vaccination or Weekly Testing Requirement

Benicia employees may request a reasonable accommodation to this policy if they:

1. Have a medical condition/disability and are requesting an exemption as a reasonable accommodation; or,
2. Object to COVID-19 vaccination and/or testing based on their sincerely-held religious belief, practice, or observance.

An employee requesting a reasonable accommodation based on a medical condition/disability or a sincerely held religious belief shall notify the Human Resources Manager as soon as the employee becomes aware of the need to receive such accommodation.

VI. Confidentiality of Vaccination Records

Benicia will treat all vaccinations and/or COVID testing records as confidential medical information and maintain such records as required by the Confidentiality of Medical Information Act (“CMIA”). Benicia will not use or disclose such information, unless authorized to do so or as permitted or required under the law.

VII. Effective Period

The policy shall be effective on October 11, 2021 and shall remain in full force and effect until the City Manager determines that the local public health circumstances have sufficiently improved to permit the alteration or suspension of the policy.

VIII. Failure to Follow Policy:

Benicia employees who fail to comply with this policy shall not be permitted to perform work at Benicia worksites or facilities. The employee will be required to take unpaid leave or use their own paid leave in order to provide for their continued compensation throughout the period during which they fail to comply with the policy.

IX. Relevant Definitions

1. “Benicia personnel”, for purposes of this Policy and related requirements, includes: (1) Benicia employees; (2) Non- employees, including interns, and volunteers, who provide services to the City of Benicia; and (2) Contractors who are engaged by the City of Benicia and who work at Benicia worksites and facilities in the performance of their duties on behalf of the City of Benicia. For contractors the policy will apply, in most cases, to contractors who are working at Benicia worksites for a week or longer. Some limited exceptions may apply. Applicability of this policy for contractors will be made by the Department Director. Benicia contractors who qualify as Benicia personnel include, for example, contracted staff who work at Benicia worksites or facilities, but would not include, for example, a third-party attorney who provides legal services exclusively from a remote location. The inclusion of non-employees in the definition of “Benicia personnel” confers no employment status between such individuals and the City of Benicia.
2. “COVID-19 vaccine” means a COVID-19 vaccine approved by the FDA under either the EUA approval process or the Biologics License Application (“BLA”) (*i.e.*, general use) approval process.
3. “Fully vaccinated” means (1) it has been at least two weeks since a person has completed the entire recommended series of a COVID-19 vaccine, and (2) the person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status in the State of California’s July 26, 2021 Public Health Officer Order which is available at the following web address:
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx>.
4. “Partially vaccinated” means (1) a person has received (i) one dose of a two dose recommended series of a COVID-19 vaccine or (ii) the complete recommended series of a COVID-19 vaccine but it has not been at least two weeks since the person has completed the entire recommended series, and (2) the person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status in the State of California’s July 26, 2021 Public Health Officer Order.
5. “Proof of vaccination” includes the following: (1) COVID-19 vaccination record card (issued by the Department of Health and Human Services, Centers for Disease Control & Prevention (“CDC”) or World Health Organization Yellow Card) which includes name of person vaccinated, type of vaccine provided and date last dose administered); (2) a photo of a vaccination record card as a separate document; (3) a photo of a vaccination record card stored on a phone or electronic device; (4) documentation of COVID-19 vaccination from a health care provider; (5) digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type.

For questions regarding this policy, please contact your supervisor, manager, or the Human Resources Department.

Attachments. Attachment A – Procedural Instructions for Recurring COVID-10 Testing

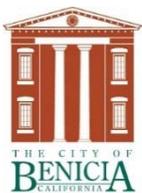
ACKNOWLEDGMENT

I have received a copy of the **COVID Policy for Mandatory Weekly Testing for Unvaccinated Employees (City of Benicia Personnel Policy #44)**

Printed Name:	
Signature:	
Department:	
Position:	
Date Signed:	

Please complete this acknowledgment form and return this completed form to the Human Resources Department as soon as possible, and no later than October 22, 2021.

THIS ACKNOWLEDGMENT PAGE WILL BE ADDED TO YOUR PERSONNEL FILE TO DOCUMENT THAT YOU HAVE RECEIVED AND ARE AWARE OF THIS POLICY



Attachment A

Procedural Instructions for Recurring COVID-19 Testing

City of Benicia Personnel Policy 44, effective October 11, 2021

As part the City's continued effort to create a safe workplace, the City is implementing weekly COVID-19 testing for unvaccinated employees. Pursuant to the email issued by the City Manager on September 30, 2021. Beginning on or about October 11, 2021, all unvaccinated personnel are required to test on a once-a-week basis.

Who is required to get tested?: All unvaccinated employees who are not exempted from Policy 44 must be tested at least once per week, or on their first work shift upon returning from non-work days lasting longer than a week. For example, if someone is on vacation or not scheduled to work for 10 days, they would have the test upon their first day back at work.

When and how to test?: On the first day of an employee's regular workweek employees must perform a **COVID-19 Rapid Antigen test** upon arrival at the workplace. This test will be done during working hours, at the start of the employees shift.

- Each department will be supplied with enough antigen tests to test each unvaccinated employee at each facility. Each employee will swab their own nose with supervision by a trained supervisor. The swab will then be processed by the employee. The test takes approximately 20 minutes, including the 15-minute wait period in which the test must remain undisturbed for an accurate reading. Results will be verified and recorded by the supervisor and provided to the Human Resources Department (HR).

What to do after receiving the Antigen test result?:

- Negative Test Result: Employees can continue to work and report to their regular workstation /duty.
- Invalid Test Result: Employee must repeat test to get a valid reading.
- Positive Test Result: If the employee tests positive using the Rapid Antigen test, this indicates that the COVID-19 antigen is detected.
 1. The employee must report their positive test result immediately to their supervisor. A positive test during regular city hall hours will be reported to HR and an HR representative will provide specific instructions based on current health and safety guidelines on next steps. For employees who test positive during non city hall operating hours (i.e. our 24/7 operations), supervisors and managers will have internal specific protocol. An employee who tests positive will be required to leave their work site immediately. Employees can use their

COVID leave or any other accrued leave if their COVID leave has already been exhausted.

2. The employee must then have a **PCR test** done. There are various locations in which a PCR test can be obtained. A staff member from HR will assist the employee in locating current options for a PCR test. One such location might be the Benicia Fire Department. Call 707-746-4275 during normal business hours or email BFD@ci.benicia.ca.us on evenings/weekends to schedule an appointment. Other locations for PCR tests can be obtained by contacting the HR Department main line at 746-4766, or emailing the HR Manager at kimboden@benicia.org
 - Employees will be required to isolate based on current state and county guidelines pending PCR test and test results.

What to do after receiving the PCR test result:

- **Negative Test Result:** Employee's must inform and provide documentation of their negative test result to their supervisor immediately and may then report to work on their next scheduled work day. Employees should continue to self-monitor for symptoms and follow all current mask and PPE guidance.
- **Positive Test Result:** If the employee receives a positive PCR Test, this indicates that the virus is present in the sample.
 1. The employee must report their positive test result to their supervisor immediately and provide a copy of the positive test result immediately to Human Resources.
 2. **Isolation Instructions:**
 - Employees will be required to isolate based on current state and county guidelines. Employees can use their COVID leave or any other accrued, or eligible, leave if their COVID leave has already been exhausted.
 3. **Contact Tracing:** Department staff and Human Resources will conduct contact tracing with any employees the positive individual had close contact* with from 48 hours prior to their testing positive. If the employee had symptoms, the high-risk exposure period runs 48 hours prior to developing symptoms.
 - *Definition of close contact: A close contact is someone who was within 6 feet of the COVID-positive person for at least 15 minutes at any time beginning 48 hours before the infected person had symptoms or tested positive regardless of face coverings. Close contacts include people who had 15 minutes of continuous contact with the employee who tested positive, as well as those who had repeated short-duration interactions.
 - Rapid Antigen tests will be made available as instructed to those who are identified as close contacts and are onsite.

If you have questions regarding this directive, please contact your supervisor, manager, or the Human Resources Department.