

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ADOPTING THE ADMINISTRATIVE ORDER 6-30 ENTITLED "EMPLOYEE COVID-19 SAFETY PROTOCOLS" TO BE APPLICABLE TO APPOINTED OFFICIALS AND THEIR DEPUTIES AND EMPLOYEES OF ELECTED OFFICIALS

WHEREAS, COVID-19 protocols continue to be vital to maintaining a safe and healthy workplace and continue to be required under state law; and

WHEREAS, COVID-19 protocols conform to state and local health orders; and

WHEREAS, the Council believes it is important to understand the same protocols also apply to the City's appointed officials and the employees of elected officials, who are otherwise not covered under the City's Administrative Orders.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Fresno, as follows:

1. City of Fresno Administrative Order 6-30 "Employee COVID-19 Safety Protocols," the attached Exhibit "A" is hereby made applicable to all City appointed officials and their deputies and employees, and to all employees of elected officials; appointed officials shall include the City Manager, City Attorney, City Clerk, Council Assistants, and the Controller; elected officials shall include the Councilmembers and the Mayor.

2. Any future changes to this Administrative Order 6-30 "Employee COVID-19 Safety Protocols" shall also apply, and the changes shall be reviewed by the City Attorney

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No. _____

to determine whether they substantially affect this Resolution and whether Council should consider an amendment to this Resolution to address the changes.

3. Implementation and adoption of Administrative Order “Employee COVID-19 Safety Protocols” is contingent upon completion of the meet and confer process with all of the City’s bargaining units.

4. The City Manager, or their Deputy, shall report the status of the meet and confer process to Council in open session within thirty days from the date of adoption of this Resolution and, if the meet and confer process with all bargaining units is complete, the Resolution shall be effective on that date.

5. In the event the meet and confer process is not completed within thirty days from the date of the adoption of this Resolution, the City Manager, or their Deputy, shall nonetheless report the status of the meet and confer process to Council in open session, and implementation shall be delayed until such time as the City Manager or their Deputy reports the completion of the meet and confer process to Council in open session.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Jenni DeRuosi Date
Supervising Deputy City Attorney

Attachment: Exhibit A

ADMINISTRATIVE ORDER 6-30

Subject: EMPLOYEE COVID-19 SAFETY PROTOCOLS

Responsible Department: City Manager's Office

Date Issued: May 26, 2022

Date Approved: (Signature on File)

Background on the City of Fresno's Response to COVID-19

Purpose: To establish ongoing COVID-19 protocols, consistent with federal, state, and local requirements, and to allow flexibility to reintroduce suspended health and safety measures to the extent COVID-19 conditions require it.

Nothing in this policy supersedes county, state, or federal orders related to COVID-19. Should any portion of this policy be superseded by county, state, or federal orders, or otherwise deemed unlawful, the remainder of this policy remains in effect.

Willful failure to abide by this policy may be grounds for corrective and/or disciplinary action, up to and including termination.

Definitions:

COVID-19 Test: Either an antigen (i.e., rapid) or PCR test intended to detect the presence of COVID-19, whether the test is self-administered, or administered by a health care provider or other third party.

Close Contact: Within six feet or less of a person exhibiting COVID-19 symptoms or who has been diagnosed as COVID-19 positive, for more than fifteen cumulative minutes, during the infectious period (i.e., 72 hours prior to the emergence of symptoms and/or a positive test.

Contact Tracing: Determining whether other employees may be exposed to a COVID-19 case in the workplace, identifying those employees, contacting those employees, and performing a Risk Assessment on those employees.

COVID-19 Related Absences: Where the employee is unable to work due to COVID-19 symptoms, close contact, or a COVID-19 positive test result, or where the employee is unable to work due to caring for a dependent experiencing COVID-19 symptoms, close contact, or a COVID-19 positive test, or where an employee is obtaining a COVID-19 vaccination or booster, or is unable to work due to side-effects from a COVID-19 vaccination or booster, or where an employee or dependent is subject to a local, state, or federal isolation or quarantine order, or is unable to work due to obtaining a COVID-19 test.

Mask (i.e., Face Covering): Tightly woven fabric or non-woven material of at least two layers. Acceptable masks should cover the mouth and nose and fit snugly.

Policy

- I. DAILY SELF-SCREENING FOR RESPIRATORY AND/OR FEBRILE ILLNESS

- A. All Employees shall respond to all questions posed by the COVID-19 screening tool every workday where the employee is scheduled to work. Employees coming to a City facility to perform work on a non-scheduled workday shall also complete the COVID-19 screening tool.
 - B. Screening shall be completed prior to entering the assigned work site. Employees working remotely (i.e., teleworking or working from home) must complete the screening prior to commencing work for the day.
 - C. Employees shall answer all questions honestly and shall follow all directions provided to them by the screening tool.
 - D. Employees shall not report to the worksite if they are experiencing a new or worsening cough, or shortness of breath, or a fever of 100.4 degrees or higher, or if they are experiencing new or worsening headache, sore throat, other respiratory symptoms such as nasal congestion, or if they feel chilled or otherwise feverish. Employees shall report symptoms through the screening tool and to their supervisor as soon as practical.
 - E. Employees shall not report to the worksite if they have tested positive for COVID-19, irrespective of symptoms. Employees testing positive shall report the positive test to their supervisor as soon as practical.
 - F. Employees shall not report to the worksite if they have had close contact (i.e., within six feet of a symptomatic or COVID-19 positive person for more than fifteen cumulative minutes during the infectious period). Employees shall report close contact through the screening tool and to their supervisor as soon as practical.
 - G. Employees who begin experiencing symptoms, or who become aware of close contact, or who become aware they have tested positive, during their assigned work shift shall notify their supervisor as soon as reasonably possible and shall leave the worksite immediately.
 - H. No employee shall be subject to corrective and/or disciplinary action for reporting symptoms, close contact, or a COVID-19 positive test result, and following the policy to remain at home, or to leave the worksite immediately, if applicable.
 - I. Failure to timely complete self-screening, or failure to timely report symptoms listed above, or failure to timely report close contact, or failure to timely report a COVID-19 positive result, or the false reporting of any of the above may result in disciplinary action up to and including termination.
- II. ISOLATION AND/OR QUARANTINE
- A. Employees shall abide by isolation and/or quarantine requirements under local, state, and federal law.

- B. Employees shall adhere to return to work protocol provided to them by the Healthy Workplace Taskforce team, or by any other duly authorized person (e.g., department manager or supervisor).
- C. The City shall inform employees of changes with respect to isolation and/or quarantine requirements as soon as reasonably practical.
- D. Failure to abide by isolation and/or quarantine requirements may lead to corrective and/or disciplinary action up to and including termination.

III. HEALTHY WORKPLACE TASK FORCE AND RISK ASSESSMENTS

- A. Members of the Healthy Workplace Task Force shall be appointed by the City Manager, or designee.
- B. Members shall be trained to perform Risk Assessments for employees reporting symptoms, close contact, or a positive COVID-19 test result, and shall be responsible for completing Risk Assessments and communicating results to the employee's department.
- C. Members, in conjunction with Risk personnel, and other staff as assigned, shall be responsible for contact tracing.
- D. Employees shall make every effort to respond to inquiries from the Healthy Workplace Task Force promptly.
- E. Employees must answer all questions asked by the Healthy Workplace Task Force truthfully.
- F. Failure to timely respond to inquiries from the Healthy Workplace Task Force, or failure to respond to questions truthfully, may result in corrective and/or disciplinary action up to and including termination.

IV. LEAVE FOR COVID-19 RELATED REASONS

- A. Should local, state, or federal leave entitlements specific to COVID-19 be available, employees will have access to such leave consistent with applicable law. Employees should consult with the department personnel manager, or with Personnel Services, to determine eligibility for local, state, or federal COVID-19 related leave.
- B. Employees may use any accrued and available leave for COVID-19 related absences, as defined by this policy.
- C. Employees without sufficient leave balances to cover COVID-19 related absences shall be automatically approved for Leave Without Pay for the duration of the COVID-19 related absence, as defined by this policy.
- D. Where allowable by law, employees may be required to furnish documentation supporting the need for COVID-19 related leave,

consistent with other applicable City policies and applicable Memoranda of Understanding.

- E. Where employees under COVID-19 quarantine and/or isolation who feel well enough to engage in productive work, the City encourages the departments to permit the employee to perform work remotely (i.e., telework) where possible. The decision whether to allow remote work is at the sole discretion of the department director, or designee.
- F. No employee shall be subject to corrective and/or disciplinary action for taking leave for COVID-19 related reasons.

V. MASKING (I.E., FACE COVERING) REQUIREMENTS

- A. All City employees are permitted to wear a mask (i.e., face covering) for purposes of protecting themselves and others from COVID-19 infection, unless wearing the mask (i.e., face covering) presents a direct threat to the health and safety of the employee or others. No employee shall be subject to corrective and/or disciplinary action for choosing to wear a mask (i.e., face covering) as described in this policy.
- B. Employees must wear a mask (i.e., face covering) to the extent required by local, state, or federal law.
- C. The City strongly encourages employees to wear masks (i.e., face coverings) indoors when in close proximity with other people.
- D. The City reserves the right to require masking (i.e., face covering) for some or all employees at any time due to a change in COVID-19 conditions, or a change in local, state, or federal law.

VI. Testing for Unvaccinated Employees

- A. The City's weekly mandatory COVID-19 testing program for unvaccinated employees is suspended by the City Manager.
- B. The City reserves the right to resume mandatory COVID-19 testing for unvaccinated employees should COVID-19 conditions worsen.
- C. The City encourages all employees with symptoms and/or exposure to COVID-19 to get tested, however the City does not currently mandate testing, except as required by local, state, or federal law.

VII. COVID-19 VACCINATIONS

- A. The City strongly encourages all employees to obtain the COVID-19 vaccine and booster(s), if eligible.
- B. The City strongly encourages employees who obtain the COVID-19 vaccine to get their vaccination records on file with Personnel Services.

- C. No City employee is required to obtain a COVID-19 vaccine or booster(s), and no City employee is required to furnish proof of vaccination and/or booster status to the City.
- D. As of the date of the adoption of this Administrative Order, the City will no longer require incoming City employees (i.e., new or returning hires) to furnish proof of COVID-19 vaccination.
- E. The City reserves the right to resume a COVID-19 vaccination mandate, for new or existing employees should COVID-19 conditions worsen, subject to applicable law, except that no employee, nor prospective employee, under the age of eighteen (18) shall be subject to a COVID-19 vaccination mandate, unless required by law.

VIII. SANITIZATION PROCEDURES

- A. All employees are encouraged to sanitize their workstation and/or City vehicle daily.
- B. All departments are encouraged to sanitize high-touch surfaces daily.
- C. The City shall disinfect workspaces and City facilities using disinfecting techniques (including "fogging") as needed to prevent outbreaks of COVID-19.
- D. The Department of Transportation is encouraged to sanitize all buses each night as part of the nightly refueling and cleaning process, and more often, as needed.

IX. SOCIAL DISTANCING

- A. Meetings and Conference Rooms: The City shall not limit the number of people gathering in a conference or meeting room up to the maximum capacity allowed by law.
- B. Public Meetings: The City strongly encourages, but shall not require, public meetings, such as City Council, Planning Commission, and Historic Preservation and Parks Commission meetings, to offer a Zoom, Teams, or other electronic option to increase public participation.
- C. Social Gatherings: Employees are strongly encouraged to gather using pre-packaged grab and go foods and enjoy them in outdoor settings, rather than gather socially indoors.
- D. The City reserves the right to impose social distancing requirements, including, but not limited to, limits on conference room capacity and limits on social gatherings, should COVID-19 conditions worsen, or as required by law.

X. COVID-19 CASE REPORTING

The City shall report all positive employee cases within twenty-four hours through a Public Affairs announcement, and the information shall be reported to the local health authorities, as required by local, state, or federal law.