

**SAN JUAN COUNTY FIRE PROTECTION DISTRICT NO. 2
RESOLUTION NO. 2021-02**

A RESOLUTION REQUIRING VACCINATION FOR HEALTH CARE PROVIDERS

WHEREAS, on February 29, 2020, Governor Jay Inslee issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State;

WHEREAS, on August 9, 2021, Governor Jay Inslee issued Proclamation 21-14 requiring state employees and health care and long-term care providers to be fully vaccinated by October 18, 2021, which states, in part, the following:

- After months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including the “delta variant” that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases and hospitalizations to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals;
- COVID-19 vaccines are effective in reducing infection and serious disease, widespread vaccination is the primary means we have as a state to protect everyone, including persons who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons including persons in health care facilities, long-term care facilities and other congregate care facilities from COVID-19 infections;
- Widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us;
- COVID-19 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations;
- Healthcare workers face COVID-19 exposures in a variety of healthcare settings, with those involving direct patient care likely at higher risk;
- on July 6, 2021, the Office of Legal Counsel of the United State Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law from imposing vaccination mandates, even when the only vaccines available are those authorized under U.S. Food and Drug Administration Emergency Use Authorizations; and
- On July 26, 2021, approximately 60 medical groups ... issued a memorandum supporting mandatory, universal vaccination of all public and private health care and long-term care workers, noting that such a requirement is the “fulfillment of the ethical

commitment of all health care workers to put patients ... first and take all steps necessary to ensure their health and well-being”;

- It is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, Proclamation 21-14 specifically prohibits any health care provider from failing to be fully vaccinated, and prohibits any entity that operates a health care setting from permitting a health care provider to engage in work unless he or she has been fully vaccinated.

WHEREAS, San Juan County Fire District #2 is an entity that operates a health care system and is covered by Proclamation 21-14..

WHEREAS, as a result, all of San Juan County Fire District #2's health care providers must be vaccinated by October 18, 2021 as a bona fide occupational qualification for continued employment.

WHEREAS, in order to be fully vaccinated by October 18, 2021, individuals must have received the second dose of a two-dose mRNA vaccine (such as Moderna and Pfizer) or a single dose vaccine (such as Johnson & Johnson) by October 4, 2021.

WHEREAS, to prove full vaccination, Proclamation 21-14 requires that employees and volunteers provide (1) a CDC vaccination record card or photo of the card, (2) documentation of vaccination from a health care provider or electronic health record, or (3) state immunization information system record.

WHEREAS, in complying with Proclamation 21-14, San Juan County Fire District #2 must engage in a flexible, interactive process to identify accommodations options for employees who are unable to receive a vaccination due to a disability or sincerely held religious belief. Such an accommodation should (1) eliminate or reduce the risk of exposure so that the unvaccinated individual does not pose a direct threat, and (2) not constitute an undue hardship for the employer. If the employee or volunteer is entitled to a reasonable accommodation due to a disability or sincerely held religious belief and appropriate documentation is provided, he or she is exempt from the mandatory vaccination requirement of Proclamation 21-14.

WHEREAS, all Health Care Providers volunteering for and employed by San Juan County Fire District #2 will be subject to non-disciplinary dismissal from employment for failing to meet bona fide occupational qualification for continued employment if they have not been fully vaccinated or received a reasonable accommodation due to a disability or sincerely held religious belief by October 18, 2021.

NOW, THEREFORE, BE IT HEREBY RESOLVED, in compliance with Proclamation 21-14, San Juan County Fire District #2 hereby adopts the Policy on COVID-19 Vaccine Mandate for Health Care Providers enclosed with this resolution. The Policy shall be in effect only to the extent required by Proclamation 21-14, as it may be updated and amended.

PASSED by the Board of Fire Commissioners of San Juan County Fire District #2 this 27th day of August, 2021.

Tim Fuller, Chair

Janet Marlow, Commissioner

Wes Heinmiller, Commissioner

Rick Christmas, Commissioner

Jim Helminski, Commissioner

ATTEST:

Kimberley M. Kimple, District Secretary

Policy No. 418
COVID-19 Vaccine Mandate for Health Care Providers

1.0 Purpose

The purpose of this policy is to implement a mandatory vaccination policy for San Juan County Fire Protection District #2's (the "District") health care providers in accordance with Proclamation 21-14. This Policy is part of the District's overall strategy and commitment to maintaining a safe and healthy workplace in light of the COVID-19 pandemic. This policy is designed for use together with, and not as a substitute for, other COVID-19 prevention measures.

2.0 Applicability

This Policy applies to health care providers, including (1) individuals with credentials listed in the Healthcare Professional Credentialing Requirements list¹ (including EMTs and paramedics); (2) individuals who are permitted by law to provide health care services in a professional capacity without holding a credential; (3) long-term care workers; and (4) workers in any setting that is primarily used for the delivery of in-person health care services to people, including mobile clinics or other vehicles where health care is delivered.

This policy shall be in effect only to the extent required by Proclamation 21-14, as it may be updated and amended.

3.0 Policy

3.1 Mandate. All health care providers engage in work for San Juan County Fire District #2 as an employee, contractor, or volunteer shall be fully vaccinated against COVID-19 by October 18, 2021. In order to be fully vaccinated by October 18, 2021, individuals must have received the second dose of a two-dose mRNA vaccine (such as Moderna and Pfizer) or a single dose vaccine (such as Johnson & Johnson) by October 4, 2021. Vaccination in accordance with this Policy shall be a bona fide occupational qualification for continued employment.

3.2 Proof of Vaccination. Health care providers shall provide proof of vaccination to the District by October 18, 2021. The following forms of proof are acceptable:

- (1) a CDC vaccination record card or photo of the card;
- (2) documentation of vaccination from a health care provider or electronic health record; or
- (3) state immunization information system record.

Personal attestation forms are not acceptable. Employees who previously submitted a personal attestation shall, on or before October 18, 2021, provide one of the foregoing proofs of vaccination.

3.3 Stipend. Personnel receiving the vaccination under this Policy may submit for reimbursement to cover the time spent traveling to and receiving the vaccine, the costs of the vaccine not fully covered by insurance (including any unreimbursed vaccine administrator fees), other expenses incurred getting the vaccine (such as parking at vaccination sites), and other incidental costs. If the cost to the employee is anticipated to exceed \$100, prior approval from the Fire Chief or designee is required. If additional expense is approved you may request

¹ <https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/HealthcareProfessionalCredentialingRequirements>

reimbursement of the additional amount by submitting those hours and expenses to Human Resources.

3.4 Reasonable Accommodations. Health care providers are not required to get vaccinated against COVID-19 if they are entitled under the Americans with Disabilities Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), the Washington Law Against Discrimination (WLAD), or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation to the requirements of this order. Health care providers may request accommodations to this policy. The District shall provide reasonable accommodations related to disabilities and/or sincerely held religious beliefs as required by law.

Disabilities. To the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this Policy, the individual requesting the accommodation must submit documentation from an appropriate health care or rehabilitation professional authorized to practice in the State of Washington stating that the individual has a disability that necessitates an accommodation and the probable duration of the need for the accommodation.

Sincerely Held Religious Beliefs. To the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this Policy, the individual requesting the accommodation must submit documentation with a statement regarding the way in which the requirements of this Policy conflict with the religious observance, practice, or belief of the individual.

Included with this Policy are sample Mandatory COVID-19 Vaccination Accommodation Forms. However, the District will accept other forms of requests for accommodation that comply with the minimum requirements of this Policy.

Upon receiving an accommodation request, the District shall engage in an interactive dialogue to determine the limitations of your ability to comply with this policy and explore potential reasonable accommodations that could overcome those limitations. The District encourages employees to suggest specific reasonable accommodations, but the District is not required to make the specific accommodation requested.

The District may refuse to grant a reasonable accommodation to the extent it would impose an undue hardship on the District or posing a direct threat to you or others in the workplace. For a disability-related accommodation, an undue hardship would be a significant difficulty or expense. For an accommodation related to a sincerely held religious belief, an undue hardship would be more than minimal cost or burden on the employer.

3.5 Failure to Comply. Health care providers that have not been fully vaccinated or received a reasonable accommodation due to a disability or sincerely held religious belief by October 18, 2021, will be subject to non-disciplinary dismissal from employment for failing to meet a bona fide occupational qualification for continued employment.

3.6 Pre-Employment Screening. Candidates for employment as a health care provider shall be informed that vaccination is a bona fide occupational qualification for employment. The District shall request proof of vaccination from all volunteers and candidates for employment as a health care provider. After making a conditional job offer, but before employment, the District shall ask the prospective employee that has not provided proof of vaccination whether they can receive the vaccine. Protective employees who cannot receive the vaccine because of a disability or

sincerely held religious believe should request an accommodation.

3.7 Confidentiality. Documents submitted in accordance with this Policy shall be kept confidential and, if retained, kept in a separate file.

Mandatory COVID-19 Vaccination Accommodation Form

Disability

To request an accommodation related to the COVID-19 vaccination mandate due to a disability, please complete this form and return it to Human Resources.

Name: _____

To be Completed by Appropriate Health Care or Rehabilitation Professional

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law.

To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

The Undersigned is a health care or rehabilitation professional authorized to practice in the State of Washington. The above-named individual has a disability that prevents his or her from being fully vaccinated against COVID-19, which necessitates an accommodation to San Juan County Fire Protection District #2' s mandatory vaccination policy. The probable duration of the need for the accommodation is _____.

Print: _____

Signature: _____ Date: _____

To be Completed by Human Resources Representative

Interactive discussion date(s): _____

Accommodation granted? _____ Yes _____ No

Describe accommodation: _____

If accommodation granted, list required alternative safety precautions required: _____

If accommodation not granted, explain why: _____

Mandatory COVID-19 Vaccination Accommodation Form

Sincerely Held Religious Belief

To request an accommodation related to the COVID-19 vaccination mandate due to a sincerely held religious observance, practice, or belief, please complete this form and return it to Human Resources.

Name: _____

Explain the requested accommodation: _____

Explain below why you are requesting an accommodation, including the way(s) in which the getting a COVID-19 vaccination conflicts with your religious beliefs: _____

Verification and Acknowledgement: I verify that my religious observance, practice, or beliefs that result in this request for an accommodation are sincerely held, and that the information I am submitting in support of my request for an accommodation is complete and accurate to the best of my knowledge. I understand that any intentional misrepresentation contained in this request may result in disciplinary action. I also understand that my request for an accommodation may not be granted if it is not reasonable, if it poses a direct threat to the health and/or safety of others in the workplace and/or to me, or if it creates an undue hardship.

Signature: _____ **Date:** _____

To be Completed by Human Resources Representative

Interactive discussion date(s): _____

Accommodation granted? _____ Yes _____ No

Describe accommodation: _____

If accommodation granted, list required alternative safety precautions required: _____

If accommodation not granted, explain why: _____

