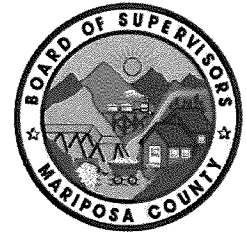


MARIPOSA COUNTY

Administration/Human Resources • 966-3222



RESOLUTION - ACTION REQUESTED 2021-564

MEETING: October 5, 2021

TO: The Board of Supervisors

MINUTE ORDER ATTACHED

FROM: Dallin Kimble, County Administrative Officer

RE: Consider Adopting a COVID-19 Vaccination or Mandatory Testing Policy

RECOMMENDATION AND JUSTIFICATION:

Adopt a policy requiring vaccination and/or testing of County personnel, effective immediately.

As directed by the Board of Supervisors, staff recommends approval of one of the two attached policies related to vaccination and/or testing of County personnel. The first policy requires that unvaccinated personnel, including interns, volunteers, and some contractors, submit to weekly testing for COVID-19. The second policy requires weekly testing for all personnel.

Both policies clarify the applicability to contractors. Only those contractors who share an indoor workspace or cannot otherwise maintain a distance of six feet from County employees or public are affected by this policy. Likewise, both policies clarify the effective period of the policy and the results of noncompliance consistent with previous Board discussions.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On August 10, 2021, the Board provided direction to return to the measures that were implemented in March of 2020 in response to COVID-19.

On August 24, 2021, the Board directed staff to return with a policy for COVID-19 vaccination or mandatory testing of all County personnel.

On September 28, 2021, the Board directed staff to return with an amended Mariposa County COVID-19 Vaccination or Mandatory Testing Policy, and an alternate Mariposa County COVID-19 Mandatory Testing Policy for its consideration.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve either policy, and the County would not have a policy in place to implement all aspects of COVID-19 vaccination or mandatory testing; or revise and approve one of the policies presented.

ATTACHMENTS:

Draft Mariposa County Vaccination Or Mandatory Testing Policy-10-5-21 (PDF)

Draft Mariposa County Mandatory Testing Policy-10-5-21 (PDF)

RESULT: ADOPTED [3 TO 1]

MOVER: Miles Menetrey, District V Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Rosemarie Smallcombe, Wayne Forsythe, Miles Menetrey

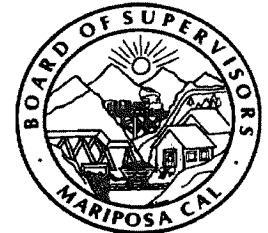
NAYS: Marshall Long

EXCUSED: Tom Sweeney



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222



MARSHALL LONG, CHAIR	DISTRICT III
ROSEMARIE SMALLCOMBE, VICE-CHAIR	DISTRICT I
TOM SWEENEY	DISTRICT II
WAYNE FORSYTHE	DISTRICT IV
MILES MENETREY	DISTRICT V

MARIPOSA COUNTY BOARD OF SUPERVISORS MINUTE ORDER

TO: DALLIN KIMBLE/County Administrative Officer, and JOE LYNCH/Assistant County Administrative Officer

FROM: RENÉ LaROCHE/Clerk of the Board *RL*

SUBJECT: Adopt a Policy Requiring Vaccination And/Or Testing of County Personnel, Effective Immediately

RESOLUTION: 2021-564

The following action was taken by the Mariposa County Board of Supervisors on **October 5, 2021**:

M.2. Administration/Human Resources RES-2021-564

Adopt a Policy Requiring Vaccination And/Or Testing of County Personnel, Effective Immediately

Joe Lynch gave the staff report which provided an overview of the history of this item. Board discussion ensued. During public comment, Ken Melton noted his agreement with some of the discussion and spoke against promoting the vaccine as an option.

ACTION:

The Board approved Option B, the Mariposa County Mandatory Testing Policy.

RESULT: ADOPTED [3 TO 1]

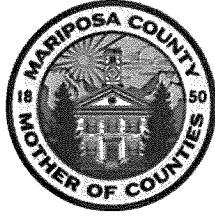
MOVER: Miles Menetrey, District V Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Rosemarie Smallcombe, Wayne Forsythe, Miles Menetrey

NAYS: Marshall Long

EXCUSED: Tom Sweeney



MARIPOSA COUNTY COVID-19 MANDATORY TESTING POLICY

I. Preamble

Since March 2020, the County of Mariposa (“County”) has experienced an ongoing public health emergency related to the novel coronavirus pandemic (COVID-19). It is the responsibility of the County to mitigate negative public health consequences associated with increased incidence and test positivity rates, the prevalence of new virus variants, and effects of COVID-19 including hospitalization, Intensive Care Unit (ICU) admissions, and fatalities. As an employer, the County is also responsible for providing a safe workspace for all employees and complying with federal and state regulations and mandates.

Part of the County’s responsibility as an employer includes taking definitive actions to reduce the risk of personnel contracting or spreading COVID-19. Wearing a mask, particularly indoors or when a distance of six feet or more cannot be maintained, and regular testing for COVID-19 are recommended for reducing risk by the Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and various other relevant agencies.

State of California and federal governments have set a standard for safe workspaces during the pandemic.

To meet the established standard for a safe workplace and protect County personnel, community members with whom County personnel interact, and all residents of the County, the County requires its employees, volunteers, interns and certain contractors to submit to weekly COVID-19 testing.

II. Relevant Definitions

1. “County personnel” for purposes of this Policy and related requirements, includes: (1) County employees; (2) Non-employees, including interns and volunteers, who provide services to the County; and (3) Contractors who are engaged by the County and share an indoor workspace with or cannot otherwise provide at least six feet of distance from County employees or members of the public. The inclusion of non-employees and contractors in the definition of “County personnel” confers no employment status between such individuals and the County.

2. "Worksite" means any work location, working area, or common area at work including all County buildings, facilities, vehicles, and fields.
3. "COVID-19 test" means a viral test for SARS-CoV-2 that is:
 - a. Approved by the FDA under either the EUA or BLA approval process to diagnose current infection with the virus that causes COVID-19; and
 - b. Administered in accordance with the FDA approval.

III. Scope

This policy applies to all County personnel.

IV. Effective Period

The policy shall be effective immediately and shall remain in full force and effect until the Mariposa County Public Health Officer determines that the local public health circumstances have sufficiently improved to permit the suspension of the policy. If suspended, the policy may be reinstated if local public health circumstances worsen.

Generally, local public health circumstances will be sufficiently improved when the CDC reports the level of COVID-19 transmission in the County as "moderate" or "low". Worsening circumstances will be indicated by CDC reports of COVID-19 transmission as "substantial" or "high".

V. Testing Requirement

1. All County employees, volunteer and interns must submit to weekly testing for COVID-19.
2. All newly hired County employees and any new volunteer or interns must submit to weekly testing for COVID-19.
3. Contractors who are engaged by the County and share an indoor workspace with or cannot otherwise provide at least six feet of distance from County employees or members of the public must submit to weekly testing for COVID-19.

Personnel may provide official results from an authorized testing center to meet this requirement. No-cost COVID-19 testing will also be provided for all personnel, regardless of vaccination status, during normal working hours on Mondays, Wednesdays and Fridays as follows:

- Mariposa Room at HHSA (Lemee Lane): 8:30 a.m. - 11:00 a.m.
- Outside the Government Center: 1:00 p.m. - 2:30 p.m.
- Public Works Department: 3:00 p.m. - 4:30 p.m.
- Public safety employees may also test at the County Jail, Mercy Ambulance, or John C. Fremont Hospital 24 hours a day, seven (7) days a week.

Employees will receive their normal compensation for time spent being tested.

VI. Testing Results

Regardless of vaccination status, personnel who test positive for COVID-19 shall be required to return to their home or place of residence and not report back to work until such time as they have satisfied the return-to-work requirements included in this policy. Personnel who test positive are further required to comply with local public health directives regarding contact tracing, quarantining and/or isolation.

Personnel who test negative for COVID-19 shall be permitted to perform work at County worksites and/or facilities.

VII. Return to Work Requirements

County personnel who test positive and present symptoms associated with COVID-19 shall not return to work until:

1. At least 24 hours have passed since a fever of 100.4 degrees Fahrenheit or higher has resolved without the use of fever-reducing medications;
2. COVID-19 symptoms have improved; and
3. At least 10 days have passed since COVID-19 symptoms first appeared.

County personnel who test positive and present *no* symptoms associated with COVID-19 shall not return to work until a minimum of 10 days have passed since the date of specimen collection of their first positive COVID-19 test.

VIII. Refusal to Submit to Weekly Testing

County personnel who choose not to submit to weekly testing as required by this policy shall not be permitted to perform work at County worksites or facilities. If possible, remote work will be offered to such personnel. If essential job duties cannot be performed remotely without imposing an undue hardship on the County or its operations, employees will be required to use their own paid leave to account for time not worked. Employees without paid leave may take unpaid leave.

Non-employees and contractors who are unwilling or unable to comply with this policy should contact the relevant department head for further direction.

IX. Confidentiality of Testing Results

The County will treat all testing results as confidential medical information and maintain such records as required by the Confidentiality of Medical Information Act ("CMIA").

The County will not use or disclose such information, unless authorized to do so or as permitted or required under the law.