



Thomas Esqueda

City Manager

EMERGENCY ORDER 2021-01

MODIFIED COVID-19 EMERGENCY ORDER

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, in response to the public health threat of COVID-19, I hereby issue the following orders:

1. This Order is effective 12:01 a.m. on Monday, September 13, 2021, and supersedes all prior City of Fresno COVID-19 Emergency Orders. This Order shall remain in effect for so long as the Governor of California and the City of Fresno have declared a state of emergency related to COVID-19, but is subject to extension, rescission, or modification.
2. This Order is issued in accordance with, and incorporates by reference, all Orders issued by Governor of California as may be in effect from time to time, as applicable to Fresno County and the City of Fresno, and the March 16, 2020, Proclamation Declaring a Local Emergency by Mayor Lee Brand.
3. All persons within the City of Fresno and all businesses within the City of Fresno shall comply with Emergency Orders issued by the Governor, as may be modified and applicable to Fresno County and the City of Fresno.
4. The purpose of this Emergency Order is to provide a plan to reduce the accelerated spread of the COVID-19 virus that has been observed in our community. All City employees provide essential infrastructure and services necessary for the public health, safety, and welfare of the City of Fresno, and the City appreciates the dedication and commitment displayed by City employees during a global pandemic. The City of Fresno will implement reduction measures based on best available information and data, and with due consideration to minimize the disruption to the personal lives of City residents and employees.
5. All prior City of Fresno COVID-19 Emergency Orders are repealed, except as follows:
 - 5.1. 2020-09 Employee COVID-19 Self-Screening.
 - 5.2. 2020-10 Employee Leave Pay (to the extent remaining COVID-19 leave is not exhausted).
 - 5.3. 2020-15 Telework by City Employees (Revised) shall be reinstated. Department Directors shall have discretion to allow an employee or groups of employees to telework from their home or other approved location and may terminate or suspend telework of an employee at their discretion.

Department Directors should, if practical, give employees advance notice if a decision is made to terminate or suspend telework.

6. Public Access to City Hall.


- 6.1. City Hall shall remain open to the public for conducting business. To ensure that the City is in compliance with Fresno County Department of Public Health and OSHA requirements, all personnel will be required to self-screen before entering the workplace and all members of the public will be screened on entry. All visitors are required to wear a mask while in City Hall.
- 6.2. Public Meetings of the City Council, Planning Commission, Historic Preservation, shall all be virtual by telephonic device, Zoom or any other platform. These meetings will be closed to the public until further notice for the safety and protection of the public and employees. Officials and employees may attend in person, in the discretion of the Council and City Manager.
- 6.3. The following Departments will be available to the public to conduct business by appointment only:
 - 6.3.1. Planning and Development Counter
 - 6.3.2. Department of Public Works Counter
 - 6.3.3. Department of Public Utilities Counter
 - 6.3.4. Personnel Services Department
 - 6.3.5. Code Enforcement Counter
 - 6.3.6. City Attorney's Office
- 6.4. The following Departments will be available to the public to conduct business without requiring an appointment:
 - 6.4.1. Parking Division Counter
 - 6.4.2. Utility Billing & Collection Counter
 - 6.4.3. Business License Counter
 - 6.4.4. City Council / Mayor and City Manager
- 6.5. Members of the public with disabilities who may not be able to comply in full or part with some requirements due to a qualifying disability shall not be denied services or benefits, in accordance with ADA Title II requirements. Reasonable modifications shall be made, such as allowing a person who indicates disability prevents them from sitting to stand or admitting a person with a respiratory disability that prevents them from wearing a mask, while still maintaining social distancing requirements

7. Vaccination, Mask, and Testing Requirements for City Employees.

- 7.1. City Employees and visitors to City facilities shall wear a mask indoors, except when employees are within their office with no other persons in the room.
- 7.2. All visitors to City Hall shall be required to submit to Health Screening, regarding temperature, respiratory issues, and close contact with another person having COVID-19 at security screening.

- 7.3. Bus Operators and Airport personnel are required to wear a mask while operating public transportation or inside an Airport Terminal under TSA rules. City Employees shall wear a mask when sharing a vehicle with another person and roll down their windows to allow a solid flow of air inside.
 - 7.4. Effective Monday, September 20, 2021, all City employees shall comply with the requirements outlined in the COVID-19 Virus Testing Plan contained within the September 10, 2021, Memorandum of the Office of the City Manager, attached herein as Exhibit A.
 - 7.5. All employees who report to work or call in sick must comply with Emergency Order 2020-09 and complete the Daily COVID-19 Health Questionnaire. Please continue to go to <http://covid.fresno.gov> to fill out the questionnaire.
 - 7.6. In an effort to limit the number of in-person gatherings and meetings, at the discretion of Department Directors are encouraged to conduct meetings virtually.
 - 7.7. All employees who have not provided proof of vaccination status to Personnel will be required to undergo weekly COVID-19 testing. This testing will be offered on City time, at City expense, unless an employee chooses to use a testing site offered by the County of Fresno or our test provider UCSF. This testing process will follow the COVID Employee Testing Plan of September 10, 2021, attached herein as Exhibit A.
 - 7.8. The Personnel Director shall, within 30 days, amend all recruitments and require selected employees to submit to COVID vaccinations as a condition of employment.
8. No person shall be criminally prosecuted for violation of this Order, except for egregious and immediate threats to public health and safety. Administrative citations for violations may be issued pursuant to the Fresno Municipal Code.
 9. This Order shall be subject to amendment or repeal at any time and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
 10. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
 11. This Order shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

IT IS SO ORDERED.



Thomas Esqueda, City Manager and
Director of Emergency Services

Date: 



OFFICE OF THE CITY MANAGER

MEMORANDUM

DATE: September 10, 2021

TO: HONORABLE MAYOR JERRY DYER
COUNCIL PRESIDENT LUIS CHAVEZ
COUNCILMEMBERS

FROM: THOMAS C. ESQUEDA, City Manager
GREGORY A. BARFIELD, Assistant City Manager

A handwritten signature in black ink, appearing to read "Thomas C. Esqueda", written over the printed name of the City Manager.

SUBJECT: COVID19 VIRUS TESTING PLAN FOR UNVACCINATED EMPLOYEES

The purpose of this Memorandum is to provide the Mayor and City Council with a description of the City Manager's plan to conduct COVID19 virus testing for unvaccinated and incompletely vaccinated employees of the City of Fresno.

All City of Fresno employees provide essential infrastructure and services necessary for the public health, safety, and welfare of the City of Fresno, and the City Manager's Office appreciates the dedication and commitment displayed by city employees during a global pandemic.

Based on available information and data, as of September 10, 2021, the City Manager estimates that approximately 2,600 City of Fresno employees are unvaccinated.

1.0 COVID-19 VIRUS TESTING PLAN FOR UNVACCINATED EMPLOYEES

The City of Fresno will implement this COVID19 Virus Testing Plan for all unvaccinated and incompletely vaccinated employees with due consideration to minimize the disruption to the personal lives of City residents and employees.

Effective Monday, September 20, 2021, all City employees who have not shown proof of vaccination will be required to:

- 1) Always wear a mask while indoors at City offices and facilities.
- 2) Submit to testing for the COVID-19 virus on a weekly basis.
 - a) COVID-19 virus testing will be required for unvaccinated and incompletely vaccinated employees beginning Monday September 20, 2021.

EXHIBIT A

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- b) Previous history of a COVID-19 infection from which the employee recovered more than 90 calendar days earlier, or a previous positive antibody test for the COVID-19 virus, does not excuse employees from this requirement for testing.
- c) Employees that have not submitted to a weekly COVID-19 virus test because they have been away from the City on a remote work assignment, vacation, or other reasons, will have three (3) calendar days to submit to a COVID-19 virus test, and receive a Negative test result, prior to receiving authorization to report to work.
- d) The City shall be responsible for establishing and notifying employees of the testing locations designated to test City of Fresno employees for the COVID-19 virus. Every Thursday, the City shall notify City employees of testing locations and times for the following week.
- e) COVID-19 virus test results shall be available two (2) calendar days following the employee's testing date. COVID-19 virus test results shall be provided directly to the employee and to the City's Healthy Workplace Task Force (HWTF) by the COVID-19 virus testing provider.
- f) Employees may use third-party testing sites, such as those recommended by the City's Emergency Operations Center (EOC) and highlighted by Public Affairs. Employees shall provide test results, Positive or Negative, to their supervisors and the HWTF team at HWTF@fresno.gov immediately upon receipt. The City shall not reimburse employees who test at third-party sites for any out-of-pocket expenses.
- g) No employee shall be authorized to work unless the employee presents evidence of a Negative COVID-19 virus test result for the week or the employee has cleared the required quarantine or isolation period as determined by the HWTF.
- h) If the employee's COVID-19 test is Negative, the employee will be authorized to report to work. The authorization to work will be valid for seven (7) calendar days, at which time the employee will be tested for the following week.
- i) If the employees COVID-19 test is Positive, the employee will be required to isolate at home for at least 10 days in accordance with the Fresno County Department of Public Health Officer's order.

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- i) Upon completion of the isolation period, and prior to returning to work, the employee will contact their department Personnel Manager or the EOC staff to review and discuss the return-to-work procedures in effect at the time the employee has completed the isolation period.
 - ii) Once the employee has reviewed and discussed the return-to-work procedures with the employee's department Personnel Manager or EOC staff, the employee will be authorized to return to work.
- 3) If an unvaccinated employee has religious or medical reasons to decline COVID-19 virus testing, then the unvaccinated employee shall present those reasons to the Personnel Service Department for further review, and the Personnel Services Department will work with the employee through the Interactive Process (IAP) to determine appropriate accommodations, if any.

2.0 DEFINITIONS

The following definitions apply:

- 1) "Fully Vaccinated" means individuals who are considered fully vaccinated for COVID-19: two weeks or more after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna or vaccine authorized by the World Health Organization), or two weeks or more after they have received a single-dose vaccine (Johnson and Johnson [J&J]/Janssen). COVID-19 vaccines that are currently authorized for emergency use:
 - a) By the US Food and Drug Administration (FDA) , are listed at the [FDA COVID-19 Vaccines](#) webpage.
 - b) By the World Health Organization (WHO), are listed at [WHO COVID-19 Vaccine's](#) webpage
- 2) "Incompletely vaccinated" means persons who have received at least one dose of COVID-19 vaccine but do not meet the definition of fully vaccinated.
- 3) "Unvaccinated" means persons who have not received any doses of COVID-19 vaccine or whose vaccination status is unknown.

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3.0 COVID-19 MITIGATION MEASURES FOR CITY FACILITIES

- 1) Effective Monday, September 20, 2021, all City employees shall be required to report to work at their assigned City of Fresno offices and facilities as described below.
 - a) All employees shall be required to wear a mask while indoors at City offices, facilities, or vehicles, regardless of vaccination status unless they are in alone in a City office, facility, or vehicle.
 - b) If two or more employees are in an office, conference room, or city vehicle, all employees shall be required to wear a mask at all times while the employees are indoors together regardless of vaccination status.
 - c) All employees working outdoors on field assignments shall not be required to wear a mask while outdoors performing field assignments; however, all employees will be required to exercise social distancing while performing outdoor field assignments.
 - d) If an employee has a medical condition and/or disability preventing them from wearing a compliant mask, the City shall engage the employee in the interactive process to determine what accommodations, if any, may be made to enable the employee to comply with COVID-19 virus transmission reduction measures.
- 2) Department Directors shall be granted full authority and discretion to establish work schedules and work requirements to assist employees with complying with this COVID-19 Virus Testing Plan pursuant to applicable MOU provisions.
 - a) Directors may schedule COVID-19 virus testing outside of an employee's scheduled work shift to avoid and minimize disruptions to City operations and service delivery.
 - b) Directors may direct employees to telework to reduce the transmission of the COVID-19 virus.
 - i) Unvaccinated and incompletely vaccinated employees that are directed to telework shall still be subject to weekly COVID-19 virus testing.
 - ii) Employees directed to telework to reduce the transmission of the COVID-19 virus, shall have their remote workstations monitored to measure and record

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employee productivity to ensure continuity of City operations and service delivery for the community.

- 3) All employees shall continue to complete the daily online COVID-19 Health Screening Questionnaire to report symptoms and work location.
 - a) Employees who do not pass the self-screen shall not report to their assigned City office or facility, and instead shall alert their immediate supervisor or manager so that a risk assessment may be conducted.
 - b) Employees shall comply with all directives to quarantine or isolate for the applicable period as determined by the HWTF risk assessment.
- 4) All employees are required to comply with this COVID-19 Virus Testing Plan, commencing Monday September 20, 2021. Violations of this Plan may subject employees to corrective action up to and including termination.

4.0 EXEMPTION FOR COVID-19 VIRUS TESTING

- 1) The CDC has confirmed that vaccination against COVID-19 is the most effective means of preventing infection with the COVID-19 virus, and subsequent transmission and outbreaks. Current guidance strongly recommends vaccination for all eligible individuals, thereby reducing COVID-19 rates throughout the community and creating a wrap-around safety layer for unvaccinated and incompletely vaccinated employees.
- 2) City employees that are fully vaccinated and desire to be exempted from weekly COVID-19 virus testing, may schedule an appointment with the Personnel Services Department to present their valid vaccination card for recording.
- 3) Upon presenting a valid vaccination card to the Personnel Services Department to confirm proof of vaccination, Personnel Services will affix a self-adhesive label to the employee's identification badge.
- 4) Vaccinated employees must always have their employee identification badge in their possession, and visible for inspection with the label affixed.
- 5) City employees who are incompletely vaccinated, or for whom vaccination status is unknown or documentation is not provided, shall be considered unvaccinated.

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- 6) Pursuant to the CDPH Guidance for Vaccine Records Guidelines & Standards, only the following modes may be used as proof of vaccination:
 - a) COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes name of person vaccinated, type of vaccine provided, and date last dose administered), OR
 - b) a photo of a Vaccination Record Card as a separate document; OR
 - c) a photo of the client's Vaccination Record Card stored on a phone or electronic device, OR
 - d) documentation of COVID-19 vaccination from a health care provider; OR
 - e) 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, OR
 - f) documentation of vaccination from other contracted employers who follow these vaccination records guidelines and standards.
- 7) The City of Fresno has a document control plan for tracking verified employee vaccination status. Records of vaccination verification must be made available, upon request, to the local health jurisdiction for purposes of case investigation.

5.0 DISCIPLINE FOR FAILURE TO COMPLY WITH COVID-19 VIRUS TESTING

- 1) All unvaccinated and incompletely vaccinated employees are required to comply with this COVID-19 Virus Testing Plan commencing Monday, September 20, 2021.
 - a) Employee's that fail to comply with the requirements of this COVID-19 Virus Testing Plan shall be subject to discipline, up to and including termination.
 - b) Employees that are reported to have MISSED a weekly COVID19 virus testing, shall be directed to leave work immediately and submit to a COVID19 virus test at one of the locations designated by the City of Fresno.
 - c) Employees that MISS their weekly COVID19 virus testing for two testing periods, shall be subject to discipline up to and including termination.

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- d) Permanent classified employees that REFUSE to submit to weekly COVID19 virus testing shall be subject to termination and issued a Notice of Proposed Removal upon the first REFUSAL, and a date for the *Skelly* meeting shall be stated in the Notice of Proposed Removal. *Skelly* meetings shall be conducted by Zoom or another video-conferencing platform at determined by the City.
- e) At-Will unclassified employees that REFUSE to submit to weekly COVID19 virus testing shall be subject to immediate termination upon the first REFUSAL.

6.0 COVID-19 VIRUS TESTING SERVICES FOR UNVACCINATED EMPLOYEES

- 1) All COVID-19 virus testing shall be conducted by trained medical personnel and test results shall be maintained as confidential medical records consistent with applicable law.
- 2) The City of Fresno has contracted with the University of California at San Francisco – Fresno (UCSF), through its Mobile Health Clinic, to conduct COVID-19 virus testing of all unvaccinated city employees.
- 3) The UCSF Mobile Health Clinic will be operated by Dr. Kenny Banh, Assistant Dean of Undergraduate Medical Education.
- 4) UCSF has been providing COVID-19 testing and vaccination services to residents of the City of Fresno during the pandemic under contracts with the City of Fresno and County of Fresno.
- 5) Unvaccinated and incompletely vaccinated employees shall be tested weekly with Polymerase Chain Reaction (PCR) COVID-19 virus tests. Any PCR (molecular) test used will either have Emergency Use Authorization by the U.S. Food and Drug Administration or be conducted in accordance with the Laboratory Developed Test requirements established by the U.S. Centers for Medicare and Medicaid Services.
- 6) To provide the required COVID-19 virus testing services for City employees, UCSF-Fresno shall:
 - a) Operate popup clinic events daily, as directed by the City, at designated City-owned sites.

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- b) Operate the UCSF static location drive-thru location at UC Merced Fresno Center (550 E Shaw Ave) 7-days a week, except for University holidays, from 8:00 a.m. to 4:00 p.m.
 - c) Safely and securely communicate to City: (1) a daily list of employees who participate in testing; and (2) test results for employees having tested positive for the COVID-19 virus (such communication shall be provided to City expeditiously and, at minimum, at the same time as it is provided to the employee).
 - i) Provide COVID-19 virus test results to every employee through Color - the California Department of Public Health Valencia Branch Lab. Test results shall be provided via easy-to-use text and email templates, including instructions on what to do if tested positive.
 - ii) Provide notification of Positive COVID-19 virus test to the City of Fresno HWTF for contact tracing efforts. The employee ID number will be used as the chief identifier.
 - d) Provide COVID-19 virus testing services without appointment, insurance, or copay.
 - e) Source vaccines from Fresno County Department of Public Health and COVID-19 PCR tests from California Department of Public Health - currently at no cost to UCSF Fresno - while supplies are available.
 - f) Provide necessary equipment and storage for sample collection and processing.
- cc: Douglas Sloan, City Attorney
Public Affairs (email blast)
Departments (for posting for employees without email)

Frequently Asked Questions City of Fresno COVID-19 Virus Testing Plan

Legal Questions

Is the City of Fresno mandating employees get the COVID-19 vaccine?

No. At this time, the City of Fresno is mandating employees either furnish proof of vaccination or submit to weekly COVID-19 testing.

What about facemasks?

Consistent with recently revised guidelines from the CDC and Cal/OSHA, the City is requiring all employees, regardless of vaccination status, to wear an acceptable face covering (i.e., mask) indoors unless the employee is alone in an office or conference room, or while eating or drinking six feet apart.

What legal authority permits the City to mandate proof of vaccination or submit to weekly COVID-19 testing?

The Equal Opportunity Employment Commission (EEOC), the federal enforcement agency for the Americans with Disabilities Act (ADA) opines that the employer may require COVID-19 test where it is consistent with business necessity, which includes protecting other employees from the direct threat posed by COVID-19. (See EEOC's "What You Should Know About COVID-19 and the ADA...", updated May 28, 2021). Further, the Department of Fair Employment and Housing (DFEH), the state enforcement agency for the Fair Employment and Housing Act (FEHA), opines the same. Under state and federal law, an employer may require COVID-19 testing. (See "DFEH Employment Information on COVID-19 FAQ" updated March 4, 2021). The same resources opine the employer may request proof of vaccination.

Doesn't HIPAA prohibit the City from asking vaccination proof or mandating a test?

No. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) regulates the dissemination of private medical information from a treating physician, hospital, other medical service provider to third parties. The City as an employer is not a covered entity under HIPAA. (See the U.S. Department of Health & Human Services Health Information Privacy "HIPAA for Individuals" at www.hhs.gov/hipaa)

Isn't my medical information private?

Yes. Under the ADA and FEHA, as well as various other privacy statutes, your medical information is confidential. It will be held confidentially, only accessible to people on a need-to-know basis, consistent with applicable law.

What are my rights if I believe I have a disability or medical condition that impacts my ability to comply with the City's COVID-19 mitigation plan?

Please inform your supervisor or manager and Personnel Services will reach out to you to schedule an interactive process meeting to determine what reasonable accommodations, if any, will enable you to continue performing all essential functions of your position and comply with City rules.

Frequently Asked Questions City of Fresno COVID-19 Virus Testing Plan

Am I entitled to a leave of absence until COVID-19 mitigation strategies are no longer in effect?

Outside of reasonable accommodations as the result of the interactive process based on a medical need and/or a religious exemption, there is no independent, legal right for a leave of absence. Leaves of absence must be approved in the manner prescribed by the Fresno Municipal Code on an individual basis.

Am I entitled to telework until COVID-19 mitigation strategies are no longer in effect?

Outside of reasonable accommodations as the result of the interactive process based on medical need and/or a religious exemption, there is no independent, legal right to telework. Per the City Manager's directive in the COVID-19 mitigation plan, an employee may be assigned to or given permission to telework on an individual basis, at the sole discretion of the department director.

How long will California's SB 95 Supplemental COVID-19 leave be available?

California's SB 95 Supplemental COVID-19 leave became retroactively available for use on January 1, 2021, and expires September 30, 2021. Consistent with the statute, employees may use their remaining time for a qualifying reason through September 31, 2021. Consistent with the statute, Supplemental COVID-19 leave is not pensionable, may not be cashed out, and the balance, if any, will not roll over after September 31, 2021.

Safety Questions

Which employers must comply with the Cal/OSHA COVID-19 Emergency Temporary Standards (ETS)?

The ETS applies to all employers, employees, and to all places of employment with the following exceptions:

- Work locations where there is only one employee who does not have contact with other people
- Employees who are working from home, while working from home (i.e., when employees enter the worksite, ETS applies)
- Employees who are covered by the Aerosol Transmissible Diseases regulation

Does the ETS apply for employees who split their work time between home and the workplace?

Yes, however, the regulation applies only when employees work at the workplace, or are exposed at work, but not when they work from home.

Frequently Asked Questions City of Fresno COVID-19 Virus Testing Plan

What are the face covering (i.e., masking) requirements of the ETS?

The ETS requires employers to provide employees who are not fully vaccinated with face coverings of at least two layers or more and ensure they are worn over the nose and mouth when indoors, in vehicles and when required by orders from the CDPH.

Outdoors, no employees need to use face coverings, regardless of vaccination status, unless there is an outbreak. Exceptions include:

- when an employee is alone in a room or vehicle
- while eating or drinking provided employees are six feet apart or outside
- employees wearing respirators
- employees who cannot wear face coverings due to a medical or mental health condition or disability or who are hearing-impaired or communicating with a hearing-impaired person
- when an employee performs specific tasks which cannot be performed with a face covering

Employers must also provide face coverings to employees upon request, regardless of their vaccination status.

May an employer require an employee to wear a face covering at work even if the employee provides documentation verifying that they are fully vaccinated?

Yes, employers can have policies that are stricter than those required by the ETS. However, an accommodation must be made for those who cannot wear face coverings due to a medical or mental health condition or disability, who are hearing-impaired or communicating with a hearing-impaired person, or when an employee performs specific tasks which cannot be performed with a face covering. See “Legal Questions” above for information on requesting an accommodation.

When is an employee considered vaccinated under the ETS?

An employee is considered fully vaccinated if the employer has documented that the employee received, at least 14 days prior, either the second dose in a two-dose COVID-19 vaccine series or a single-dose COVID-19 vaccine.

What COVID-19 vaccines are acceptable under the ETS?

Vaccines must be FDA approved; have an Emergency Use Authorization (EUA) from the FDA; or, for persons fully vaccinated outside the United States, be listed for emergency use by the World Health Organization (WHO).

Must the ETS still be followed for vaccinated persons?

Yes, some of the requirements of the ETS must still be followed by vaccinated employees, as discussed in the Face Covering, Testing, and Outbreak sections of this FAQ.

Frequently Asked Questions City of Fresno COVID-19 Virus Testing Plan

What must an employer do to investigate and respond to a COVID-19 case?

Investigating and responding to a COVID-19 case in the workplace includes the following:

- Determining when the COVID-19 case was last in the workplace and if possible, the date of testing and onset of symptoms
- Determining which employees may have been exposed to COVID-19 through a close contact
- Notifying employees, in writing, of any potential exposures within one business day (and notifying any other employer who has potentially exposed employees in the workplace)
- Make COVID-19 testing available to potentially exposed employees with a close contact at no cost and during working hours, with the exception of asymptomatic employees who were fully vaccinated before the close contact and—for a limited period—employees who recently recovered from COVID-19 and have not developed COVID-19 symptoms since returning to work
- Exclude COVID-19 cases and exposed employees from the workplace until they are no longer an infection risk. Exposed employees who are fully vaccinated or who recently recovered from COVID-19 and have no symptoms do not need to be excluded
- Investigate the exposure, whether workplace conditions could have contributed to the risk of exposure, and what corrections would reduce exposure

What is a “close contact”?

An employee has had a close contact if they were within six feet of a COVID-19 case, or symptomatic individual, for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the “high risk exposure period.”

What kinds of tests are acceptable to comply with the regulations' testing requirements?

Tests approved by the United States Food and Drug Administration (FDA) or that have an EUA from the FDA to diagnose current infection with the SARS-CoV-2 virus may be used. These include both PCR and antigen tests. The test must be administered in accordance with the FDA approval or FDA EUA, as applicable.

What are the testing requirements in the ETS?

An employer's testing obligations are the following:

Inform all employees on how they can obtain testing. This could be through the employer, local health department, a health plan, or at a community testing center. The only obligation to all employees is to provide information. Offer testing to employees who are not fully vaccinated or who are vaccinated with symptoms at no cost and during

Frequently Asked Questions City of Fresno COVID-19 Virus Testing Plan

paid time in the event of a close contact at work, with an exception for certain symptom-free employees who recently recovered from COVID-19.

Make available at no cost periodic (at least weekly or twice per week depending on the magnitude of the outbreak) COVID-19 testing to all employees within an exposed group during an outbreak, except for those employees who were not at work during the relevant period; for vaccinated employees without symptoms; and—for a limited period—employees who recently recovered from COVID-19 and have not developed COVID-19 symptoms since returning to work.

Testing must be provided in a manner that ensures employee confidentiality.

Does the employer have to provide testing to employees at their work location?

No. The employer may provide or make available testing to employees at a testing site separate from their work location, however, the City will have numerous on-site testing options, free of charge.

Are vaccines safe?

The FDA regulates vaccines. Vaccines undergo a rigorous review of laboratory, clinical and manufacturing data to ensure the safety, effectiveness, and quality of these products. Vaccines approved for marketing may also be required to undergo additional studies to further evaluate the vaccine and often to address specific questions about the vaccine's safety, effectiveness, or possible side effects.

On August 23, 2021, the FDA approved the first COVID-19 vaccine, known as the Pfizer-BioNTech COVID-19 Vaccine, now known as Comirnaty (koe-mir'-na-tee), for the prevention of the disease in individuals 16 years of age and older. The vaccine also continues to be available under EUA, including for people 12 through 15 years of age and for the administration of a third dose in certain immunocompromised individuals.

Is COVID-19 testing safe?

All City COVID-19 testing will be approved by the United States Food and Drug Administration (FDA) or has an EUA from the FDA to diagnose current infection with the SARS-CoV-2 virus; and will be administered in accordance with the FDA approval or the FDA EUA as applicable.

Process Questions

If medical experts determine in the future that boosters are required, will the City also require proof of boosters?

The COVID-19 pandemic continues to evolve, and the City will continue to review the guidance from local, state, federal and global health agencies and revise the policy as needed based on the goal of maintaining the health and well-being of all employees.

Frequently Asked Questions City of Fresno COVID-19 Virus Testing Plan

Why will testing only be subject to unvaccinated employees?

Vaccinated employees are proven to be less likely to contract COVID-19, have milder and shorter illness, and are less likely to transmit. Resources are limited and will be focused on areas that will have the greatest impact.

As far as testing, who will be conducting the testing? What are their qualifications?

UCSF will be conducting the testing. UCSF Fresno is a major branch of the UC San Francisco School of Medicine.

What type of test will be used?

FDA approved PCR tests where samples may be collected through a swab of the nasal cavity, or the inside of the mouth will be used.

How accurate is the testing?

PCR testing has a 99.6% accuracy rate.

When will testing requirements begin?

Mandatory testing for employees not furnishing proof of vaccination will begin Monday, September 20, 2021.

What will the process be?

Employees will be assigned a day to test and should go to the nearest available City site on their designated day. Samples will be collected and then the employee should return to work. Should an employee's test come back positive for COVID-19, that employee will be contacted, assessed by the Healthy Workplace Task Force, and quarantined for the applicable period. Employees with negative tests will not be notified.

Will the time spent testing be compensated?

Employees required to test pursuant to the COVID-19 Mitigation Plan will test on paid time at one of the City testing sites.

What if I miss my testing day due to an absence?

Employees missing their testing day due to an absence should get tested as soon as possible at a City facility, but in any event no more than three working days from the date of their return to work.

What if I want to get vaccinated?

The City regularly provides information about free vaccination clinics through Public Affairs emails, the City's employee health insurance plan covers COVID-19 vaccinations, and the City will have pop up vaccination clinics on site, which will be announced ahead of time.

**Frequently Asked Questions
City of Fresno COVID-19 Virus Testing Plan**

What if I am vaccinated and want to show evidence to the City?

Please contact Personnel Services to arrange a time to provide your vaccination information. PSD is now offering Zoom sessions as well.

If I am vaccinated but want to test, may I use the City testing sites?

Yes, any employee may use the City testing sites.

What if I refuse testing?

Outside of approved reasonable accommodation(s) resulting from the interactive process on the basis of a sincerely held religious belief or a medical issue, employees refusing to submit to testing and also refusing to furnish proof of vaccination will be subject to disciplinary action, up to and including termination.

What if I believe I have contracted COVID-19 at work, suffered injury or illness as the result of compulsory testing, or have in some other way suffered injury or illness I believe is caused by compliance with the City's COVID-19 Mitigation Plan?

Any employee believing they have suffered an injury or illness as the result of work, including working conditions, should file a workers' compensation claim. The claim will be assessed through the usual process. Employees wanting to file a claim may inquire with their department's Personnel Manager, or PSD.

More Questions?

Email HWTF@fresno.gov and a member of the City's Healthy Workplace Task Force will respond to your inquiry.