

**An Executive Order Establishing a
CITY OF NORTH CHARLESTON
MANDATORY COVID-19 VACCINATION POLICY**

SECTION I. PURPOSE

The on-going pandemic has created an infectious disease threat to our community and to the world that is unprecedented in our time. The recent surge in cases created by the “Delta” and other evolving variants has further heightened a compelling interest in preventing the spread of this life-threatening disease.

The national Centers for Disease Control (“CDC”) has identified vaccination as a “critical prevention measure” to help end the pandemic. This guidance is supported by clinical trials, scientific research, and extensive safety monitoring which have demonstrated the safety and effectiveness of currently-available vaccines. The U.S. Food and Drug Administration (“FDA”) has now given full standard approval to the Pfizer vaccine in addition to emergency use approval of the Moderna and the Janssen (a/k/a Johnson & Johnson) vaccines. These vaccines provide protection against infection and, even when post-vaccination infection occurs, they provide demonstrated protection from more serious symptoms, including those leading to hospitalization and death.

In an effort to achieve and maintain a workplace that is free from this known health and safety hazard, we hereby adopt this Mandatory Vaccination policy to protect our employees and their families as well as vendors, visitors, and the citizens we serve.

The requirements and provisions of this policy are based on current guidance from the CDC and other health officials and comply with all applicable workplace laws. As the underlying science and related issues evolve, this policy may be modified as necessary to take into accounts new developments and additional guidance.

SECTION II. COVERED INDIVIDUALS

The requirements of this policy apply to all employees, volunteers and interns, whether working on a full or part time schedule.

SECTION III. DEFINITIONS

“COVID-19 vaccine” or “vaccine” means, for the purposes of this policy, any vaccine approved by the FDA to prevent the virus caused by COVID-19. This includes not only vaccines with full standard FDA approval, but also those with approval for emergency use.

A “Fully Vaccinated” individual is one who has: (1) for no less than two weeks, completed the entire recommended series of a Janssen, Moderna, or Pfizer vaccine (or such additional future vaccines as may receive FDA approval as required herein); and (2) provided proof of vaccination in the form of a completely executed CDC vaccination card.

A “Partially Vaccinated” individual is one who has: (1) received one dose of a two-dose series of Moderna or Pfizer (or any similar two-dose Vaccine which might receive FDA approval in the future); **or** (2) has completed the full recommended series of any FDA approved vaccine but has not yet completed the full two-week immunity-building period; **and** (3) has provided proof of vaccination in the form of a completely executed CDC vaccination card.

NOTE: Falsification of vaccine cards will subject an employee to discipline up to and including immediate discharge from employment.

SECTION IV. POLICY

All employees, volunteers and interns must, as a condition of continued employment (or volunteer/intern) status, become Fully Vaccinated by **November 5, 2021**. For convenience and to facilitate compliance, one or more on-site or employer-sponsored clinics offering the Pfizer vaccine will be held on dates to be announced. Employees who prefer to take Moderna or Janssen vaccinations, or who prefer to be vaccinated at other times or locations may comply using any of those alternative resources.

A. COMPLIANCE DEADLINES:

September 9, 2021 – Employees who wish to take advantage of the on-site or employer-sponsored clinic must pre-register with Janie King for the purposes of identifying how many shots will need to be made available.

September 20, 2021- all employees, volunteers and interns must be partially or fully vaccinated or must have submitted a request for exemption.

November 5, 2021 - all employees, volunteers and interns must be Fully Vaccinated or must have submitted a request for exemption.

B. DEADLINE DEFERRALS:

- Individuals who are in a prolonged leave status (such as on continuous FMLA leave) may request a deferral of the vaccine until their return to work if they will not be returning to work until after [Fully Vaccinated Deadline]. All such individuals must be Fully Vaccinated before returning from leave.
- Individuals who provide documentation of having been treated for an actual COVID-19 infection with monoclonal antibodies may request to defer becoming Partially Vaccinated until the date not more than 90 days after the date of monoclonal antibodies treatment. Thereafter, the individual must become Fully Vaccinated by the date seven weeks after becoming Partially Vaccinated.

- Individuals who test positive for COVID-19 between now and any deadline may, with proof of the positive test, be permitted to defer that deadline until after their CDC-recommended quarantine period.
- Individuals who have submitted a written request for an exemption which request was denied must be Partially Vaccinated within 14 calendar days of denial, and Fully Vaccinated within 9 weeks of that same date.

C. EXEMPTIONS TO VACCINE REQUIREMENT

In accordance with various state and federal laws, employees may be granted exemption from the Vaccine mandate under the limited circumstances discussed below. Generally, volunteers and unpaid interns are not entitled to these exemptions, but they may make a request which will be considered on a case-by-case basis. Individuals may request accommodation without fear of retaliation. Any health information/documentation disclosed as part of the process will be kept secured as is all protected health information.

1. MEDICAL EXEMPTIONS AND ACCOMMODATIONS

Individuals may request a medical exemption and reasonable accommodation to the Vaccination requirement if they:

- Have a contraindication recognized by the CDC or by the Vaccine's manufacturer to every approved COVID-19 vaccine. A contraindication means a condition that makes vaccination inadvisable. Appropriate documentation from a health care provider will be required as part of the interactive process during which reasonable accommodation will be explored. See "Accommodations" below.

OR –

- Have a disability and are requesting a medical exception as a reasonable accommodation. Appropriate documentation from a health care provider will be required as part of the interactive process. See "Accommodations" below.

2. RELIGIOUS EXEMPTIONS AND ACCOMMODATIONS

- Individuals may request a religious exemption and reasonable accommodation based on their sincerely held religious belief, practice or observance. You will be asked to identify your religious

requirement or belief and explain how it is in conflict with this policy. See “Accommodations” below.

D. ACCOMMODATIONS FOR INDIVIDUALS GRANTED EXEMPTIONS

Individuals who are granted exemptions will be exempt from the vaccination requirement only – they will not be exempt from the essential job duty of participating in workplace safety via their reasonable accommodation/alternate means of performing that duty. What accommodation is best suited to the employment and personal circumstances of the individual in question will be determined on a case-by-case basis. It is not possible to describe every possible accommodation, but an example of an accommodation might include weekly or other periodic testing combined with use of mask and/or other safety equipment in lieu of vaccination. Another example might be a leave of absence. Applicable laws do not require accommodations that would impose undue employer hardships, or which would pose a direct threat to the health and safety of other employees.

Requests for exemptions/accommodations must be made *no later than* September 20, 2021. To avoid non-compliance, requests should be made as soon as possible.

All requests for exemptions/accommodations should be made through the Human Resources office. That office will provide you with official forms which must be used to document requests and will explain to you how to complete the process and identify any documentation required.

At the conclusion of the process, you will receive written response(s) either granting or denying your request. If the exemption is granted, you will also be notified of the specific accommodation granted by which you will participate in alternative safety measures in lieu of vaccination.

SECTION V. ACKNOWLEDGMENT

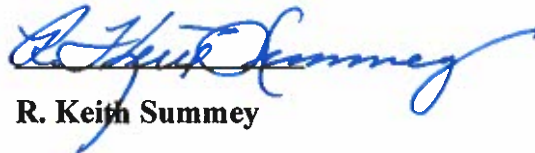
The requirements of this policy are essential to our efforts to provide a workplace free of known hazards and to meet the compelling need to prevent and protect from the spread of the infectious disease caused by the COVID-19 virus.

To ensure that all covered individuals have received notice of this policy and its requirements, each employee, volunteer, and intern is required to sign the acknowledgment below. Your signature does not mean you necessarily agree with all or any part of the policy, but only that it has been provided to you, and you have been notified that compliance is a condition of continued employment, volunteer, or intern status.

NOTHING IN THIS EXECUTIVE ORDER SHALL BE CONSIDERED TO CREATE AN EMPLOYMENT CONTRACT OR ANY CONTRACTUAL RIGHT TO ANY TERM OR CONDITION OF EMPLOYMENT.

Effective Date of Executive Order: September 3, 2021

Executed this 1st day of September, in the year of Our Lord, 2021, and in the 245th year of the Independence of the United States of America.



R. Keith Summey

Mayor

Approved as to Form:



Legal Counsel