



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

January 25, 2024

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Eric Eliasson


SUBJECT: APPEAL BY ERIC ELIASSON OF THE HUMAN RESOURCES DIRECTOR'S DETERMINATION THAT SFPUC DID NOT VIOLATE THE CITY'S EEO POLICY IN DENYING THE APPELLANT'S REQUEST FOR A RELIGIOUS ACCOMMODATION THAT WOULD EXEMPT THE APPELLANT FROM THE CITY'S VACCINATION POLICY.

Dear Eric Eliasson:

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **February 5, 2024, at 2:00 p.m.** You will receive a separate email invite from a Civil Service Commission staff member to join and participate in the meeting.

The agenda will be posted for your review on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, January 31, 2024. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit **one hardcopy 3-hole punch, double-sided and numbered at the bottom of each page to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at civilservice@sfgov.org by 5:00 p.m. on Tuesday, January 30, 2024**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

It is important that you or an authorized representative attend the hearing on your appeal. **You will have up to 5 minutes for your presentation.** Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance. As a reminder, you are to be honest and forthright during all testimony and in all documentation that you provide to the Civil Service Commission.

You may contact me at (628) 652-1100 or at Sandra.Eng@sfgov.org if you have any questions.

CIVIL SERVICE COMMISSION

SANDRA ENG
Executive Officer

Attachment

Cc: Dennis Herrera, Public Utilities Commission
Carol Isen, Department of Human Resources
Wendy Macy, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission
Amalia Martinez, Department of Human Resources
Jennifer Burke, Department of Human Resources
Mawuli Tugbenyoh, Department of Human Resources
Marvin Dunson III, Department of Human Resources
Caitlin Verano, Public Utilities Commission
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is civilservice@sfgov.org and the web address is www.sfgov.org/civilservice/. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

B. Policy Requiring Written Reports

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

C. Policy on Written Submissions by Appellants

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

D. Policy on Materials being Considered by the Commission

Copies of all staff reports and materials being considered by the Civil Service Commission are available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at <https://sf.gov/civilservice> and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement

A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

F. Policy and Procedure on Hearing Items Out of Order

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

G. Procedure for Commission Hearings

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

H. Policy on Audio Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at www.sfgov.org/civilservice/.

I. Speaking before the Civil Service Commission

Speaker cards are not required. The Commission will take in-person public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Requests to Speak" portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended. People who have received an accommodation due to a disability (as described below) may provide their public comments remotely. The Commission will also allow public comment from members of the public who choose to participate remotely. It is possible that the Commission may experience technical challenges that interfere with the ability of members of the public to participate in the meeting remotely. If that happens, the Commission will attempt to correct the problem, but may continue the hearing so long as people attending in-person are able to observe and offer public comment.

J. Public Comment and Due Process

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

K. Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Information on Disability Access

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1100 or email civilservice@sfgov.org to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Victor Young, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: soft@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance


Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <https://sfethics.org/>.



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

CIVIL SERVICE COMMISSION REPORT TRANSMITTAL (FORM 22)

1. Civil Service Commission Register Number: 0238-22-6
2. For Civil Service Commission Meeting of: February 5, 2024
3. Check One:
Ratification Agenda
Consent Agenda
Regular Agenda
Human Resources Director's Report
4. Subject: Appeal by Eric Eliasson of Human Resources Director's determination that SFPUC did not violate the City's EEO Policy in denying Appellant's request for a religious accommodation that would exempt Appellant from the City's Vaccination Policy.
5. Recommendation: Adopt the report, uphold the decision of the Human Resources Director, and deny the appeal by Eric Eliasson
6. Report prepared by: Marvin Dunson III, DHR EEO Telephone number: 415-551-8904
7. Notifications: Please see attached.
8. Reviewed and approved for Civil Service Commission Agenda:

Human Resources Director: Carol Isen 

Date: January 25, 2024
9. Submit the original time-stamped copy of this form and person(s) to be notified (see Item 7 above) along with the required copies of the report to:

**Executive Officer
Civil Service Commission
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102**

10. Receipt-stamp this form in the "CSC RECEIPT STAMP" box to the right using the time-stamp in the CSC Office.

CSC RECEIPT STAMP

Attachment

NOTIFICATIONS

Eliasson, Eric (Appellant)



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CIVIL SERVICE COMMISSION REPORT

MEMORANDUM

TO: Civil Service Commission

THROUGH: Carol Isen, Human Resources Director

THROUGH: Amalia Martinez, EEO and Leaves Director

FROM: Marvin Dunson III, EEO Programs Senior Specialist

HEARING DATE: February 5, 2024

EEO FILE NO: 4061

REGISTER NO: 0238-22-6

APPELLANT: Eric Eliasson

I. AUTHORITY

The San Francisco Charter, Section 10.103, and Civil Service Commission Rules provide that the Human Resources Director shall review and resolve complaints of employment discrimination. Pursuant to Civil Service Commission Rules, Section 103.3, the Civil Service Commission shall review and resolve appeals of the Human Resources Director's determinations.

II. BACKGROUND

On August 23, 2010, Eric Eliasson (Eliasson) began employment with the San Francisco Public Utilities Commission (PUC) as a 7372 Stationary Engineer. On August 27, 2021, Eliasson cited his non-denominational religious beliefs in requesting an exemption to the requirement under the City's COVID-19 vaccination policy (Vaccination Policy) that all City employees, as a condition of employment, be fully vaccinated with a COVID-19 vaccine. *See* Exhibits A and B. On October 7, 2021, following PUC's review of additional information received from Eliasson in the interactive process prompted by his religious accommodation request (*see* Exhibit C), PUC issued Eliasson a determination denying his exemption request, citing that his documentation was insufficient to show a conflict between the vaccination requirement and a sincerely held religious belief, practice, or observance. *See* Exhibit D.

A. Eliasson's Complaint, EEO File No. 4061, and Separation from City Employment

On October 14, 2021, Eliasson submitted a complaint to the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) that he was being discriminated against based on his religious beliefs, as his request for a religious accommodation to the vaccination

requirement was denied. *See* Exhibit E.¹ DHR EEO accepted Eliasson's complaint as a discrimination complaint under the City's EEO procedures and conducted further investigation into Eliasson's complaint, including by obtaining additional information and documents from both PUC (through a request for information and documents) and Eliasson (through a standard intake questionnaire). *See* Exhibits F-I.

On October 29, 2021, Eliasson was reminded by PUC that, as his vaccination exemption request had been denied, the City's Vaccination Policy required that he be fully vaccinated as a condition of employment, and that he would be subject to separation from City employment if he did not receive his first vaccine dose by November 5, 2021. *See* Exhibit K. PUC also instructed Eliasson not to report to work beginning November 1, 2021. On November 8, 2021, as Eliasson chose not to comply with the City's Vaccination Policy and meet the conditions for City employment by receiving the COVID-19 vaccine by the deadline, PUC initiated the dismissal process and placed Eliasson on paid administrative leave. *See* Exhibit L. On December 6, 2021, following a *Skelly* meeting that affirmed the proposed dismissal, Eliasson's employment with PUC was terminated. *See* Exhibit M.

B. Human Resources Director's Determination

In a letter dated November 9, 2022, the Human Resources Director informed Eliasson that based on the investigative findings regarding his complaint, PUC did not violate the City's EEO Policy by denying his request for a religious accommodation. *See* Exhibit O. As set forth in the determination letter, the Human Resources Director found insufficient evidence to show that Eliasson had a sincerely held religious belief, practice, or observance that conflicted with the City's vaccination requirement. Moreover, even if there had been sufficient evidence that Eliasson had sincerely held religious beliefs that supported his accommodation request, the Human Resources Director recognized that Eliasson's accommodation request was properly denied because accommodating Eliasson's request to remain unvaccinated would impose an undue hardship on PUC and pose a direct threat to Eliasson and others in the workplace.

III. ISSUE ON APPEAL TO THE CIVIL SERVICE COMMISSION

On December 2, 2022, Eliasson appealed the Human Resources Director's determination. *See* Exhibit P. Eliasson's appeal contained no additional substantive information, but instead reiterated the same arguments about his vaccination beliefs that were part of his original vaccination exemption request and his complaint. Eliasson also questioned why the determination letter's

¹ Although Eliasson's complaint email referenced "medical discrimination" and that the City's Vaccination Policy is "in conflict with the ideas of discriminating [against] individuals for their medical condition," Eliasson has never requested a medical exemption from the Vaccination Policy or identified any medical condition that would justify an exemption. *See* Exhibit E. Eliasson later clarified that his allegation of "medical discrimination" was based on the City's requirement that he fill out a vaccination status form disclosing his unvaccinated status "under coercion and threat of termination for not doing so," and then terminating him for his "medical status of being unvaccinated." *See* Exhibit N at p. 377. As an individual's vaccination status is neither a medical condition nor a category protected by EEO laws or the City's EEO Policy, Eliasson's complaint was investigated only for religious discrimination.

additional reasons of undue hardship and direct threat were not cited in the original determination of his exemption request, and complained of procedural delays in the handling of his request and EEO complaint.

The issue on appeal is whether the Commission should uphold the Human Resources Director's determination. As explained in greater detail below, the Human Resources Director correctly determined that the evidence was not sufficient to substantiate Eliasson's complaint of religious discrimination, and we respectfully request the Commission uphold this determination.

IV. INVESTIGATIVE STANDARDS

A. Standard for Investigation of Complaint Alleging Failure to Provide an Accommodation Based on Religion

Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act, and the City's EEO Policy prohibit employment discrimination against qualified applicants and employees on the basis of religion and other protected categories. Under these laws and the City's EEO and Reasonable Accommodations Policies, the City shall provide equal employment opportunities by reasonably accommodating an employee's religious beliefs, practices, and observances.

To sustain a complaint of failure to provide a religious accommodation in violation of the City's EEO policies, the investigation must establish:

- (1) The employee had a sincerely held religious belief that conflicted with a job requirement;
- (2) The employee requested a reasonable accommodation for their religious belief;
- (3) The employee could be reasonably accommodated without undue hardship to the department; and
- (4) The department failed to provide the employee a reasonable accommodation.

As part of the undue hardship analysis, the investigation must evaluate whether the requested accommodation would pose a direct threat to the health or safety of the employee or others in the workplace, and if so, whether a different reasonable accommodation would reduce or eliminate the threat.

B. Standard for Evaluating Whether Employee Has a Sincerely Held Religious Belief

In evaluating whether employees requesting an exemption to the vaccination requirement demonstrated sincerely held *religious* beliefs, departments were instructed to look for evidence among statements submitted by the employee that the employee's beliefs:

- (1) address fundamental and ultimate matters of the afterlife, spirituality, or something other-worldly;
- (2) are comprehensive in nature and part of a belief system, as opposed to just personal views; and

(3) are identifiable by certain formal and external signs, such as regular gatherings, holidays, or doctrinal teachings.

This analytical approach helped to distinguish between an employee's beliefs about COVID-19 vaccination that are based on personal preference or social, political, economic, or other secular philosophies, and those based on sincerely held religious beliefs entitled to protection under federal and state law and the City's EEO policies, which would be considered for accommodation. *See* Equal Employment Opportunity Commission (EEOC) Compliance Manual § 12-I(A)(1). Administrative guidelines generally instruct employers to assume that employees' requests for religious accommodations are based on sincerely held religious beliefs, practices, or observances. However, the large number of City employees voicing resistance to COVID-19 vaccination was a fact that provided an objective basis for questioning the religious nature and sincerity of beliefs, practices, and observances for employees seeking an exemption to the City's vaccination requirement. This three-part analytical framework was a neutral method for evaluating the religious nature and sincerity of employee beliefs, practices, and observances that purportedly conflict with COVID-19 vaccination.

C. Standard for Evaluating Undue Hardship

Even if an employee's sincerely held religious belief, practice, or observance conflicts with the City's vaccination requirement, a department need not provide the requested accommodation if the accommodation would impose an undue hardship on the department. An accommodation imposes an undue hardship if it would result in substantial increased costs to the employer in relation to the conduct of its particular business. Thus, an undue hardship may arise if an employee's preferred accommodation compromises workplace safety, decreases workplace efficiency, or requires other employees to do more than their share of potentially hazardous or burdensome work, thereby substantially increasing the costs to the department of carrying out its operations.

Considerations relevant to the undue hardship or burden assessment in the context of COVID-19 include, among other things:

- (1) the number of employees in the workplace who are partially or fully vaccinated against COVID-19;
- (2) the extent of an unvaccinated employee's contact with non-employees, whose vaccination status could be unknown or who may be ineligible for the vaccine, with or without underlying COVID-19 vulnerable conditions;
- (3) the availability of masking and testing resources for both vaccinated and unvaccinated employees working in proximity to one another;
- (4) the availability of effective supervision to enforce masking and testing requirements and to monitor accommodation plans implemented for unvaccinated employees; and
- (5) other considerations recommended by the Centers for Disease Control and Prevention (CDC), or a state or local public health department.

D. Standard for Evaluating Direct Threat

If an employee cannot meet a job-related requirement, such as the City’s safety-related vaccination requirement, due to a sincerely held religious belief, then the employer cannot require the employee to comply with that mandate unless the employer can demonstrate that the employee would pose a direct threat to the health or safety of the employee or others in the workplace. A direct threat is defined as a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. As the EEOC issued guidance on March 19 and 21, 2020 that identified COVID-19 as a direct threat to employee health and safety, the investigation considered whether any reasonable accommodation would reduce or eliminate the threat. Relevant factors in assessing whether a reasonable accommodation can reduce or eliminate a direct threat are:

- (1) the duration of the risk;
- (2) the nature and severity of the potential harm;
- (3) the likelihood that the potential harm will occur; and
- (4) the imminence of the potential harm.

V. ANALYSIS

A. Eliasson’s Statements Demonstrated That His Beliefs Are Personal and Secular, Not Sincerely Held Religious Beliefs that Must Be Accommodated Under the Law and the City’s EEO Policies.

Eliasson’s appeal must be denied because Eliasson’s own statements about his vaccination beliefs demonstrate that they are not sincerely held religious beliefs entitled to protection under federal and state law and the City’s EEO policies. Eliasson elaborated on his “non-denominational” beliefs “based on Judeo/Christian doctrine” in his initial exemption request and submitted a declaration, not from a religious leader or scholar or a third party knowledgeable about his religious beliefs, but from himself. *See* Exhibits B and C. Eliasson’s religious exemption request shows that his beliefs are personal and secular (Exhibit B):

I believe we are currently living through a spiritual battle between good (free will) and evil (Tyranny). I have zero faith in worldly institutions. My faith remains in my creator. I will not defile my body with any substance that I believe was created from or by evil...

My creator has given me eyes to see and ears to hear. It is not about vaccines it is about free choice. This shot is not a “vaccine.” I believe it is being used by evil to harm the world’s population. Our creator has provided an immune system to fend off disease. Of course with the poison that is put in our food and water and with the use of modern medicine that simply covers symptoms, makes lots of money and requires additional medicine for the side effects of the original prescribed medicine which has destroyed most peoples natural immune system. Medical errors are the 3rd leading cause of death in this country. I will not take part in this genocide and do not judge those who do.

Eliasson's declaration and email in support of his exemption request also identified his secular belief that he has the right to refuse medical treatment, claiming "that this right is a natural right given to all by our creator." *See* Exhibit C at p. 027. For support, Eliasson referenced not religious texts, but documents from the Red Cross and the Harvard Library about his "natural right," and acknowledged, "I do not provide any religious text as my faith is of a personal matter between me and our creator." *Id.* Eliasson further acknowledged that his "religious" beliefs are not actually based on a religion or belief system: "My religious beliefs come from 59 years of living in this body that my creator has provided me. It is my body!!" *Id.* While Eliasson's exemption request borrows from the language of religion—using words like "creator," "evil," and "faith"—it is evident that Eliasson's opinions are based on secular theories about modern medicine, defense of his personal liberty, and a fear-based aversion to vaccines, as opposed to any sincerely held religious belief. Accordingly, PUC properly denied Eliasson's religious accommodation request "due to his personal focus on evil and the misunderstanding of the science versus a clear religious belief that prohibits vaccination." *See* Exhibit G at p. 053.

The information Eliasson provided to DHR EEO to investigate his complaint underscored the fact that his opposition to the City's vaccination requirement is not based on sincerely held religious beliefs, but simply uses religious language to justify a secular belief. For example, Eliasson again identified in his complaint that, "[G]od has given me free will to choose between good and evil. There is no higher authority over my body and my choices then [*sic*] that which I believe to be true. I will not take this 'vaccine.'" *See* Exhibit E. Eliasson's emphasis on personal freedoms and a right to bodily sovereignty are predominantly secular, philosophical, and scientific beliefs, not obviously religious ones. *See* Exhibits B, C, and E.

Eliasson also provided responses to DHR EEO's intake interview questionnaire that identified his personal and scientific—not religious—beliefs that the City's Vaccination Policy "has nothing to do with safety and everything to do with compliance," involves a "medical intervention" whose "full risk ... is still unknown as there are no long term health studies," and "has no basis in my world or religious view and as such, I cannot follow" it. *See* Exhibit H at p. 068. Eliasson also responded with his political and philosophical beliefs that he wanted his employer "to stop dictating what medical procedures I take or don't take" and "to recognize the U.S. Constitution." *See* Exhibit H at p. 072. Neither Eliasson's COVID-19 vaccine fears nor his objections to encroachment on his personal liberties are religious in nature.

Accordingly, the investigation of Eliasson's complaint correctly established that Eliasson's exemption request should be denied because it was not based on sincerely held religious beliefs entitled to protection under federal and state law and the City's EEO policies. On this basis alone, Eliasson's appeal must also be denied.

B. The Human Resources Director Also Correctly Determined that Eliasson's Requested Accommodation Would Impose an Undue Hardship on the Department and Constitute a Direct Threat to Himself and Others.

Eliasson's appeal must also be denied because his accommodation request to remain in his current

position while unvaccinated would have imposed an undue hardship on the department and would have constituted a direct threat to himself and others in the workplace. In his role as Stationary Engineer, Eliasson's job required him to be onsite in PUC's wastewater treatment plant interacting with fellow employees, contractors, consultants, and other PUC constituents. While there have been restrictions on in-person meetings during the quarantine lockdowns in California, at the time that the City implemented its Vaccination Policy, there was a return to in-office or onsite work and a return to normal business operations. It was imperative for PUC staff to be vaccinated in order to preserve the health and safety of all employees and to ensure the health and safety of the constituent public.

To the extent Eliasson sought an accommodation to refrain from in-person contact, the department would need to mitigate the risk that an unvaccinated Eliasson might infect co-workers at any of the facilities where he worked. Mitigating the threat of COVID-19 infection for unvaccinated employees in Eliasson's Stationary Engineer position presented an undue hardship for PUC's operations due to the nature of Eliasson's job. Eliasson's job duties require frequent in-person contact with co-workers on various crews (Operations, Maintenance, Electrical, Instrumentation, Engineering, etc.) to inspect, troubleshoot, repair, and operate a variety of machinery and equipment to ensure the proper, continuous functioning of the numerous processes and operations of the plant, the 27 pumping stations, and other components of the City's sewage treatment systems. *See* Exhibit J. Such in-person duties include: (i) visual inspection and monitoring of the systems on half a dozen monitors in the plant's control room with at least one other co-worker; (ii) multiple crew members traveling together promptly in City vehicles to urgent problems at any facility within the City's sewage treatment systems; and (iii) collaborating with crew members on-site to coordinate and implement an efficient, effective remedy to restore and ensure proper operation of the disrupted treatment processes. Removing Eliasson from these essential, in-person aspects of his job, thereby delaying various interactions and hands-on work to accomplish physical separation from Eliasson, would considerably diminish the crews' ability to promptly respond to and repair urgent problems and would significantly affect PUC's ability to ensure proper, consistent operations of the City's sewage treatment systems. As these delays and their effects would result in a compounding cascade of disrupted and failed processes required for the critical functionality of the City's sewage treatment systems, Eliasson's requested accommodation would impose an undue hardship.

Also, at the time of Eliasson's exemption request in August 2021, COVID-19 testing consisted mostly of PCR tests that took 24-72 hours to provide results; rapid at-home antigen tests were not yet widely available. Requiring Eliasson to obtain regular PCR tests would have resulted in significant lost productivity, resulting in additional undue burden for the department. In addition, Eliasson's role was a PUC-specific position that involved specialized skills not required for any other City job and could not be readily fulfilled by another employee. Moreover, as almost all of the role's essential functions involved on-site inspection and operations at the plants and pumping stations of the City's sewage treatment systems, it was impossible for Eliasson to perform the job remotely. *See* Exhibit J.

In addition, local public health orders and guidance from the CDC and the EEOC from March of

2020 through July of 2022 effectively established that unvaccinated employees like Eliasson are a direct threat to themselves and others in the workplace because of the potential for serious illness and death associated with COVID-19, and the risk of transmission, especially by unvaccinated individuals. The guidance supported the conclusion that employees and members of the public may be placed at great risk of contracting COVID-19 if they came in contact with unvaccinated employees who could carry and shed the virus more than vaccinated employees. Regular testing is not a suitable alternative to vaccination for the reasons described above, and proper and consistent mask-wearing—one way to prevent COVID transmission—is difficult to enforce. Thus, the Human Resources Director correctly determined that allowing Eliasson to remain in his job classification while unvaccinated would pose a direct threat to his and others' health and safety.

Eliasson mistakenly alleges that because PUC only cited one reason in its denial of his exemption request, other reasons cannot be applicable in evaluating his request. On the contrary, PUC appropriately cited only the threshold reason for denying his request, following the City's Exemption Request Procedures in effect at the time. *See* Exhibit F at pp. 043-044. That is because PUC determined in the first step of the potential two-step process that Eliasson had insufficient documentation of a sincerely held religious belief conflicting with the City's vaccination requirement. *See* Exhibit D at p. 035 and Exhibit G at p. 053. Thus, PUC did not need to move to the second step of the process to determine whether it could provide an accommodation without removing essential functions from the employee or other undue hardship.

The Human Resources Director, however, was obligated to not only review and analyze the department's initial determination, but also the additional factors of undue hardship and direct threat, given the investigative standards for evaluating Eliasson's complaint of religious discrimination in denying his religious accommodation request. In analyzing each of these factors, the Human Resources Director correctly identified in the determination letter that each factor supported the denial of Eliasson's religious exemption request, and that PUC did not violate the City's EEO policies regarding religious accommodation. Given that analysis and as explained further above, the Commission should reach the same conclusion about the Human Resources Director's determination regarding Eliasson's complaint and deny Eliasson's appeal.

C. Eliasson's Critique of Delays Regarding His and Hundreds of Other Exemption Requests and Related Complaints Does Not Alter the Fact that Both His Exemption Request and EEO Complaint Were Properly Evaluated and Determined.

While Eliasson's appeal complains of delays in the handling and ultimate determination of his exemption request and EEO complaint, the procedural delays did not ultimately affect the ability of PUC to properly evaluate his exemption request and the Human Resources Director's ability to properly investigate his complaint about the denial of his request. Moreover, the delays were necessarily prompted by departments being inundated with religious and medical COVID-19 exemption requests without sufficient staff to review them, including over a hundred exemption requests submitted to PUC to be handled and evaluated by only a handful of PUC staff. In addition, the continually evolving nature and circumstances of the pandemic exacerbated the delays, as

guidance, procedures, and policies needed to be reviewed and revised to keep up with the changing circumstances of the pandemic, especially as vaccinations became available and approved. Thus, regardless of procedural delays, Eliasson's religious accommodation request was properly evaluated and denied by his department, a decision that was investigated and correctly upheld by the Human Resources Director.

VI. RECOMMENDATION

For all the reasons set forth above, the Human Resources Director's decision should be upheld, and the appeal should be denied.

VII. APPENDIX/ATTACHMENTS TO REPORT

Attached to this report are the following exhibits:

- Exhibit A: City and County of San Francisco's COVID-19 Vaccination Policy, amended version dated August 6, 2021, pp. 012-018
- Exhibit B: Employee Request for Religious Accommodation (COVID-19 Vaccination Exemption), signed by Eric Eliasson on August 27, 2021, pp. 020-023
- Exhibit C: Communications between Hallie Albert and Eric Eliasson regarding Request for Vaccination Exemption, dated between August 27 and September 22, 2021, pp. 025-032
- Exhibit D: Determination on COVID-19 Vaccination Exemption Request, attached to email from Hallie Albert dated October 7, 2021, pp. 034-036
- Exhibit E: Complaint email from Eric Eliasson to Department of Human Resources, Equal Employment Opportunity Division, dated October 14, 2021, p. 038
- Exhibit F: Reply email from Department of Human Resources, Equal Employment Opportunity Division to Eric Eliasson, dated October 22, 2021, pp. 040-051
- Exhibit G: Email from Hallie Albert to Department of Human Resources, Equal Employment Opportunity Division, dated October 22, 2021, pp. 053-062
- Exhibit H: Intake Interview Questionnaire, attached to email from Eric Lavina to Eric Eliasson dated November 23, 2021, and documents provided in response, attached to email from Eric Eliasson dated December 3, 2021, pp. 064-092
- Exhibit I: Notification of Charge of Discrimination and Request for Information, dated December 9, 2021, and documents provided in response, dated May 19, 2022, pp. 094-255

- Exhibit J: Job Description for 7372 Stationary Engineer job classification, pp. 257-260
- Exhibit K: Email from Rachel Gardunio to Eric Eliasson regarding compliance with vaccination requirement, dated October 29, 2021, pp. 262-263
- Exhibit L: Notice to Eric Eliasson of Proposed Disciplinary Action and *Skelly* Meeting and Placement on Paid Administrative Leave, dated November 8, 2021, pp. 265-363
- Exhibit M: Notice of Dismissal to Eric Eliasson, dated December 6, 2021, pp. 365-375
- Exhibit N: Emails from Eric Eliasson alleging discrimination based on medical status, dated January 21, 2022, pp. 377-381
- Exhibit O: Human Resources Director's Letter of Determination to Eric Eliasson, dated November 9, 2022, pp. 383-390
- Exhibit P: Notice of Receipt of Appeal and Acknowledgement Letter to Eric Eliasson, dated December 6, 2022, pp. 392-418

EXHIBIT A

City and County of San Francisco's COVID-19 Vaccination
Policy, amended version dated August 6, 2021



COVID-19 Vaccination Policy

Issued: 6/23/2021

Amended 8/6/2021

8/6/2021 Revision: *This revision updates the vaccination policy for all employees subject to San Francisco Health Officer's [Safer-Return-Together Order](#) ("SF Health Order") (last amended August 2, 2021) and who are required to be vaccinated no later than September 15, 2021 employees for regularly scheduled to work in high-risk settings and no later than October 13, 2021 for employees who may occasionally or intermittently enter high-risk settings as part of their job.*

This revision also clarifies that the City's Vaccination Policy applies to City interns, volunteers, and City fellows (including SF Fellows, McCarthy Fellows, Fish Fellow, and Willie Brown Fellows). Generally, all such persons must show proof of full vaccination status to the Departmental Personnel Officer or Human Resources personnel at the department where they intern, volunteer or have their fellowship, who will verify that the individual has shown appropriate documentation that they are fully vaccinated before the start of their internship, fellowship or volunteer activity, or, if they are a current intern, fellow or volunteer, by no later than the applicable deadline under the SF Health Order (if in a high-risk setting) or by October 13, 2021. Departments must not retain copies of the individual's vaccination record after verification. An addendum has been added to provide the dates by which all subject to this policy must report and begin the vaccination process.

PURPOSE STATEMENT

The City and County of San Francisco (City) must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as it reopens services and returns more employees to workplaces.

According to the federal Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the San Francisco County Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated employees, interns, fellows and volunteers are at greater risk of contracting and spreading COVID-19 within the workplace and City facilities, and to the public that depends on City services.

To best protect its employees and others in City facilities, and fulfill its obligations to the public, all employees must, as a condition of employment: (1) report their vaccination status to the City; and (2) be fully vaccinated and report that vaccination status to the City not later than either the applicable deadline under the San Francisco Health Order, if it applies, or 10 weeks

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after the Federal Food & Drug Administration (FDA) giving final approval to at least one COVID-19 vaccine, if not otherwise covered by the SF Health Order.

LEGAL REQUIREMENTS

On June 17, 2021, Governor Newsom issued Executive Order No. N-09-21, which implements new California Division of Occupational Safety and Health (Cal/OSHA) rules, effective June 17, 2021. These rules require employers to take specific measures to protect employees from COVID-19, including enforcing masking and quarantine requirements, and offering COVID-19 testing and time off, for employees who are unvaccinated or for whom the employer does not have documentation verifying they are fully vaccinated. The Cal/OSHA rules require employers to verify and document that an employee is fully vaccinated before allowing that employee to discontinue masking indoors. For unvaccinated employees or employees for whom the City does not have documentation verifying fully vaccinated status, the City must enforce masking, provide COVID-19 testing following a close contact in the workplace or anytime they have COVID-19 symptoms, and exclude these employees from the workplace for 10 days after a close contact. Upon request, the City also must provide non-vaccinated employees with respirators (N95 masks) and provide education about using that type of mask.

On July 26, 2021 CDPH issued an Order ([CDPH Vaccination Status Order](#)) that workers in high risk and other healthcare settings must report their vaccination status no later than August 23, 2021. The CDPH Vaccination Status Order also requires routine testing and more rigorous masking for unvaccinated or only partially vaccinated personnel working in these settings.

On August 2, 2021, the San Francisco Health Officer updated the [SF Health Order](#) requiring all employers to determine the vaccination status of employees who routinely work onsite in high-risk settings by no later than September 15, 2021 and precluding unvaccinated employees from entering those facilities after that date, and precluding unvaccinated employees who may occasionally or intermittently enter those settings from entering those facilities after October 13, 2021. This order further requires employees (among others) to remain masked in the workplace, effectively superseding the Cal/OSHA COVID-19 Temporary Emergency Standard which allows unvaccinated employees who had documented that status to remove their masks.

On August 2, DHR issued a revised policy Face Coverings at Work Policy that complies with both the state and local health orders and can be found here:

<https://sfdhr.org/sites/default/files/documents/COVID-19/Face-Covering-Requirements-at-Work.pdf>

On August 5, 2021, CDPH issued a new Order ([Health Care Worker Vaccine Requirement](#)) mandating all workers who provide services or work in identified health care facilities to be fully vaccinated by September 30, 2021. The only exemptions to the Health Care Worker Vaccine Requirement are for workers who have a documented and [approved exemption](#) from vaccination on the basis of a sincerely-held religious belief or due to a qualifying medical condition or restriction.

STATEMENT OF POLICY

Definition of “Employees” Under This Policy

For purposes of this policy only, the term “employees” includes all full, part-time and as-need City employees regardless of appointment type, volunteers, interns, and City fellows (such as San Francisco Fellows, McCarthy Fellows, Fish Fellows, and Willie Brown Fellows).

Requirement to Report Vaccination Status

To protect the City’s workforce and the public that it serves, all City employees were required to report their vaccination status to the City by July 29, 2021 (with a subsequent extension to August 12, 2021), by providing the following information:

- Whether the employee is vaccinated (yes or no)
- For employees who are vaccinated or partly vaccinated:
 - The type of vaccine obtained (Moderna, Pfizer, or Johnson & Johnson, or other vaccine received in approved clinical trials)
 - Date of first dose vaccine;
 - Date of second vaccine for a 2-dose vaccine;
 - Declaration under penalty of perjury that they have been fully vaccinated, and
 - Upload documentation verifying proof of vaccination status. Proof of vaccination can include a copy of the CDC COVID-19 Vaccination Record Card, documentation of vaccine from the employee’s healthcare provider, or documentation issued by the State of California by going to:
<https://myvaccinerecord.cdph.ca.gov/>

To be fully vaccinated, 14 days must have passed since an employee received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. All unvaccinated employees must continue to comply with masking, testing, and other safety requirements until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy. Employees who previously reported that they were unvaccinated must update their status once they are fully vaccinated.

Failure to comply with the reporting requirement may result in discipline, or non-disciplinary separation from employment with the City for failure to meet the minimum qualifications of the job.

How to Report Vaccination Status

Volunteers, interns, and City fellows (such as San Francisco Fellows, McCarthy Fellows, Fish Fellows, and Willie Brown Fellows) must verify that they are fully vaccinated to the Departmental Personnel Officer or Human Resources professional by showing a copy of their CDC COVID-19 Vaccination Record Card, documentation from the individual’s healthcare

provider, or documentation issued by the State of California as described above. The department must retain documentation that the individual's vaccination status has been verified **but must not retain copies of the individual's vaccination record.**

All other employees must report their vaccination information and upload documentation verifying that status into the City's People & Pay system using the Employee Portal or by hand using the COVID-19 Vaccination Status Form. Only City employees authorized to access employee personnel information will have access to the medical portion of the file. The City will share information about an employee's vaccination status only on a need-to-know basis, including to the employee's department, managers and supervisors for the purpose of enforcing masking, quarantining in the event of a close contact, and other safety requirements.

Vaccination Requirements for Employees

1. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees routinely assigned to or working onsite in high-risk settings must be fully vaccinated – and must have reported that status and uploaded documentation verifying that status in the Employee Portal – no later than September 15, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs. Any employee with an approved exemption must still report their vaccination status to the City by the September 15, 2021 deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who are routinely assigned to or working onsite in high-risk settings. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.
2. To comply with the CDPH Health Care Worker Requirement and ensure delivery of City services, City policy requires that all City employees who are not otherwise covered by the SF Health Order September 15, 2021 deadline, but who provide services or work in the health care facilities identified in the state's order, must be fully vaccinated – and must have reported that status and uploaded documentation verifying that status in the Employee Portal – no later than September 30, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious-beliefs. Any employee with an approved exemption must still report their vaccination status to the City by the September 30, 2021 deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees provide services or work in the health care facilities identified in the state's order. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.
3. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees who in the course of their duties may enter or work in high-risk

settings even on an intermittent or occasional basis or for short periods of time must be fully vaccinated – and must have reported that status and uploaded documentation verifying that status in the Employee Portal– no later than October 13, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious beliefs. Any employee with an approved exemption must still report their vaccination status to the City by the October 13, 2021 deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who in the course of their duties may enter or work in high-risk settings even on an intermittent or occasional basis or for short periods of time. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and therefore unable to perform an essential function of their job, and will not meet the minimum requirements to perform their job.

4. Volunteers, interns, and City fellows (such as San Francisco Fellows, McCarthy Fellows, Fish Fellows, and Willie Brown Fellows) must be fully vaccinated – and must have reported that status and providing documentation verifying that status to the Departmental Human Resources personnel – as a condition of serving as a City volunteer, intern or fellow. Those already working and who do not fall under the SF Health Order must be fully vaccinated no later than October 13, 2021. Failure to comply with this policy will result in suspension of the internship, fellowship, or volunteer opportunity until such time as the individual provides verification that they are fully vaccinated.

5. All other City employees must be fully vaccinated – and must have reported that status and uploaded documentation verifying that status in the Employee Portal – as a condition of employment within ten weeks after the FDA provides final approval to at least one COVID-19 vaccine, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious beliefs. Any employee with an approved exemption must still report their vaccination status to the City by the applicable deadline. Once the vaccination deadline is reached (10 weeks after FDA approval of a vaccine) the vaccination and reporting requirements are conditions of City employment and a minimum qualification for all City employees.

Failure to comply with this Policy may result in a disciplinary action, or non-disciplinary separation from employment for failure to meet the minimum qualifications of the job.

Requesting an Exemption from the Vaccination Requirement

Employees with a medical condition or other medical restriction that affects their eligibility for a vaccine, as verified by their medical provider, or those with a sincerely held religious belief that prohibits them from receiving a vaccine, may request a reasonable accommodation to be excused from this vaccination requirement. The City will review requests for accommodation on a case-by-case basis, and engage in an interactive process with employees who submit such requests. For some positions where fully vaccinated status is required to enter the facility where the employee works, an accommodation may require transfer to an alternate vacant position, if available, in another classification for which the employee meets the minimum

qualifications. Requests for Reasonable Accommodation forms and procedures can be found here: <https://sfdhr.org/new-vaccine-and-face-covering-policy-city-employees>

COVID-19 VACCINATION COMPLIANCE DEADLINES ADDENDUM TO VACCINATION POLICY AMENDED AUGUST 5, 2021

Below are the vaccination status reporting deadlines for City employees.

COVID-19 VACCINATION STATUS REPORTING DEADLINES	
July 29, 2021	Reporting Deadline
August 12, 2021	Grace Period - Final day to report vaccination status

Below are the vaccination deadlines for City employees. City employees working in high-risk settings are subject to non-disciplinary release if not vaccinated by the deadlines referenced below for failure to meet the minimum qualifications of their jobs.

COVID-19 VACCINATION DEADLINES BY EMPLOYEE TYPE	
Employees not working in “High-Risk” or other Health Care Settings	No vaccination required at this time. Under the City Vaccination Policy, employees must be fully vaccinated within 10 weeks after full FDA approval of any COVID-19 vaccine.
Employees who are assigned to or routinely work onsite in High-Risk Settings	Must be fully vaccinated <i>no later than</i> September 15, 2021 . <ul style="list-style-type: none"> • Moderna: First Shot <i>no later than</i> August 4, 2021; Second Shot <i>no later than</i> September 1, 2021 • Pfizer: First Shot <i>no later than</i> August 11, 2021; Second Shot <i>no later than</i> September 1, 2021 • Johnson & Johnson: First Shot <i>no later than</i> September 1, 2021
Employees working in other Health Care Facilities	Must be fully vaccinated <i>no later than</i> September 30, 2021 . <ul style="list-style-type: none"> • Moderna: First Shot <i>no later than</i> August 19, 2021; Second Shot <i>no later than</i> September 16, 2021 • Pfizer: First Shot <i>no later than</i> August 26, 2021; Second Shot <i>no later than</i> September 16, 2021 • Johnson & Johnson: First Shot <i>no later than</i> September 16 2021
Employees intermittently or occasionally working in “High-Risk Settings”	Must be fully vaccinated <i>no later than</i> October 13, 2021 . <ul style="list-style-type: none"> • Moderna: First Shot <i>no later than</i> September 1, 2021; Second Shot <i>no later than</i> September 29, 2021 • Pfizer: First Shot <i>no later than</i> September 8, 2021; Second Shot <i>no later than</i> September 29, 2021 • Johnson & Johnson: First Shot <i>no later than</i> September 29 2021

EXHIBIT B

Employee Request for Religious Accommodation (COVID-19
Vaccination Exemption), signed by Eric Eliasson on
August 27, 2021

Dunson, Marvin (HRD)

From: Mena, Victor
Sent: Friday, August 27, 2021 8:21 AM
To: Reasonable Accommodations
Subject: FW: E. Eliasson (COVID-19 Vaccination Exemption).
Attachments: E.Eliasson.Vac.Exemption.Form.pdf

From: Guan, Sanly K <SGuan@swater.org>
Sent: Friday, August 27, 2021 8:14 AM
To: Mena, Victor <VMena@swater.org>
Subject: RE: E. Eliasson (COVID-19 Vaccination Exemption).

Hello Victor,

Please forward the COVID-19 vaccination exemption to RA@swater.org

Thanks,

Sanly Guan | Pronouns: She/Her/Hers
Management Assistant, SFPUC
E: SGuan@swater.org | T: 415-226-6648

From: Mena, Victor
Sent: Friday, August 27, 2021 7:58 AM
To: Guan, Sanly K <SGuan@swater.org>
Subject: FW: E. Eliasson (COVID-19 Vaccination Exemption).

Good morning,

Mr. O'Connell just provided us with an exemption form for E. Eliasson. Please see attached.

Best,

Victor Mena
Department Personnel Liaison
Wastewater Enterprise
(415) 793-9786

From: O'Connell, John J <JOConnell@swater.org>
Sent: Friday, August 27, 2021 6:48 AM
To: Mena, Victor <VMena@swater.org>; Clark, Andrew M <AClark@swater.org>
Cc: Eliasson, Eric <EEliasson@swater.org>
Subject: E. Eliasson (COVID-19 Vaccination Exemption).

Victor,

I received a Vaccination Exemption Request form for Religious accommodation from Eric Eliasson this morning, Friday 8/27/2021. As our Department Personnel Official, can you please pass the attached form onto the appropriate Officials for review or provide direction?

Thanks,

John

John O'Connell
SFPUC/WWE/SEP
415-920-4880
Cell: 628-249-8939



**LIFE STYLE REQUEST FOR
RELIGIOUS ACCOMMODATION
(COVID-19 Vaccination Exemption)**

Employee Name	Employee DSW#
Eric Eliasson	██████████
Job Code and Title	Department
7372 Stationary Engineer	SEP
Division/Unit	Supervisor/Manager
WWE	John O'Connell

The City and County of San Francisco (City) is committed to equal employment opportunities for all employees and a work environment that is free of unlawful harassment, discrimination, and retaliation. Consistent with this commitment, the City complies with all laws protecting employees' religious beliefs, practices and observances. When requested, the City will provide an exemption or reasonable accommodation for employees' sincere religious beliefs, practices and observances, which prohibit the employee from receiving a COVID-19 vaccination, provided the requested accommodation is reasonable and does not create an undue hardship for the City or pose a direct threat to the health and/or safety of the employee or others in the workplace.

San Francisco Department of Public Health Order No. C19-07, requires persons routinely working onsite in High-Risk Settings as defined in the Order to receive a COVID-19 vaccination and report their vaccination status to their employer effective September 15, 2021. City policy must comply with this public health order, and will also require all other City employees to receive a vaccination within 10 weeks of FDA approval of any COVID-19 vaccine. A religious exemption may be granted to City employees who: (1) hold a sincere religious belief that conflicts with the vaccination requirement, (2) complete this request form, and (3) provide any information needed to support the exemption request.

EMPLOYEE CERTIFICATION

I request an exemption from the local Public Health Order and City Policy requiring COVID-19 vaccinations for all City employees. I make this request based on my sincere religious belief(s), practice(s), or observance(s). My beliefs are in conflict with the vaccination requirement, and I certify the following is true:

1. My religion or belief system is (enter name or description): Non Denominational

2. I have held this belief (~~religion~~) or practiced and observed this religion since (enter date or year): ██████████

3. My religion, belief system, or practice requires me to abstain from the COVID-19 vaccination because (describe the specific tenet, practice, or observation that conflicts with the COVID-19 vaccination requirement and/or explain how you follow it):

My faith is based on Judeo/Christian doctrine although I am not Jewish nor Christian in faith. My faith is based on the idea that I was created in the image of god, spiritually not physically, as we All are. I was created with free will. To choose between right and wrong. I believe we are currently living through a spritual battle between good (free will) and evil (Tyranny). I have zero faith in worldly institutions. My faith remains in my creator. I will not defile my body with any substance that I believe was created from or by evil. Judge me as you will, my faith has taught me that our lives on this earth are at the mercy of evil, but my spirit will always be free.

Continued on Page 2

4. If your religion, belief system, or practice requires you to abstain from the COVID-19 vaccination, but not other

EMPLOYEE REQUEST FOR RELIGIOUS ACCOMMODATION
(COVID-19 Vaccination Exemption), Page 2 of 2

types of vaccinations, please describe the specific tenet, practice, or observation that expressly conflicts with the COVID-19 vaccination (*attach a separate sheet if needed*).

My creator has given me eyes to see and ears to hear. It is not about vaccines it is about free choice. This shot is not a "vaccine". I believe it is being used by evil to harm the worlds population. Our creator has provided an immune system to fend off disease. Of course with the poison that is put in our food and water and with the use of modern medicine that simply covers symptoms, makes lots of money and requires additional medicine for the side effects of the original prescribed medicine which has destroyed most peoples natural immune system. Medical errors are the 3rd leading cause of death in this country. I will not take part in this genocide and do not judge those who do.

5. If requested, I can provide a written statement, an affidavit or other documents ~~from a religious leader or other person describing my beliefs and practices, including information regarding where I embraced the belief or practice, as well as when, where, and how I have adhered to the belief, practice, or practice.~~ YES NO

I hereby certify that I make this request based on my sincerely held religious beliefs that prevent me from complying with COVID-19 vaccination requirements. I understand that any falsified information can lead to disciplinary action, up to and including termination of employment.

~~I also understand that my request for an accommodation may be approved if it is not reasonable, if it poses a direct threat to the health or safety of others in the workplace, and/or if it creates an undue hardship for the City.~~



Employee Signature

8/27/21

Date

Please note that this information will be maintained in a separate confidential file from your personnel file and access will be limited only to those with a need-to-know.

FOR HR USE ONLY

Date Received: ___/___/20___ Medical Certification Received Yes No
Date Medical Certification Received: ___/___/20___

EXHIBIT C

Communications between Hallie Albert and Eric Eliasson
regarding Request for Vaccination Exemption, dated between
August 27 and September 22, 2021

Dunson, Marvin (HRD)

From: Albert, Hallie B
Sent: Friday, August 27, 2021 3:46 PM
To: Eliasson, Eric
Subject: Request for Additional Information
Attachments: Decl_Religious_Vax Exempt.pdf

Dear Eric Eliasson:

Upon review of your request for a religious exemption to the City's Covid-19 vaccination mandate, the Department is requesting additional information. Please have the attached declaration completed and return it to me within 5 business days (due by close of business on September 3, 2021).

If you have any questions, please let me know.

Regards,

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfwater.org

[San Francisco Water, Power and Sewer](#) | Services of the San Francisco Public Utilities Commission





**DECLARATION IN SUPPORT OF EMPLOYEE
RELIGIOUS EXEMPTION REQUEST (COVID-19)**

Employee Name	Employee DSW#

San Francisco Department of Public Health Order No. C19-07 requires persons routinely working onsite in High-Risk Settings as defined in the Order to receive a COVID-19 vaccination and report their vaccination status to their employer effective September 15, 2021. As an employer, the City and County of San Francisco (City) must comply with this public health order. City policy also requires all other employees to receive a vaccination within 10 weeks of FDA approval of any COVID-19 vaccine. A religious exemption may be granted to City employees who hold a sincere religious belief that conflicts with the vaccination requirement.

INFORMATION REQUEST

The employee named above has identified you as an individual with knowledge of the religious belief(s), practice(s), or observance(s) that precludes the employee from receiving a COVID-19 vaccination. Please answer the questions below based on your personal knowledge and beliefs.

I am a Religious Leader Religious Scholar Person Knowledgeable Regarding the Employee’s Religious Beliefs, Practices or Observances

1. The above-named employee adheres to the following religion or belief system (enter name or description):

2. I have personal knowledge of the above-named employee’s adherence to this belief system: YES NO
If YES, please explain how you have personal knowledge of the employee’s adherence to the belief system.

3. Does the religion or belief system identified in response to Question 1, above, requires all adherents to abstain from the COVID-19 vaccination because the vaccination conflicts with the tenets, practices and observations of a recognized church, religious denomination, or recognized religious organization: YES NO
If YES, please cite the specific tenet, practice or observation that conflicts with the COVID-19 vaccination requirement, and/or explain how it is followed.

I declare under penalty of perjury under the law of California that the foregoing is true and correct.

Signature

Date

Print Name

Title

Contact Phone

From: [REDACTED]
To: [Albert, Hallie B](#)
Cc: [Eliasson, Eric](#)
Subject: Eliasson [REDACTED] Declaration in support of employee religious exemption request
Date: Monday, August 30, 2021 6:05:16 PM
Attachments: [Eliasson \[REDACTED\] religious exemp 3.pdf](#)

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hallie B. Albert,

I have attached the DECLARATION IN SUPPORT OF EMPLOYEE RELIGIOUS EXEMPTION REQUEST (COVID-19).

In addition I have submitted two references that give reference to my rights of consent. The first is from the Red Cross BasicPlus CRR, AED, and First Aid for Adults. I took this course at the South East Plant as part of my training. I was trained that I must first ask for permission to help as indicated below. Though this is not religious text it refers to the right to refuse medical treatment. My belief is that this right is a natural right given to all by our creator and is recognized by the Red Cross and I assume SFPUC as this was training provided by our organization.

Consent

Every one has the **right** to refuse medical treatment. Always ask a responsive person if he or she wants help before providing care . (2)

The second reference is from the HARVARD LIBRARY, office for Scholarly Communication “The History of the Informed Consent Requirement in United States Federal Policy”. This reference actually speaks to, “the natural right of the individual”. Again I believe this is called a natural right as it is given to all at birth by our creator.

“In reaching its decision, the court relied on a torts treatise to show that the consent requirement exists not just to authorize a touching, but also to make sure that the patient makes an informed decision. The court cites Kinkead on Torts, § 375, for the general rule:

The patient must be the final arbiter as to whether he will take his chance with the operation, or take his chances of living without it. **Such is the natural right of the individual**, which the law recognizes as a legal one. Consent, therefore, of an individual, must be either expressly or impliedly given before a surgeon may have the right to operate.” (1)

I do not provide any religious text as my faith is of a personal matter between me and our creator. My religious beliefs come from 59 years of living in this body that my creator has provided me. It is my body!! I have already provided you with my Religious Accommodation form which clearly summarizes my religious objections to being forced to inject a substance I believe comes from evil institutions, by evil institutions and for evil purposes.

Thank you for your consideration,

Eric Eliasson

<!--[if !supportLists]-->(1)<!--[endif]--
><https://dash.harvard.edu/bitstream/handle/1/8852197/Wandler.pdf?sequence=1>
(2) Red Cross Basic plus training, pg.7 (trained on last week



DECLARATION IN SUPPORT OF EMPLOYEE RELIGIOUS EXEMPTION REQUEST (COVID-19)

Employee Name	Employee DSW#
ERIC ELIASSON	[REDACTED]

San Francisco Department of Public Health Order No. C19-07 requires persons routinely working onsite in High-Risk Settings as defined in the Order to receive a COVID-19 vaccination and report their vaccination status to their employer effective September 15, 2021. As an employer, the City and County of San Francisco (City) must comply with this public health order. City policy also requires all other employees to receive a vaccination within 10 weeks of FDA approval of any COVID-19 vaccine. A religious exemption may be granted to City employees who hold a sincere religious belief that conflicts with the vaccination requirement.

INFORMATION REQUEST

The employee named above has identified ^{MYSELF} [REDACTED] as an individual with knowledge of the religious belief(s), practice(s), or observance(s) that precludes the employee from receiving a COVID-19 vaccination. Please answer the questions below based on your personal knowledge and beliefs.

I am a Religious Leader Religious Scholar ^{MAN} ~~PERSON~~ Knowledgeable Regarding the Employee's Religious Beliefs, Practices or Observances

1. The above-named employee adheres to the following religion or belief system (enter name or description):
NON DENOMINATIONAL BASED ON JUDEO/CHRISTIAN DOCTRINE

2. I have personal knowledge of the above-named employee's adherence to this belief system: YES NO
If YES, please explain how you have personal knowledge of the employee's adherence to the belief system.
I AM THE MAN WITH THOSE BELIEFS

3. Does the religion or belief system identified in response to Question 1, above, requires all adherents to abstain from the COVID-19 vaccination because the vaccination conflicts with the tenets, practices and observations of a recognized church, religious denomination, or recognized religious organization: YES NO
If YES, please cite the specific tenet, practice or observation that conflicts with the COVID-19 vaccination requirement, and/or explain how it is followed.

I WAS CREATED WITH FREE WILL, WITH THE ABILITY TO CHOOSE BETWEEN GOOD AND EVIL, GOOD (FREE WILL) AND EVIL (TYRANNY). MY BODY IS MY TEMPLE, I WILL NOT DEFILE MY BODY WITH ANY SUBSTANCE THAT I BELIEVE WAS CREATED FROM OR BY EVIL.

I declare under penalty of perjury under the law of California that the foregoing is true and correct.

[Signature]
Signature

8/30/21
Date

ERIC ELIASSON
Print Name

MAN, CREATED BY GOD
Title

[REDACTED]
Contact Phone

From: [REDACTED]
To: [Albert_Hallie_B](#)
Cc: [Eliasson_Eric](#)
Subject: Fwd: E. Eliasson [REDACTED] Religious Exemption Request
Date: Wednesday, September 22, 2021 5:05:26 PM

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hallie,

Thank you for the opportunity to test my faith! With all due respect, it has been 15 days since I submitted my last form for religious inquisition by my employer. An employer that by law is not supposed to discriminate against me for my religious beliefs. And yet here we are 11 days past the date that you were to approve or deny my Religious Exemption Request further attempting to pry into my personal and private medical information and religious beliefs.

I want to thank you for providing me even more reasons that I should not take this vaccine along with Tylenol, Pepto Bismol, aspirin, Tums, Lipitor, Senokot, Motrin, ibuprofen, Maalox, Ex-Lax, Benadryl, Sudafed, albuterol, Preparation H, Claritin, Zoloft, Prilosec OTC, and azithromycin. I had no idea that these products were developed using the same technology used in the development of the Covid-19 vaccine.

This just goes to show you the state of lack of information in the process of informed consent. I have already provided you with the religious beliefs that I strongly hold that brought me to the conclusion that I will not take this vaccine. Not that it is any of your business but I was offered a different vaccine last month when I went to the doctors for a back injury and I declined.

As if it mattered there are several decisions that I have made in the past that I now regret. I am not a perfect human, but I am more perfect today than I was yesterday and far more perfect as a grandfather than I was as a young father...yet I still make mistakes.

My purpose for providing the information that I already have given you in reference to my personal and private medical status, i.e. Covid 19 vaccination status, as well as my personal and private religious beliefs via coercion and threat of termination from my employment for the past 11+ years with the City, was not to convert your belief system or to stop you from having faith in a medical system that has proven to be profit driven with no care given to good health. It was to legally provide requested information to exercise my religious rights recognized by our legal system. Even if the laws stop recognizing my natural rights I would not be coerced into taking this injection or any other medical treatment.

Approve or deny my request based on the information I have already provided to you, it provided more details about my faith that I would choose to share with strangers and I believe will only be used to discriminate against me. I am confident I am in the right in the eyes of our current legal system as religious discrimination is still not legal. I am also confident that if and when I lose this job my creator will find another path

for me.

Thank you,

Eric Eliasson

-----Original Message-----

From: Eliasson, Eric <EEliasson@sfgov.org>

To: [REDACTED]

Sent: Wed, Sep 22, 2021 12:27 pm

Subject: FW: E. Eliasson [REDACTED] Religious Exemption Request

From: Albert, Hallie B <HALbert@sfgov.org>

Sent: Tuesday, September 21, 2021 2:27 PM

To: Eliasson, Eric <EEliasson@sfgov.org>

Subject: RE: E. Eliasson [REDACTED] Religious Exemption Request

Hi Eric:

As part of the City's review process, please answer all of the following questions:

1. Have you taken vaccines for any of the following diseases: rubella (measles), varicella (chickenpox), or hepatitis A?
2. If applicable, have you authorized your children to receive vaccines for rubella (measles), varicella (chickenpox), or hepatitis A?
3. If your answer to question #1 and/or #2 is "yes," why is your position with respect to the COVID-19 vaccine different than for these other vaccines, all of which are also grown in cell lines derived from fetuses?
4. Many common medications were also developed using the same type of technology used in the development of Covid-19 vaccines, including Tylenol, Pepto Bismol, aspirin, Tums, Lipitor, Senokot, Motrin, ibuprofen, Maalox, Ex-Lax, Benadryl, Sudafed, albuterol, Preparation H, Claritin, Zoloft, Prilosec OTC, and azithromycin. Do your beliefs prohibit you from taking and will you in the future abstain from taking these and other similar medications? If not, what tenet or belief prohibits the use of the Covid-19 vaccine, but permits the use of these other medications?

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Phone: 415.961.5812 Fax: 415.553.4898

Halbert@sfgwater.org

[San Francisco Water, Power and Sewer](#) | Services of the San Francisco Public Utilities Commission



From: Eliasson, Eric <EEliasson@sfgwater.org>
Sent: Wednesday, September 15, 2021 1:52 PM
To: Albert, Hallie B <HALbert@sfgwater.org>
Cc: O'Connell, John J <JOConnell@sfgwater.org>; [REDACTED]
Subject: RE: E. Eliasson [REDACTED] Religious Exemption Request

Hallie,

Perhaps if you can update me on how the process is being evolved I will have a better understanding of why your department is not following the written procedure. As I was not given any consideration on the date I had to report my personal and private medical information of my vaccination status and not given any consideration about injecting my body with a substance I object to without stating my personal and private religious beliefs with the potential of losing a job that I have been working the last 11 years including throughout this event, keeping our population and environment safe from the waste water we treat...FRUSTRATION doesn't quite fill all of the emotions my employer is putting me through. Please provide a timetable narrower than soon!!

Respectfully,

Eric Eliasson

From: Albert, Hallie B <HALbert@sfgwater.org>
Sent: Wednesday, September 15, 2021 6:36 AM
To: Eliasson, Eric <EEliasson@sfgwater.org>
Cc: O'Connell, John J <JOConnell@sfgwater.org>; [REDACTED]
Subject: Re: E. Eliasson [REDACTED] Religious Exemption Request

Hi Eric:

I understand your frustration. When DHR created that original timeline it was without considering the evolving process, which they dictate. Now that the requests require multiple levels of review, I cannot state when SFPUC will be able to send you a determination letter but I am doing my best to make that soon. Thank you for your patience as the City addresses this complicated issue.

Hallie

Get [Outlook for iOS](#)

From: Eliasson, Eric <EEliasson@sfgwater.org>
Sent: Wednesday, September 15, 2021 6:06 AM

To: Albert, Hallie B
Cc: O'Connell, John J; [REDACTED]
Subject: E. Eliasson [REDACTED] Religious Exemption Request

Hallie,

With all due respect, are the policies and procedures meant for only employees?

[Vaccination-Medical-Religious-Exemption-Request.pdf \(sfdhr.org\)](#)

In the link above it states under Religious Exemption Procedure, under section 9, it states;
9. Department personnel officials will make a determination and respond to an employee request for religious exemption from the vaccination requirement within seven (7) business days of receiving an accommodation request and any supporting information requested by the department.

I sent my original request for my Religious Exemption-Request on 8/27/21. It was acknowledge as received by you on 8/27/21. On this same date you requested that I fill out another form that supports my claim for my religious beliefs. Which I filled out and submitted via e-mail to you on 8/30/21.

I have not heard back from any representative about the status of my request. It has been 10 business days, 3 days past the stated procedure of making a determination and respond to an employee request.

Eric Eliasson

EXHIBIT D

Determination on COVID-19 Vaccination Exemption Request,
attached to email from Hallie Albert dated October 7, 2021

Dunson, Marvin (HRD)

From: Albert, Hallie B
Sent: Thursday, October 07, 2021 11:41 AM
To: Eliasson, Eric
Subject: Determination re Request for Religious Accommodation
Attachments: Eliasson Eric - Determination Form.pdf

Dear Eric Eliasson:

The Department has considered the information you supplied in your written request for a religious exemption as well as all follow up email communications. The Department has determined that the information you supplied does not meet the applicable standards under state and federal law, as well as the City's policies and procedures, for a religious exemption to the City's Covid-19 vaccination requirements. Attached is the Department's determination regarding your Covid-19 vaccination exemption request.

For additional information on the City's vaccination policies and this process please visit the Department of Human Resources website:

<https://sfdhr.org/vaccination-and-face-covering-policy-city-employees>

Thank you,

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

[San Francisco Water, Power and Sewer](#) | Services of the San Francisco Public Utilities Commission





Employee Name	Employee DSW#
Eric Eliasson	██████████
Job Code and Title	Department
7372 Stationary Engineer	SFPUC
Division/Unit	Supervisor/Manager
WWE	John O'Connell

This notice is to advise you of the following departmental determination on your request for exemption from COVID-19 vaccination requirements submitted on 08 / 27 / 2021.

APPROVED

Your request for an exemption based on a disability, medical condition, or sincerely held religious belief is **APPROVED**. You will remain in your current position with the following reasonable accommodations (including any mandatory health and safety protocols for unvaccinated employees, such as regular testing and specific masking requirements and to protect coworkers and members of the public):

(Attach separate sheet as necessary.) Failure to comply with any of the required accommodations, including health and safety requirements, may result in revocation of this approval.

DURATION

Approved accommodations are subject to change in accord with public health orders, or to align with current essential job functions, or operational needs. Should either your condition or religious beliefs change such that this accommodation is no longer necessary, or needs to be modified, you must immediately notify your supervisor or department Human Resources personnel.

This accommodation is subject to review and re-approval on: 08 / 27 / 2021.

DENIED

<input type="checkbox"/> DISABILITY OR MEDICAL CONDITION	<input checked="" type="checkbox"/> SINCERELY HELD RELIGIOUS BELIEF
Your request for an exemption based on an asserted disability or medical condition is DENIED for the following reason(s):	Your request for an exemption based on an asserted sincerely held religious belief, practice or observance is DENIED for the following reason(s):
<input type="checkbox"/> Medical Documentation Inadequate/Not Submitted <input type="checkbox"/> No Disability or Medical Condition Requiring Accommodation <input type="checkbox"/> Accommodation Would Pose a Direct Threat to the Health and Safety of Others and/or Yourself <input type="checkbox"/> Accommodation Would Prevent Employee from Performing Essential Function(s) <input type="checkbox"/> Accommodation Would Result in Undue Hardship for the City <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Documentation Insufficient to Show a Conflict Between Vaccination Requirement and Sincerely Held Religious Belief, Practice or Observance <input type="checkbox"/> Accommodation Would Pose a Direct Threat to the Health and Safety of Others and/or Yourself <input type="checkbox"/> Accommodation Would Prevent Employee from Performing Essential Function(s) <input type="checkbox"/> Accommodation Would Result in Undue Hardship for the City <input type="checkbox"/> Other: _____

CITYWIDE SEARCH

The department has determined that you have a medical condition, disability, or sincerely held religious belief that precludes you from being vaccinated, but that the department cannot reasonably accommodate you in your current position. While you cannot remain in your current position, you may continue the interactive process to explore other options for reasonable accommodation through the Citywide job vacancy search. This 60-day process involves a search for available, vacant, non-promotive positions within City employment for which you are qualified and that you can perform while unvaccinated, with or without accommodation.

FOR HR USE ONLY

Vaccination Status Updated in PeopleSoft Yes No

Date Determination Form Uploaded to PeopleSoft: 08 / 27 / 20 21

Referred to Citywide Reasonable Accommodation Coordinator Yes No

EXHIBIT E

Complaint email from Eric Eliasson to Department of Human Resources, Equal Employment Opportunity Division, dated October 14, 2021

61555 E. Eliasson File for Religious and or Medical Discrimination

Eliasson, Eric <EEliasson@sfgwater.org>

Thu 10/14/2021 3:25 PM

To: DHR-EEO <DHR-EEO@sfgov.org>

Cc: [REDACTED]; O'Connell, John (PUC) <JOConnell@sfgwater.org>

To whom it may concern,

My name is Eric Eliasson and my pronoun is whatever you wish to use.

My contact information is [REDACTED]
[REDACTED]

My job title is Stationary Engineer 7372.

The issue and basis of my complaint is that the Mayor has made it policy that all city employees must take a Covid 19 "vaccine" in order to keep the job I have held faithfully for over 11 years regardless of my strongly held religious belief against said "vaccine". In addition such policy is in conflict with the ideas of discriminating individuals for their medical condition.

The date of my civil rights violation started on the date the mayor mandated medical treatment that is in conflict with my strongly held religious belief in order to maintain my 11+ years of employment that I have had with the city. I submitted a religious exemption request on 8/27/21 and filled out another questionnaire about my personal and private religious beliefs that was requested by Hallie Albert which I filled out and returned on 8/30/21. On 9/24/21 I was given another questionnaire at the request of Hallie Albert asking more questions about my personal and private religious beliefs that I responded to on 9/22/21. On 10/8/21 I was notified via email from Hallie Albert that my request for religious exemption was denied due to "documentation insufficient to show a conflict between vaccination requirement and sincerely held religious belief, practice or observance." I had provided documentation of my strongly held religious beliefs against said medical treatment in the first form for requesting religious exemption from this medical procedure and twice more when Hallie Albert kept inquiring further about my private and personal religious beliefs. As the reason your department declined my request for religious exemption was not due to the accommodation posing a direct threat to the health and safety of others and or myself, nor, the accommodation would prevent the employee from performing essential functions, nor, the accommodation would result in undue hardship for the city, nor, other reasons, the only conclusion I can come to is I am being discriminated against for my religious beliefs. In the email I received from Hallie Albert on 10/8/21 it was said, "The Department has determined that the information you supplied does not meet the applicable standards under state and federal law, as well as the City's policies and procedures, for a religious exemption to the City's Covid-19 vaccination requirements." As I responded then and now...I had no idea that I had to meet any applicable standards under state and federal law as well as the City's policies and procedures in regards to my strongly held religious beliefs against this or any other matter concerning my religious beliefs. This I believe is where my belief system clearly does not conform to the City's. I believe that god has given me life through my parents, god has given me free will to choose between good and evil. There is no higher authority over my body and my choices than that which I believe to be true. I will not take this "vaccine". I do not want to be discriminated against for my religious beliefs. I do not want to be discriminated against for my medical condition. I do not want to be terminated from my employment when I have done nothing wrong other than follow my religious beliefs.

Eric Eliasson

EXHIBIT F

Reply email from Department of Human Resources, Equal
Employment Opportunity Division, to Eric Eliasson, dated
October 22, 2021

Dunson, Marvin (HRD)

From: Boyd, Deltrice (HRD)
Sent: Friday, October 22, 2021 1:27 PM
To: Eliasson, Eric (PUC)
Cc: Carlin, Michael (PUC); Albert, Hallie (PUC); Martinez, Amalia (HRD)
Subject: Contest of Department Determination on Your Vaccination Exemption Request
Attachments: Vax Exemption Procedure 9.24.2021.pdf

Dear Eric Eliasson,

We have received your email communicating an intent to appeal your department's decision to deny your Vaccination Exemption Request. This is to advise you that there is no appeal process. Instead, please note that pursuant to the revised COVID-19 VACCINATION MEDICAL AND RELIGIOUS EXEMPTION REQUEST PROCEDURE (see, attached at p. 9), employees may file either an Equal Employment Opportunity (EEO) complaint or a grievance alleging discrimination regarding their department's decision to deny a request for a medical or religious exemption to the job-related vaccination requirement. This procedure is consistent with authority granted in the San Francisco Charter and in employee bargaining agreements.

The Department of Human Resources (DHR) will process your notice of intent to appeal as a complaint under the City's EEO Complaint procedures, unless you communicate in writing to DHR-EEO@sfgov.org that you wish to withdraw your complaint. DHR/EEO will expedite processing of complaints regarding determinations on medical and religious vaccination exemption requests. Therefore, you must communicate your intent to withdraw from the DHR/EEO complaint process no later than close of business on **Friday, October 29, 2021**. If you do not withdraw, DHR/EEO will continue processing your complaint.

Union Grievance

Please be advised that should you elect to pursue your discrimination complaint through the grievance process you are precluded from filing a complaint on the same issues using the City's EEO Complaint process. The Memorandum of Understanding agreed to by your union states that employees may elect only one administrative remedy available through the City, and that such election is irrevocable.

While your complaint or grievance is pending, you remain subject to the City's vaccination requirement and your department can proceed with adverse employment actions for noncompliance. You may contact the undersigned at (415) 557-4932, or via email at amalia.martinez1@sfgov.org should you have any questions.

Sincerely,

Amalia Martinez

Amalia Martinez
Director, Equal Employment Opportunity



Connecting People with Purpose

Deltrice Boyd, EEO Assistant
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4884
Website: www.sfdhr.org

COVID-19 VACCINATION MEDICAL AND RELIGIOUS EXEMPTION REQUEST

PROCEDURE

Issued: July 30, 2021

Revised and Reissued: September 24, 2021

I. Legal and Policy Authority

A. Employment Rights for People with Disabilities Policy

The Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA) prohibit employment discrimination against qualified employees on the basis of disability. In accordance with the law, it is the policy of the City and County of San Francisco (City) to provide equal employment opportunities to qualified individuals with disabilities. The ADA and FEHA require the City to engage in the interactive process with qualified employees with a disability to determine whether the City can provide a reasonable accommodation for the employee's medical restrictions that allow the employee to perform the essential function of their position with or without accommodation.

B. Religious Accommodation

Title VII of the Civil Rights Act of 1964 and FEHA require covered employers to accommodate the sincerely held religious belief of qualified employees. To qualify, an employee must demonstrate that their belief is both sincere and religious rather than secular or scientific. Employers like the City are not required to accommodate employees if it would cause an undue burden on operations. For example, if the accommodation would be costly, infringe on other employees' job rights or benefits, compromise workplace safety, decrease workplace efficiency, or require other employees to do more than their share of potentially hazardous or burdensome work, the accommodation is not reasonable.

II. General Vaccination Requirements

All City employees were required to report their vaccination status and submit verifying documentation by July 29, 2021. Unvaccinated employees are required to update their vaccination status and provide verifying documentation as they receive vaccination doses.

Consistent with State and local Public Health Orders and City policy, the City requires employees to be vaccinated against COVID-19. This health and safety-related job requirement is effective as follows:

- By September 30, 2021, employees routinely working onsite in High-Risk Settings must have received the final dose of a COVID-19 vaccination;

- By October 13, 2021, employees who are not permanently stationed or regularly assigned to a High-Risk Setting, but who in the course of their duties may enter or work in those settings even on an intermittent or occasional basis for short periods, must be fully vaccinated against COVID-19; and
- By November 1, 2021, all other City employees must be fully vaccinated.

The local Public Health Order defines High-Risk Settings as certain care or living settings, including many congregate settings, where employees may have contact with vulnerable populations and where the risk of COVID-19 transmission is high. High-Risk Settings include general acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails.

III. Medical and Religious Exemptions: A Two-Step Process

Employees may be exempt from COVID-19 vaccination requirements when a qualifying medical condition or sincerely held religious belief prevents them from receiving one of the available COVID-19 vaccinations. Employees who believe they qualify for an exemption from the vaccination requirement must seek an exemption from the department where they work.

Upon receipt of a request for an exemption, departments must review the employee’s request and supporting documentation, and, as necessary, engage in an interactive process to evaluate the request, to determine: (1) whether the employee has a qualifying medical condition or has stated a sincerely held religious belief that prohibits them from receiving the vaccination, and (2) if the answer to this first inquiry is “yes,” then whether the department has the ability to implement a reasonable accommodation to allow the employee to perform the essential functions of their position. An accommodation is not reasonable if it would pose an undue hardship on operations and present a substantial risk of harm associated with having unvaccinated employees in the workplace.

A. Step 1: Determining if There is a Qualifying Basis for an Exemption

At step 1, departments must determine whether employees qualify for a medical or religious exemption, applying the criteria below. This process may involve an interactive process with the employee, and the department may request supplemental information or documentation in support of the request:

For medical reasons (1) the employee has a qualifying disability that prevents them from receiving a COVID-19 vaccination, (2) the employee requests an exemption from the vaccination requirement, and (3) the employee provides required medical documentation to support an exemption; or

For religious reasons (1) the employee holds a sincerely held religious belief, practice or observance that is contrary to the practice of vaccination, (2) the employee requests an exemption from the vaccination requirement, and (3) the employee provides required documentation or information to support the sincerely held religious belief and exemption.

If the department finds that the employee has a qualifying medical condition or sincerely held religious belief that prohibits them from being vaccinated against COVID-19, then the department moves to step 2 of the process.

B. Step 2: Determining if the Department Can Reasonably Accommodate the Employee

At step 2, the department must determine whether the department can provide a reasonable accommodation that allows an unvaccinated employee to perform the essential functions of their current position.

Relevant to the step 2 inquiry, on September 10, 2021, the San Francisco Department of Public Health amended the local Health Order clarifying that masking and testing may not be an effective accommodation for some employees working in High-Risk Settings. The Order instructs employers to determine what accommodations are reasonable in light of the direct threat posed by COVID-19 and the risk posed by unvaccinated employees in the workplace. Consistent with this Order, departments must consider what, if any, reasonable accommodations exist for persons who are exempt from vaccination and therefore are unvaccinated in the workplace.

In accordance with the San Francisco Health Order, the Department of Human Resources (DHR) has determined that unvaccinated employees pose a direct threat to the health and safety of themselves or others while at work. Accordingly, departments must determine whether granting an exemption from the vaccination requirement will result in an unvaccinated employee posing a substantial risk of harm to others, or the employee, that cannot be mitigated with masking, regular testing, or other measures. **To the extent a department has already granted a request for exemption, the department may be required to withdraw approval to comply with the local Health Order as well as any changes to local health conditions.**

Some of the additional information departments must consider when evaluating whether they can offer a reasonable accommodation that allows the employee to perform the essential functions of their position without creating an undue burden or posing a health or safety risk to themselves or others include:

- (a) Whether the employee will place other people at risk of transmission of COVID-19 because they are required to come into contact (including on an emergency or occasional basis) with coworkers, members of the public, or with persons whose vaccination status is unknown, who are not yet eligible for the vaccine, or who are or may be members of a vulnerable population (e.g., the elderly, incarcerated people, and acute care patients, and people with compromised immune systems);
- (b) The type and frequency of testing available to employees and whether the department has the ability to provide and track requesting testing for employees;
- (c) The logistical and operational impact of ongoing testing;
- (d) Whether the department can ensure compliance with the mask mandate whenever the employee is around other people in the workplace;
- (e) Whether the proposed accommodation imposes an undue burden because it infringes on other employee's job rights or benefits, compromises workplace safety, decreases workplace efficiency, or requires other employees to do more than their share of potentially hazardous or burdensome work;
- (f) The number of employees available to perform a specific function and the impact on other employees of approving a vaccination exemption;
- (g) The ability of the department to accommodate persons with an exemption given that testing and masking may not be effective for employees working in High-Risk Settings; and
- (h) Whether the proposed accommodation would be unduly burdensome for any other reason, such as because it would be too costly or administratively unfeasible.

To determine employee requests for medical or religious vaccination exemptions, departments must generally engage employees in the interactive process. The interactive process may include requesting additional information to support the exemption requests, discussing the request and need for accommodation, and generally communicating with the employee, and third-parties as necessary, to determine whether accommodation is needed, and if so, what reasonable accommodations may be available to keep the employee at work. Employees who receive an exemption must be able to perform all essential job functions of their current position, or an available, vacant, non-promotive position for which the employee is qualified, with or without reasonable accommodation.

For additional guidance on the reasonable accommodation process, consult with the department's assigned Deputy City Attorney and DHR.

IV. Departmental Process for Review and Determinations

Requests for medical and religious exemptions will be processed by the employee's department personnel official and, if necessary, in consultation with the department's assigned Deputy City

Attorney and DHR. Departments will issue written determinations notifying employees of the approval or denial of their requests.

Approved requests must include the specific accommodation that the department will implement to enable the employee to remain at work. In most cases, departments should indicate that the accommodation is being offered on a temporary basis and subject to review and re-approval (for example, for three to six months) because departments may be required to reassess the availability of accommodations to account for changes in health and safety conditions and the potential hardship and expense of an accommodation.

Where the department denies an employee's request for an exemption, they must include the reason for the denial and when the basis for the denial is an inability to reasonably accommodate the employee in their current position, inquire whether the employee is interested in participating in a Citywide job search as a further reasonable accommodation effort.

A. Medical Exemption Process

1. Employees should complete and sign an **Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a disability-related accommodation that provides sufficient notice of an employee's asserted inability to comply with vaccination requirements due to a medical condition, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.
2. Employees must answer relevant questions regarding the medical condition that prevents getting vaccinated, but should not disclose the diagnosis or treatment plan.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a medical exemption from the vaccination requirement, with medical verification of the employee's disability that prevents them from getting vaccinated, to a department personnel official, supervisor or manager.
4. Department personnel officials should make reasonable efforts to acknowledge receipt of an employee request for a medical exemption from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.

5. Department personnel officials should engage employees in the interactive process if the need for a medical exemption from vaccination requirements is not established by the employee's request and supporting medical certificates, or the employee does not submit sufficient medical verification. Department personnel should consult with the Office of the City Attorney and DHR with questions on requests for exemption.
6. Department personnel officials should use the **Health Care Provider Certification Form (COVID-19 Vaccine Exemption)** for requesting information from health care providers in support of a request for exemption from vaccination requirements.
7. If the department concludes that the employee has a qualifying medical condition that prohibits them from receiving the COVID-19 vaccine, the department must consider what, if any, reasonable accommodation it can offer that would allow the employee to continue to perform the essential functions of their job. The department must evaluate the considerations outlined above in Section III(B) when determining if it is able to reasonably accommodate the employee.
8. Department personnel officials should use the **Accommodation Determination Form (COVID-19 Vaccination Exemption)** to document and communicate final determinations on employee requests for medical exemption from vaccinations requirements. If the department determines to approve the request, it must send the packet to DHR for review before communicating the determination to the employee. If the department determines to deny the request, the department must state the reason for the denial on the form.
9. Copies of approved exemption requests must be sent to the employee's supervisor and reported in PeopleSoft along with the employee's "Unvaccinated" status.
10. If the employee will be accommodated, the department must implement the accommodation(s) by the date upon which the employee is required to be fully vaccinated under the City Vaccination Policy (i.e., October 13 or 14, or November 1).
11. If the employee fails to comply with the approved accommodations, including testing and masking requirements, the department will revoke the accommodation.

B. Religious Exemption Process

1. Employees should complete and sign an **Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a religious accommodation that provides sufficient notice of an employee's asserted inability to comply with vaccination requirements for religious

reasons, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.

2. Employees must answer all relevant questions regarding the religious belief, practice or observation that prevents them from getting the COVID-19 vaccination.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a religious exemption from the vaccination requirement, with any relevant statements, documents, or information pertaining to the religious belief, practice or observation that prevents them from getting vaccinated to a department personnel official, supervisor or manager.
4. Department personnel officials should make reasonable efforts to acknowledge receipt of employee requests for religious exemptions from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.
5. Employees may be required to submit additional information regarding the religious nature or the sincerity of a particular belief, practice or observance. Relevant information may include:
 - (a) letters from a religious leader explaining the nature of the religious belief(s), practice(s) or observation(s) and the need for an exemption from the vaccination;
 - (b) articles from religious scholars that describe the nature of the religious belief(s), practices(s), or observance(s) and the need for an exemption from the vaccination requirement;
 - (c) excerpts from religious or sacred texts explaining religious belief(s), practices(s), or observance(s) that prohibit vaccination;
 - (d) written materials describing the religious belief(s), practice(s) or observance(s) that prohibits vaccination;
 - (e) statements, affidavits or other documents from the employee describing the beliefs, practices, or observances, including information regarding when the employee embraced the belief(s), practice(s) or observance(s), as well as when, where and how the employee has adhered to the belief, practice, or observance that prohibits vaccination;
 - (f) statements, affidavits or other documents from potential witnesses identified by the employee as having knowledge of whether the employee adheres or does not adhere to the belief(s), practice(s) or observance(s) that prohibits vaccination, (e.g., religious leader, family, friend, neighbor, supervisor, or coworker who may have

observed the employee's past adherence, or lack thereof, or discussed it with the employee).

6. Department personnel officials will review requests for religious exemptions and determine whether additional information is required.
7. Employees who do not submit requested information within a reasonable period of the request for additional information from a department personnel official may be denied an exemption from the vaccination requirement, unless the department approves an extension of time for submitting the requested information.
8. Employees may use the **Religious Accommodation Certification Form (COVID-19 Vaccination Exemption)** to submit additional information in support of a request for religious exemption from the vaccination requirement.
9. Department personnel officials will make determinations and respond to an employee requests for religious exemptions from the vaccination requirement within a reasonable time after receiving an accommodation request and any supporting information requested by the department. Department personnel should consult with the department's assigned Deputy City Attorney and DHR regarding questions on requests for exemption.
10. If the department concludes that an employee has a sincerely held religious belief that prohibits them from receiving the COVID-19 vaccine, the department must consider what, if any, reasonable accommodation it can offer that would allow the employee to continue to perform the essential functions of their job. The department must evaluate the considerations outlined above in Section III(B) when determining if it is able to reasonably accommodate the employee.
11. Department personnel officials should use the **Accommodation Determination Form (COVID-19 Vaccination Exemption)** to document and communicate final determinations on employee requests for religious exempts from vaccinations requirements. If the department determines to approve the request, it must send the packet to DHR for review before communicating the determination to the employee. If the department determines to deny the request, the department must state the reason for the denial on the form.
12. Copies of approved exemption requests must be sent to the employee's supervisor and reported in PeopleSoft along with the employee's "Unvaccinated" status.

13. If the employee will be accommodated, the department must implement the accommodation(s) by the date upon which the employee is required to be fully vaccinated under the City Vaccination Policy (i.e., October 13 or 14 or November 1).

14. If the employee fails to comply with the approved accommodations, including testing and masking requirements, the department will revoke the accommodation.

V. Contesting Department Determinations

An employee who believes that the department's determination on their request for an exemption violates protections for employees with disabilities or religious beliefs may file an internal discrimination complaint with the DHR, Equal Employment Opportunity Division, for a determination by the Human Resources Director, whose determinations are appealable to the Civil Service Commission. Employees may, in the alternative, file a grievance alleging disability or religious discrimination in violation of provisions in the applicable Memorandum of Understanding. Filing a complaint or grievance does not stay the department's further action in connection with its review, approval, or denial of an employee's request for exemption.

VI. Testing and Masking Requirements for Unvaccinated Employees

Unvaccinated employees with an approved exemption must:

1. Test for COVID-19 at least once a week (or more as required by the state and local Public Health Orders) using either a nucleic acid (including polymerase chain reaction (PCR)) or antigen test; AND
2. Wear a Well-Fitted Mask (or other face covering as required by the state or local Public Health Orders) at all times while working indoors or in a vehicle with another person or, if outdoors, when less than six feet from any other individual. Employees subject to this requirement may remove their mask indoors for the limited purpose of eating or drinking, but must be at least six feet from others when doing so, or when alone in a private office with the door closed.

Masking and testing do not necessarily constitute a complete or sufficient reasonable accommodation. These are the minimal safety requirements for unvaccinated persons in the workplace. Departments must determine, on a case-by-case basis, whether the masking and testing requirements above are adequate an reasonable accommodation for employees seeking an exemption from the vaccination requirement. Departments should refer to guidance in section III(B), to make determinations on what, if any, accommodations will enable employees to remain in their current jobs.

V. Citywide Job Search Process

Only employees with qualifying disabilities or sincerely held religious beliefs that prevent vaccination may participate in the Citywide job search, following a determination by their department that no reasonable accommodation will enable them to remain in and perform the essential functions of their current jobs.

If an eligible employee expresses interest in participating in the Citywide vacancy search, departments should promptly refer the vaccination exemption request to the DHR, EEO Division, Citywide Reasonable Accommodation Coordinator. The Citywide Reasonable Accommodation Coordinator will contact the employee to confirm participation in the search process. Participation in the citywide job vacancy search is voluntary.

DHR will conduct the search for 60 days. An employee placed in a vacant position may be required to serve a probationary period. Employees who decline the Citywide job search will be subject to separation on the applicable vaccination deadline for inability to meet the job-related vaccination requirement.

If an employee elects to participate in the Citywide job search and the applicable deadline for full vaccination (October 13 or 14 or November 1) has passed, the employee will remain out of the workplace pending the results of the search. In such cases, employees may use any accrued paid leave balances other than paid sick leave.

EXHIBIT G

Email from Hallie Albert to Department of Human Resources,
Equal Employment Opportunity Division, dated
October 22, 2021

Dunson, Marvin (HRD)

From: Albert, Hallie B
Sent: Friday, October 22, 2021 3:30 PM
To: Boyd, Deltrice (HRD)
Subject: RE: Contest of Department Determination on Your Vaccination Exemption Request
Attachments: Eric Eliasson File.zip

Attached is the file for Eric Eliasson. SFPUC denied his request due to his personal focus on evil and the misunderstanding of the science versus a clear religious belief that prohibits vaccination.

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

[San Francisco Water, Power and Sewer](#) | [Services of the San Francisco Public Utilities Commission](#)



From: Boyd, Deltrice (HRD) <deltrice.boyd@sfgov.org>
Sent: Friday, October 22, 2021 1:27 PM
To: Eliasson, Eric <EEliasson@sfgwater.org>
Cc: Carlin, Michael (PUC) <mcarlin@sfgwater.org>; Albert, Hallie B <Halbert@sfgwater.org>; Martinez, Amalia (HRD) <amalia.martinez1@sfgov.org>
Subject: Contest of Department Determination on Your Vaccination Exemption Request

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Eric Eliasson,

We have received your email communicating an intent to appeal your department's decision to deny your Vaccination Exemption Request. This is to advise you that there is no appeal process. Instead, please note that pursuant to the revised COVID-19 VACCINATION MEDICAL AND RELIGIOUS EXEMPTION REQUEST PROCEDURE (see, attached at p. 9), employees may file either an Equal Employment Opportunity (EEO) complaint or a grievance alleging discrimination regarding their department's decision to deny a request for a medical or religious exemption to the job-related vaccination requirement. This procedure is consistent with authority granted in the San Francisco Charter and in employee bargaining agreements.

The Department of Human Resources (DHR) will process your notice of intent to appeal as a complaint under the City's EEO Complaint procedures, unless you communicate in writing to DHR-EEO@sfgov.org that you wish to withdraw your complaint. DHR/EEO will expedite processing of complaints regarding determinations on medical and religious vaccination exemption requests. Therefore, you must communicate your intent to withdraw from the DHR/EEO complaint process no later than close of business on **Friday, October 29, 2021**. If you do not withdraw, DHR/EEO will continue processing your complaint.

Union Grievance

Please be advised that should you elect to pursue your discrimination complaint through the grievance process you are precluded from filing a complaint on the same issues using the City's EEO Complaint process. The Memorandum of Understanding agreed to by your union states that employees may elect only one administrative remedy available through the City, and that such election is irrevocable.

While your complaint or grievance is pending, you remain subject to the City's vaccination requirement and your department can proceed with adverse employment actions for noncompliance. You may contact the undersigned at (415) 557-4932, or via email at amalia.martinez1@sfgov.org should you have any questions.

Sincerely,

Amalia Martinez

Amalia Martinez
Director, Equal Employment Opportunity



Connecting People with Purpose

Deltrice Boyd, EEO Assistant

Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4884
Website: www.sfdhr.org



**LIFE STYLE REQUEST FOR
RELIGIOUS ACCOMMODATION
(COVID-19 Vaccination Exemption)**

Employee Name	Employee DSW#
Eric Eliasson	██████████
Job Code and Title	Department
7372 Stationary Engineer	SEP
Division/Unit	Supervisor/Manager
WWE	John O'Connell

The City and County of San Francisco (City) is committed to equal employment opportunities for all employees and a work environment that is free of unlawful harassment, discrimination, and retaliation. Consistent with this commitment, the City complies with all laws protecting employees' religious beliefs, practices and observances. When requested, the City will provide an exemption or reasonable accommodation for employees' sincere religious beliefs, practices and observances, which prohibit the employee from receiving a COVID-19 vaccination, provided the requested accommodation is reasonable and does not create an undue hardship for the City or pose a direct threat to the health and/or safety of the employee or others in the workplace.

San Francisco Department of Public Health Order No. C19-07, requires persons routinely working onsite in High-Risk Settings as defined in the Order to receive a COVID-19 vaccination and report their vaccination status to their employer effective September 15, 2021. City policy must comply with this public health order, and will also require all other City employees to receive a vaccination within 10 weeks of FDA approval of any COVID-19 vaccine. A religious exemption may be granted to City employees who: (1) hold a sincere religious belief that conflicts with the vaccination requirement, (2) complete this request form, and (3) provide any information needed to support the exemption request.

EMPLOYEE CERTIFICATION

I request an exemption from the local Public Health Order and City Policy requiring COVID-19 vaccinations for all City employees. I make this request based on my sincere religious belief(s), practice(s), or observance(s). My beliefs are in conflict with the vaccination requirement, and I certify the following is true:

1. My religion or belief system is (enter name or description): Non Denominational

2. I have held this belief (or practiced and observed this religion since (enter date or year): ██████████

3. My religion, belief system, or practice requires me to abstain from the COVID-19 vaccination because (describe the specific tenet, practice, or observation that conflicts with the COVID-19 vaccination requirement and/or explain how you follow it):

My faith is based on Judeo/Christian doctrine although I am not Jewish nor Christian in faith. My faith is based on the idea that I was created in the image of god, spiritually not physically, as we All are. I was created with free will. To choose between right and wrong. I believe we are currently living through a spritual battle between good (free will) and evil (Tyranny). I have zero faith in worldly institutions. My faith remains in my creator. I will not defile my body with any substance that I believe was created from or by evil. Judge me as you will, my faith has taught me that our lives on this earth are at the mercy of evil, but my spirit will always be free.

Continued on Page 2

4. If your religion, belief system, or practice requires you to abstain from the COVID-19 vaccination, but not other

EMPLOYEE REQUEST FOR RELIGIOUS ACCOMMODATION
(COVID-19 Vaccination Exemption), Page 2 of 2


types of vaccinations, please describe the specific tenet, practice, or observation that expressly conflicts with the COVID-19 vaccination (attach a separate sheet if needed).

My creator has given me eyes to see and ears to hear. It is not about vaccines it is about free choice. This shot is not a "vaccine". I believe it is being used by evil to harm the worlds population. Our creator has provided an immune system to fend off disease. Of course with the poison that is put in our food and water and with the use of modern medicine that simply covers symptoms, makes lots of money and requires additional medicine for the side effects of the original prescribed medicine which has destroyed most peoples natural immune system. Medical errors are the 3rd leading cause of death in this country. I will not take part in this genocide and do not judge those who do.

5. If requested, I can provide a written statement, an affidavit or other documents ~~from a religious leader or other person describing my beliefs and practices, including information regarding where I embraced the belief or practice, as well as when, where, and how I have adhered to the belief, practice, or practice.~~ YES NO

I hereby certify that I make this request based on my sincerely held religious beliefs that prevent me from complying with COVID-19 vaccination requirements. I understand that any falsified information can lead to disciplinary action, up to and including termination of employment.

~~I also understand that my request for an accommodation may be approved if it is not reasonable, if it poses a direct threat to the health or safety of others in the workplace, and/or if it creates an undue hardship for the City.~~



Employee Signature

8/27/21

Date

Please note that this information will be maintained in a separate confidential file from your personnel file and access will be limited only to those with a need-to-know.

FOR HR USE ONLY

Date Received: ___/___/20___ Medical Certification Received Yes No
Date Medical Certification Received: ___/___/20___

From: [REDACTED]
To: [Albert, Hallie B](#)
Cc: [Eliasson, Eric](#)
Subject: Eliasson [REDACTED] Declaration in support of employee religious exemption request
Date: Monday, August 30, 2021 6:05:16 PM
Attachments: [Eliasson \[REDACTED\] religious exemp 3.pdf](#)

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hallie B. Albert,

I have attached the DECLARATION IN SUPPORT OF EMPLOYEE RELIGIOUS EXEMPTION REQUEST (COVID-19).

In addition I have submitted two references that give reference to my rights of consent. The first is from the Red Cross BasicPlus CRR, AED, and First Aid for Adults. I took this course at the South East Plant as part of my training. I was trained that I must first ask for permission to help as indicated below. Though this is not religious text it refers to the right to refuse medical treatment. My belief is that this right is a natural right given to all by our creator and is recognized by the Red Cross and I assume SFPUC as this was training provided by our organization.

Consent

Every one has the **right** to refuse medical treatment. Always ask a responsive person if he or she wants help before providing care . (2)

The second reference is from the HARVARD LIBRARY, office for Scholarly Communication “The History of the Informed Consent Requirement in United States Federal Policy”. This reference actually speaks to, “the natural right of the individual”. Again I believe this is called a natural right as it is given to all at birth by our creator.

“In reaching its decision, the court relied on a torts treatise to show that the consent requirement exists not just to authorize a touching, but also to make sure that the patient makes an informed decision. The court cites Kinkead on Torts, § 375, for the general rule:

The patient must be the final arbiter as to whether he will take his chance with the operation, or take his chances of living without it. **Such is the natural right of the individual**, which the law recognizes as a legal one. Consent, therefore, of an individual, must be either expressly or impliedly given before a surgeon may have the right to operate.” (1)

I do not provide any religious text as my faith is of a personal matter between me and our creator. My religious beliefs come from 59 years of living in this body that my creator has provided me. It is my body!! I have already provided you with my Religious Accommodation form which clearly summarizes my religious objections to being forced to inject a substance I believe comes from evil institutions, by evil institutions and for evil purposes.

Thank you for your consideration,

Eric Eliasson

<!--[if !supportLists]-->(1)<!--[endif]--
><https://dash.harvard.edu/bitstream/handle/1/8852197/Wandler.pdf?sequence=1>
(2) Red Cross Basic plus training, pg.7 (trained on last week



DECLARATION IN SUPPORT OF EMPLOYEE RELIGIOUS EXEMPTION REQUEST (COVID-19)

Employee Name	Employee DSW#
ERIC ELIASSON	[REDACTED]

San Francisco Department of Public Health Order No. C19-07 requires persons routinely working onsite in High-Risk Settings as defined in the Order to receive a COVID-19 vaccination and report their vaccination status to their employer effective September 15, 2021. As an employer, the City and County of San Francisco (City) must comply with this public health order. City policy also requires all other employees to receive a vaccination within 10 weeks of FDA approval of any COVID-19 vaccine. A religious exemption may be granted to City employees who hold a sincere religious belief that conflicts with the vaccination requirement.

INFORMATION REQUEST

The employee named above has identified ^{MYSELF} [REDACTED] as an individual with knowledge of the religious belief(s), practice(s), or observance(s) that precludes the employee from receiving a COVID-19 vaccination. Please answer the questions below based on your personal knowledge and beliefs.

I am a Religious Leader Religious Scholar ^{MAN} ~~PERSON~~ Knowledgeable Regarding the Employee's Religious Beliefs, Practices or Observances

1. The above-named employee adheres to the following religion or belief system (enter name or description):
NON DENOMINATIONAL BASED ON JUDEO/CHRISTIAN DOCTRINE

2. I have personal knowledge of the above-named employee's adherence to this belief system: YES NO
If YES, please explain how you have personal knowledge of the employee's adherence to the belief system.
I AM THE MAN WITH THOSE BELIEFS

3. Does the religion or belief system identified in response to Question 1, above, requires all adherents to abstain from the COVID-19 vaccination because the vaccination conflicts with the tenets, practices and observations of a recognized church, religious denomination, or recognized religious organization: YES NO
If YES, please cite the specific tenet, practice or observation that conflicts with the COVID-19 vaccination requirement, and/or explain how it is followed.

I WAS CREATED WITH FREE WILL, WITH THE ABILITY TO CHOOSE BETWEEN GOOD AND EVIL, GOOD (FREE WILL) AND EVIL (TYRANNY). MY BODY IS MY TEMPLE, I WILL NOT DEFILE MY BODY WITH ANY SUBSTANCE THAT I BELIEVE WAS CREATED FROM OR BY EVIL.

I declare under penalty of perjury under the law of California that the foregoing is true and correct.

[Signature]
Signature

8/30/21
Date

ERIC ELIASSON
Print Name

MAN, CREATED BY GOD
Title

[REDACTED]
Contact Phone

From: [REDACTED]
To: [Albert_Hallie_B](#)
Cc: [Eliasson_Eric](#)
Subject: Fwd: E. Eliasson [REDACTED] Religious Exemption Request
Date: Wednesday, September 22, 2021 5:05:26 PM

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hallie,

Thank you for the opportunity to test my faith! With all due respect, it has been 15 days since I submitted my last form for religious inquisition by my employer. An employer that by law is not supposed to discriminate against me for my religious beliefs. And yet here we are 11 days past the date that you were to approve or deny my Religious Exemption Request further attempting to pry into my personal and private medical information and religious beliefs.

I want to thank you for providing me even more reasons that I should not take this vaccine along with Tylenol, Pepto Bismol, aspirin, Tums, Lipitor, Senokot, Motrin, ibuprofen, Maalox, Ex-Lax, Benadryl, Sudafed, albuterol, Preparation H, Claritin, Zoloft, Prilosec OTC, and azithromycin. I had no idea that these products were developed using the same technology used in the development of the Covid-19 vaccine.

This just goes to show you the state of lack of information in the process of informed consent. I have already provided you with the religious beliefs that I strongly hold that brought me to the conclusion that I will not take this vaccine. Not that it is any of your business but I was offered a different vaccine last month when I went to the doctors for a back injury and I declined.

As if it mattered there are several decisions that I have made in the past that I now regret. I am not a perfect human, but I am more perfect today than I was yesterday and far more perfect as a grandfather than I was as a young father...yet I still make mistakes.

My purpose for providing the information that I already have given you in reference to my personal and private medical status, i.e. Covid 19 vaccination status, as well as my personal and private religious beliefs via coercion and threat of termination from my employment for the past 11+ years with the City, was not to convert your belief system or to stop you from having faith in a medical system that has proven to be profit driven with no care given to good health. It was to legally provide requested information to exercise my religious rights recognized by our legal system. Even if the laws stop recognizing my natural rights I would not be coerced into taking this injection or any other medical treatment.

Approve or deny my request based on the information I have already provided to you, it provided more details about my faith that I would choose to share with strangers and I believe will only be used to discriminate against me. I am confident I am in the right in the eyes of our current legal system as religious discrimination is still not legal. I am also confident that if and when I lose this job my creator will find another path

for me.

Thank you,

Eric Eliasson

-----Original Message-----

From: Eliasson, Eric <EEliasson@sfgov.org>

To: [REDACTED]

Sent: Wed, Sep 22, 2021 12:27 pm

Subject: FW: E. Eliasson [REDACTED] Religious Exemption Request

From: Albert, Hallie B <HALbert@sfgov.org>

Sent: Tuesday, September 21, 2021 2:27 PM

To: Eliasson, Eric <EEliasson@sfgov.org>

Subject: RE: E. Eliasson [REDACTED] Religious Exemption Request

Hi Eric:

As part of the City's review process, please answer all of the following questions:

1. Have you taken vaccines for any of the following diseases: rubella (measles), varicella (chickenpox), or hepatitis A?
2. If applicable, have you authorized your children to receive vaccines for rubella (measles), varicella (chickenpox), or hepatitis A?
3. If your answer to question #1 and/or #2 is "yes," why is your position with respect to the COVID-19 vaccine different than for these other vaccines, all of which are also grown in cell lines derived from fetuses?
4. Many common medications were also developed using the same type of technology used in the development of Covid-19 vaccines, including Tylenol, Pepto Bismol, aspirin, Tums, Lipitor, Senokot, Motrin, ibuprofen, Maalox, Ex-Lax, Benadryl, Sudafed, albuterol, Preparation H, Claritin, Zoloft, Prilosec OTC, and azithromycin. Do your beliefs prohibit you from taking and will you in the future abstain from taking these and other similar medications? If not, what tenet or belief prohibits the use of the Covid-19 vaccine, but permits the use of these other medications?

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Phone: 415.961.5812 Fax: 415.553.4898

Halbert@sfgwater.org

[San Francisco Water, Power and Sewer](#) | Services of the San Francisco Public Utilities Commission



From: Eliasson, Eric <EEliasson@sfgwater.org>
Sent: Wednesday, September 15, 2021 1:52 PM
To: Albert, Hallie B <HALbert@sfgwater.org>
Cc: O'Connell, John J <JOConnell@sfgwater.org>; [REDACTED]
Subject: RE: E. Eliasson [REDACTED] Religious Exemption Request

Hallie,

Perhaps if you can update me on how the process is being evolved I will have a better understanding of why your department is not following the written procedure. As I was not given any consideration on the date I had to report my personal and private medical information of my vaccination status and not given any consideration about injecting my body with a substance I object to without stating my personal and private religious beliefs with the potential of losing a job that I have been working the last 11 years including throughout this event, keeping our population and environment safe from the waste water we treat...FRUSTRATION doesn't quite fill all of the emotions my employer is putting me through. Please provide a timetable narrower than soon!!

Respectfully,

Eric Eliasson

From: Albert, Hallie B <HALbert@sfgwater.org>
Sent: Wednesday, September 15, 2021 6:36 AM
To: Eliasson, Eric <EEliasson@sfgwater.org>
Cc: O'Connell, John J <JOConnell@sfgwater.org>; [REDACTED]
Subject: Re: E. Eliasson [REDACTED] Religious Exemption Request

Hi Eric:

I understand your frustration. When DHR created that original timeline it was without considering the evolving process, which they dictate. Now that the requests require multiple levels of review, I cannot state when SFPUC will be able to send you a determination letter but I am doing my best to make that soon. Thank you for your patience as the City addresses this complicated issue.

Hallie

Get [Outlook for iOS](#)

From: Eliasson, Eric <EEliasson@sfgwater.org>
Sent: Wednesday, September 15, 2021 6:06 AM

To: Albert, Hallie B
Cc: O'Connell, John J; [REDACTED]
Subject: E. Eliasson [REDACTED] Religious Exemption Request

Hallie,

With all due respect, are the policies and procedures meant for only employees?

[Vaccination-Medical-Religious-Exemption-Request.pdf \(sfdhr.org\)](#)

In the link above it states under Religious Exemption Procedure, under section 9, it states;
9. Department personnel officials will make a determination and respond to an employee request for religious exemption from the vaccination requirement within seven (7) business days of receiving an accommodation request and any supporting information requested by the department.

I sent my original request for my Religious Exemption-Request on 8/27/21. It was acknowledge as received by you on 8/27/21. On this same date you requested that I fill out another form that supports my claim for my religious beliefs. Which I filled out and submitted via e-mail to you on 8/30/21.

I have not heard back from any representative about the status of my request. It has been 10 business days, 3 days past the stated procedure of making a determination and respond to an employee request.

Eric Eliasson

EXHIBIT H

Intake Interview Questionnaire, attached to email from Eric Lavina to Eric Eliasson dated November 23, 2021, and documents provided in response, attached to email from Eric Eliasson dated December 3, 2021

Dunson, Marvin (HRD)

From: Lavina, Eric (HRD)
Sent: Tuesday, November 23, 2021 11:42 AM
To: [REDACTED]
Cc: Eliasson, Eric (PUC)
Subject: Discrimination Complaint/Failure to Accommodate Religious Belief
Attachments: Religious Discrimination Intake Interview Questionnaire FILLABLE Form 111821.pdf

Dear Eric Eliasson:

The information you provide on the attached form is CONFIDENTIAL and will only be shared with those who have a legitimate need to know, which includes persons accused of discriminatory conduct. Please immediately complete the entire form and submit it, along with any supporting documents, to the Department of Human Resources, Equal Employment Opportunity Division at DHR-EEO@sfgov.org. This is your intake interview questionnaire. Upon receipt, this form, any supporting documents, and information from your department will be reviewed to determine whether the alleged conduct violates the City's EEO policies. If the EEO policies have been violated, the review process will include recommendations for make whole remedies. A make-whole remedy under this process does not include punitive damages or attorney's fees, but could include reinstatement, backpay and affirmative relief. The Human Resources Director is responsible for the review and resolution of your complaint.

Answer the questions as completely as possible and attach additional pages and supporting documents if needed to complete your responses. If you do not know the answer to the question, please respond by stating "Not known." If the question is not applicable, please write "N/A." If you have previously responded to a question while seeking an exemption to the vaccination requirement, you may incorporate your prior response by writing, "See response to question X on Vaccination Exemption Request Form," or "See response to follow up question X submitted to the department."

Please save a copy of the completed form for your records and submit a copy of the saved completed form to DHR-EEO@sfgov.org no later than 10 business days from the email sent date.

Should you have questions about completing the form or the complaint process, please email the EEO Division at DHR-EEO@sfgov.org, or call the EEO Helpline at (415) 557-4900 or TTY (415) 557-4810.

Sincerely,
Amalia Martinez
Director, EEO and Medical Leave Programs



**Eric Lavina, EEO Management Assistant
(he/him/his)**

Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4818
Website: www.sfdhr.org



Religious Discrimination – Failure to Accommodate Beliefs

Name: First _____ Last _____ DSW: _____

Contact Phone: _____ Email Address: _____

Dept.: _____ Job Class & Title: _____

If you have a representative assisting you, please identify your rep.: _____

Please note that the fields on this pdf fillable form will expand to accept an unlimited amount of text. You can scroll through and review text entered, but you cannot print text that exceeds the width of the on screen field.

1. Identify and describe in detail your sincerely held religious belief, observance or practice, and the reason for your vaccination exemption request.
Name of Religion or Belief System:
Description and Reason:
2. Would complying with the COVID-19 vaccination requirement conflict with your sincerely held religious beliefs, practices, or observances? If so, please explain how.
3. Would complying with the COVID-19 vaccination requirement interfere with exercising a significant, important or central religious practice or observance that is part of a system of beliefs and practices? If so, please explain how.
4. How long have you adhered to or practiced this religion or belief system and held the beliefs underlying your vaccination exemption request?
5. Is your religious objection to the use of: a) all vaccines, b) COVID-19 vaccines, c) a specific type of COVID-19 vaccine, or d) some other subset of vaccines? Please explain.

6. Have you received vaccines as an adult against any other diseases (such as a flu vaccine, tetanus shot, hepatitis A or B, or rabies)?

7. If you are a parent or guardian, have you authorized your children to receive vaccines against any other diseases (such as a flu vaccine, tetanus shot, hepatitis A or B, or rabies)?

8. Have you used any of the following over-the-counter medications as an adult: Tylenol, Advil, Aspirin, Sudafed, Tums, Maalox, or Pepto-Bismol?

9. Are you part of a community or group of believers holding the same religious views that support your request for a religious exemption from the COVID-19 vaccination requirement? If yes, then state where and when you gather with this community or group.

10. Do you have a spiritual/religious leader, scholar, or other knowledgeable person who supports your request for a religious exemption from the COVID-19 vaccination requirement? If yes, did you provide a letter or statement from this person?

11. When did you make your request for a religious exemption from the COVID-19 vaccination requirement, and to whom did you make the request?

12. Was your request denied? If so, what was the reason given for the denial?

13. Why is an exemption from the COVID-19 vaccination requirement important to you?

14. Describe your essential job functions, i.e. the reason your job exists.

15. Describe your work environment (include details such as, working outdoors, indoors, private office, open space, shared space, how many co-workers in close proximity, location of seating, public contact, shared equipment).

16. Can you safely perform your essential job functions while unvaccinated?

17. If so, what accommodations (job modifications, protective equipment, or processes) would enable you to safely perform your essential job functions?

18. How would you like to resolve your complaint? Please explain what you would like to see happen as a result of filing your complaint.

19. Have you filed complaints about this matter with administrative agencies, such as the EEOC or DFEH?

a. When?

b. Is the matter still pending?

c. If the case is closed, was there an investigation and a determination on your case?

d. What was the determination?

20. Have you filed a grievance or lawsuit regarding your accommodation claim?

a. When?

b. What is the status of your grievance or lawsuit?

By submitting this form, I certify the information I provided on this form and in connection with the form is true and correct to the best of my knowledge. I also understand that any false statements or deliberate omissions on this form will negatively impact my credibility and may result in the administrative closure of my complaint.

Signature: _____ Date: _____

Dunson, Marvin (HRD)

From: [REDACTED]
Sent: Friday, December 03, 2021 4:36 PM
To: DHR-EEO
Subject: Eliasson DSW [REDACTED] Religious and Medical Discrimination Intake Interview form with 12 document attachments
Attachments: Eliasson [REDACTED] email cover EEO intake questionnaire.pdf; Eliasson DSW [REDACTED] Religious Discrimination Intake Interview Questionnaire FILLABLE Form 111821 (2).pdf; Doc U religious exemption follow up email Sept 15 2021.pdf; Doc H Email Troy Code of safe practice.pdf; Doc J email LOTO Training Edgar 10 22 21.pdf; Doc K email LOTO policy not being followed email to John.pdf; Doc L email LOTO local 39 10 2021.pdf; A_My defense.pdf; B_Open statement letter.pdf; Doc C religious exemption denied.pdf; San Francisco EEO complaint investigation process.pdf; San Francisco EEO policy.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern,

The purpose of this email is to provide the completed Religious Discrimination intake interview form and supporting documents. I did not see the medical discrimination intake interview form for the medical discrimination charge that I filed on the same day. I do find it ironic that I am being recommended for termination for not following policy when even your department clearly doesn't follow EEO policies or procedures.

I emailed my Religious and Medical Discrimination charges to DHR-EEO@sfgov.org on October 14, 2021. According to the City's EEO complaint investigation process, Section#2 it states, "Once the DHR EEO receives notification of your complaint, you will be contacted by DHR EEO investigator within 10 days of their receipt of the allegation." I wasn't notified until I received an email from Eric Lavina on November 23, 2021. I am no math expert, but I believe that is far beyond, "you will be contacted by DHR EEO investigator within 10 days of receipt of the allegation." Who will be threatened with termination for "Violation of CCSF EEO policy" or "Failure to Follow Rules and Regulations/Failure to Follow instructions" or "Insubordination" as I have been charged for not following policy? This gets to the concept of discrimination, treating one group of employees who don't follow a policy differently than others, who also don't follow a policy. This is not the first time your Department has not met a policy time table for responding to charges or requests for religious exemptions.

Not following policy is common practice at my workplace and I have documentation to prove it. Not following policy is at the source of this discrimination against me. If not following policy is the true reason for this action against me, you had better build up your staffing level, WWE is full of employees that don't follow policy. I would start by looking at the Lockout Tagout policy that isn't followed, or the Code of Safe Practice policy or the EEO policies that are not followed. The trick about this employment with the City is to discover which policies are enforced and which policies are not, I do my best to follow them all.

Following policy has not been cause for termination of employment for my 11plus years of civil service with SFPUC/WWE and the only reason for this action against me is that my religious beliefs are in conflict with a policy that has no basis in my world or religious view and as such, I cannot follow. It would appear that the City's administrators have reached a point that discriminating against people is now acceptable.

It is known that people who have been vaccinated share the same risk as unvaccinated as it pertains to catching or spreading this illness. The only benefit to this medical intervention is the possibility of reducing the effects of being hospitalized and/or death, but not in all cases. The full risk of this medical intervention is still unknown as there are no long term health studies. Since both the vaccinated and unvaccinated have the same risk of catching or spreading this disease, we all must be treated equally. If I am unsafe all are unsafe. Unless of course the purpose of the policy has nothing to do with safety and everything to do with compliance, which I believe is the truth in this case. My religious beliefs will not allow me to follow this immoral policy.

To whom it may concern,

The purpose of this email is to provide the completed Religious Discrimination intake interview form and supporting documents. I did not see the medical discrimination intake interview form for the medical discrimination charge that I filed on the same day. I do find it ironic that I am being recommended for termination for not following policy when even your department clearly doesn't follow EEO policies or procedures.

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Not following policy is common practice at my workplace and I have documentation to prove it. Not following policy is at the source of this discrimination against me. If not following policy is the true reason for this action against me, you had better build up your staffing level, WWE is full of employees that don't follow policy. I would start by looking at the Lockout Tagout policy that isn't followed, or the Code of Safe Practice policy or the EEO policies that are not followed. The trick about this employment with the City is to discover which policies are enforced and which policies are not, I do my best to follow them all.

Following policy has not been a condition of employment for my 11plus years of civil service with SFPUC/WWE and the only reason for this action against me is that my religious beliefs and medical condition is in conflict with a policy that has no basis in my world or religious view and as such, I can not follow. It would appear that the City administrators have reached a point that discriminating against people for what they believe or for their medical status, is now acceptable.

It is known that people who have been vaccinated share the same risk as unvaccinated as it pertains to catching or spreading this illness. The only benefit to this medical intervention is the possibility of reducing the effects of being hospitalized and/or death, but not in all cases. The full risk of this medical intervention is still unknown as there are no long-term health studies. Since both the vaccinated and unvaccinated have the same risk of catching or spreading this disease, we all must be treated equally. If I am unsafe all are unsafe. Unless of course the purpose of the policy has nothing to do with safety and everything to do with taking a medical intervention (unproven "vaccine") that appears to do no good, which I believe is the truth in this case. My religious beliefs will not allow me to follow this immoral policy.

Thank you,

Eric Eliasson



Religious Discrimination – Failure to Accommodate Beliefs

Name: First Eric Last Eliasson DSW: ██████████

Contact Phone: ██████████ Email Address: ██████████

Dept.: SFPUC/WWE Job Class & Title: 7372 Stationary Engineer

If you have a representative assisting you, please identify your rep.: N/A

Please note that the fields on this pdf fillable form will expand to accept an unlimited amount of text. You can scroll through and review text entered, but you cannot print text that exceeds the width of the on screen field.

1. Identify and describe in detail your sincerely held religious belief, observance or practice, and the reason for your vaccination exemption request.

Name of Religion or Belief System: non denominational, based on Judeo/Christian doctrine

Description and Reason:

I have already answered this question on Aug. 27, 2021 on the form for religious exemption request for the Covid-19 vaccine. The religious exemption request was received by Hallie Albert on the same day. As this is not an appeal process for the submission and declining of my request for a religious exemption from taking the Covid-19 vaccine, but instead an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org., I don't understand why I am being asked a question that has already been asked and answered.

2. Would complying with the COVID-19 vaccination requirement conflict with your sincerely held religious beliefs, practices, or observances? If so, please explain how.

I have already answered this question on Aug. 27, 2021 on the form for religious exemption request for the Covid-19 vaccine. The religious exemption request was received by Hallie Albert on the same day. As this is not an appeal process for the submission and declining of my request for a religious exemption from taking the Covid-19 vaccine, but instead an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org., I don't understand why I am being asked a question that has already been asked and answered.

3. Would complying with the COVID-19 vaccination requirement interfere with exercising a significant, important or central religious practice or observance that is part of a system of beliefs and practices? If so, please explain how.

I have already answered this question on Aug. 27, 2021 on the form for religious exemption request for the Covid-19 vaccine. The religious exemption request was received by Hallie Albert on the same day. As this is not an appeal process for the submission and declining of my request for a religious exemption from taking the Covid-19 vaccine, but instead an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org., I don't understand why I am being asked a question that has already been asked and answered.

4. How long have you adhered to or practiced this religion or belief system and held the beliefs underlying your vaccination exemption request?

I have already answered this question on Aug. 27, 2021 on the form for religious exemption request for the Covid-19 vaccine. The religious exemption request was received by Hallie Albert on the same day. As this is not an appeal process for the submission and declining of my request for a religious exemption from taking the Covid-19 vaccine, but instead an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org., I don't understand why I am being asked a question that has already been asked and answered.

5. Is your religious objection to the use of: a) all vaccines, b) COVID-19 vaccines, c) a specific type of COVID-19 vaccine, or d) some other subset of vaccines? Please explain.

I have already answered this question on Aug. 27, 2021 on the form for religious exemption request for the Covid-19 vaccine. The religious exemption request was received by Hallie Albert on the same day. As this is not an appeal process for the submission and declining of my request for a religious exemption from taking the Covid-19 vaccine, but instead an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org., I don't understand why I am being asked a question that has already been asked and answered.

6. Have you received vaccines as an adult against any other diseases (such as a flu vaccine, tetanus shot, hepatitis A or B, or rabies)?

I have already answered this question on Sept. 22, 2021 on an email to Hallie Albert. As this is not an appeal process for the submission and declining of my request for a religious exemption from taking the Covid-19 vaccine, but instead an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org., I don't understand why I am being asked a question that has already been asked and answered.

7. If you are a parent or guardian, have you authorized your children to receive vaccines against any other diseases (such as a flu vaccine, tetanus shot, hepatitis A or B, or rabies)?

I have already answered this question on Sept. 22, 2021 on an email to Hallie Albert. As this is not an appeal process for the submission and declining of my request for a religious exemption from taking the Covid-19 vaccine, but instead an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org., I don't understand why I am being asked a question that has already been asked and answered.

8. Have you used any of the following over-the-counter medications as an adult: Tylenol, Advil, Aspirin, Sudafed, Tums, Maalox, or Pepto-Bismol?

I have already answered this question on Sept. 22, 2021 on an email to Hallie Albert. As this is not an appeal process for the submission and declining of my request for a religious exemption from taking the Covid-19 vaccine, but instead an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org., I don't understand why I am being asked a question that has already been asked and answered.

9. Are you part of a community or group of believers holding the same religious views that support your request for a religious exemption from the COVID-19 vaccination requirement? If yes, then state where and when you gather with this community or group.

Do you not see how offensive such a question is? I am being persicuted for my religious beliefs and medical status by my employer. My employer wishes to know where and when people who believe what I believe gather? For what purpose do you need this information? For your information the last thing I would do is sell out people that believe what I believe. This type of question illustrates that this process has little to do with justice and everything to do with compliance. As this is not an appeal process for the submission and declining of my request for a religious exemption from taking the Covid-19 vaccine, but instead an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org., I don't understand how this question relates to my charges of religious and medical discrimination by the City and your department.

10. Do you have a spiritual/religious leader, scholar, or other knowledgeable person who supports your request for a religious exemption from the COVID-19 vaccination requirement? If yes, did you provide a letter or statement from this person?

GOD!! God doesn't communicate with me directly in writing. God uses my mind, hands, eyes, ears or mouth to communicate what I believe. I thought this is an investigation into the religious and medical discrimination charge I filled against the City and your department on Oct. 24 of this year via email to DHR-EEO@sfgov.org.

11. When did you make your request for a religious exemption from the COVID-19 vaccination requirement, and to whom did you make the request?

Aug. 27, 2021, I gave the request to my Chief, J. O'Connel and recieved an email reciept on the same day from Hallie Albert.

12. Was your request denied? If so, what was the reason given for the denial?

Clearly nobody is following this process on your side, YES!! I filed a medical and religious discrimination charge to your department, don't you already know this? It wasn't due to Accommodation would pose a direct threat to the health and safety of others and/or myself. It wasn't due to Accommodation would prevent employee from performing essential function(s). It wasn't due to Accommodation would result in undue hardship for the city. It wasn't due to other. The reason I was religiously discriminated against was, "Documentation insufficient to show a conflict between vaccination requirements and sincerely held religieious belief, practice or observance." God does not require me to document my faith in writing. God doesn't demand I get anyones approval for what I believe. There is no license provided by our government to document my faith. God demands that I follow what I believe to be good and true and not from evil. It is offensive that anyone would have the nerve to ask me such personal and private information.

13. Why is an exemption from the COVID-19 vaccination requirement important to you?

I am a civil service employee of 11+ years. I have worked on location throughout this event. The exemption from the COVID-19 vaccination requirement is important to me because it would allow me to continue my employment with SFPUC/WWE and also follow what I believe to be true. This job, though I am thankful for having, is just a job. I can not take this vaccine and still follow what I believe. The act of giving any person, group or institution my rights of my bodily autonomy given to me at birth by God would be a betrayal to God that created me.

14. Describe your essential job functions, i.e. the reason your job exists.

My job exists to protect the population and environment from the pathogens and pollutants that exist in the raw sewage that is created from the inhabitants of this city. I work in the largest waste water treatment plant in the city. It is very rewarding despite the mismanagement that we work under. How is this pertinent to my charge of medical and religious discrimination against the City and your department? I am not appealing your Departments declining my religious exemption request, I am filing charges that I have been medically and religiously discriminated against by the City and your Department.

15. Describe your work environment (include details such as, working outdoors, indoors, private office, open space, shared space, how many co-workers in close proximity, location of seating, public contact, shared equipment).

I work in a crew of 5 waste water treatment operators. Much of my work is done solo, outside. On large projects I work with others on my crew. I work a lot outdoors and in buildings that hold the equipment that we use to process the raw sewage. I have no contact with the public in my normal duties. I am not sure of why this question is being asked. All workers, vaccinated or not, share the same risk of catching or spreading Covid-19. How is this pertinent to my charge of medical and religious discrimination against the City and your department? I am not appealing your Departments declining my religious exemption request, I am filing charges that I have been medically and religiously discriminated against by the City and your Department.

16. Can you safely perform your essential job functions while unvaccinated?

I have safely performed my essential job functions for 11 plus years and through out this event while being unvaccinated. Do any of you pay attention to what is going on? The COVID-19 vaccine doesn't stop anyone from catching or spreading this disease. I have never failed a health survey when going into work. How is this pertinent to my charge of medical and religious discrimination against the City and your department? I am not appealing your Departments declining my religious exemption request, I am filing charges that I have been medically and religiously discriminated against by the City and your Department.

17. If so, what accommodations (job modifications, protective equipment, or processes) would enable you to safely perform your essential job functions?

It would be nice if our Lockout Tagout policies were followed or maybe our Code of Safe Practice policies. If you could do anything to get management to follow these policies it would enable me to safely perform my essential job functions. Perhaps having an active safety department would improve the safety performance. This event has not contributed in any way to unsafe work conditions that have existed long before this event began. I have done my best to improve safety in our workplace to no avail.

18. How would you like to resolve your complaint? Please explain what you would like to see happen as a result of filing your complaint.

I would like my employer to recognize that though I work for them, they do not own my body or my spirit, I would like my employer to stop dictating what medical procedures I take or don't take. I would like my employer to recognize the U.S. Constitution. In short I would like for my employer to stop harrasing, coersing, threatening and discriminating against me for my medical status and religious beliefs. I would like to go back to work and be treated like the valued employee I was before this immoral policy was executed.

19. Have you filed complaints about this matter with administrative agencies, such as the EEOC or DFEH?

- When? Not at this time
- Is the matter still pending? N/A
- If the case is closed, was there an investigation and a determination on your case? N/A
- What was the determination?
N/A

20. Have you filed a grievance or lawsuit regarding your accommodation claim?

- When? Not at this time
- What is the status of your grievance or lawsuit?
N/A

By submitting this form, I certify the information I provided on this form and in connection with the form is true and correct to the best of my knowledge. I also understand that any false statements or deliberate omissions on this form will negatively impact my credibility and may result in the administrative closure of my complaint.

Signature: _____ Date: _____

Re: E. Eliasson [REDACTED] Religious Exemption Request

Wed, Sep 15, 2021 6:36 am

Albert, Hallie B (HALbert@swater.org) To: you + 2 more [Details](#)
Hi Eric:

I understand your frustration. When DHR created that original timeline it was without considering the evolving process, which they dictate. Now that the requests require multiple levels of review, I cannot state when SFPUC will be able to send you a determination letter but I am doing my best to make that soon. Thank you for your patience as the City addresses this complicated issue.

Hallie

Get [Outlook for iOS](#)

From: Eliasson, Eric <EEliasson@swater.org>
Sent: Wednesday, September 15, 2021 6:06 AM
To: Albert, Hallie B
Cc: O'Connell, John J; [REDACTED]
Subject: E. Eliasson [REDACTED] Religious Exemption Request

Hallie,

With all due respect, are the policies and procedures meant for only employees?

[Vaccination-Medical-Religious-Exemption-Request.pdf \(sfdhr.org\)](#)

In the link above it states under Religious Exemption Procedure, under section 9, it states;
9. Department personnel officials will make a determination and respond to an employee request for religious exemption from the vaccination requirement within seven (7) business days of receiving an accommodation request and any supporting information requested by the department.

I sent my original request for my Religious Exemption-Request on 8/27/21. It was acknowledge as received by you on 8/27/21. On this same date you requested that I fill out another form that supports my claim for my religious beliefs. Which I filled out and submitted via e-mail to you on 8/30/21.

I have not heard back from any representative about the status of my request. It has been 10 business days, 3 days past the stated procedure of making a determination and respond to an employee request.

Eric Eliasson

RE: 780 no hazards from vapor to possible hazards from vapor.

Sat, Feb 22, 2020 11:42 pm

Determan, Troy TDeterman@swater.org [Hide](#)

To **Eliasson, Eric** EEliasson@swater.org

Cc **Talavera, Rodney** RTalavera@swater.org, **Nafezi, Ali** ANafezi@swater.org, [REDACTED], [REDACTED]

Eric,

I understand your frustrations, I REALLY do. I want to start off by saying I work FOR Watch 2. I also have a chain of command which I must answer to. I also have a position (7373 Senior Stationary Eng) and it comes with it's responsibilities. That being said I work for you and everyone on Watch 2. What I mean by this is everything I do is for the benefit of my W2 cohorts. In my new position of Acting Chief I am tasked with new responsibilities and am working under new guidelines and with much more weight than I'm used to. I can feel the gravity of being a Chief on Watch, its not easy nor is it something I'm taking lightly. Now that I've professed this, let me also add that I've worked as an apprentice (7375), a journeyman (7372), and most recently becoming a senior (7373) after nearly 13 years of working at the PUC in WWE. I make no excuses as to why things are the way they are, but I have always tried to do my best with whatever it is- in my life and as a CCSF employee.

While I continue my efforts to pursue your request for written policies and CSP when working around the bioaerosols and dry polymer, I just have to ask of you to please continue to be patient with me and continue to act as a professional. As long as I have known you, you are a ridiculously gifted and intelligent human-being and are exceptional at whatever you do. I know you are not happy with the answers I have given you, but these are the answers I have. I'm doing what I can, while working with upper management and continuing to work with the people who are doing the real work of treating wastewater and maintaining the equipment at the plant. This is where my heart lies. With the people. In the field. You are an outstanding operator and brought me up to speed quickly when I became a Senior. I owe you a lot for what you have taught me. Thank you for being a true friend and colleague.

Now, I have to correct something in your email. Our current codes of safe practices are going thru some changes, like most things around here. WWE is undergoing major changes all over the place, from pump stations to completely new facilities, such as the Reclaimed Water Station at Oceanside. The construction at Southeast Plant is mind boggling, there are at least 4 major projects going on concurrently. And there is Ovation. Are you kidding me? Our DCS is at minimum 20 - 25 years old and this new system is probably, single handedly the most significant upgrade we will see in our careers here. This is all very exciting stuff, but of course it comes with its difficulties, learning curve, and sometimes a general pushback against change. Change is inevitable. Resistance is futile. So, going back, we have an outdated collection of CSP that are primarily focused on Maintenance jobs. Our jobs in Operations have always (as long as I have known) been accomplished with operators handing down knowledge, skills and training by word of mouth. How has this worked? Well, we both know it has sometimes left wide gaping holes and this IS why the CSP's need updating. Our current CSP's are still in place until the new CSP's are delivered.

I hope this helps and you may continue to question, challenge, and encourage, support, or not, its up to you. I'm here as your friend and co-worker. I will continue to ask questions up on your behalf because I believe you have the best interests of the people who work here. And for that I say thank you because I work here and I want people who are concerned about safety to work here.

Troy

From: Eliasson, Eric <EEliasson@swater.org>

Sent: Thursday, February 20, 2020 4:10 PM

To: Determan, Troy <TDeterman@swater.org>

Cc: Talavera, Rodney <RTalavera@swater.org>; Nafezi, Ali <ANafezi@swater.org>; [REDACTED]

Subject: 780 no hazards from vapor to possible hazards from vapor.

Troy,

I just want to document our conversation from earlier today. The topic was Code of Safe Practice Policy and the hazards present in the vapor in the GBT room.

In October of last year it was brought to my attention by one of our maintenance chiefs that the working conditions in the gravity belt room was not a safe work environment. He was referring to the vapor that filled the room. I inquired in November and personally spoke with Bert Drew on the day of the OSHA inspection. I asked him what hazards were in the vapor and what kind of PPE was required. Mr. Drew informed me that there were no hazards and no requirement for PPE. I was shocked by his response and clarified I can breathe this vapor all day and it won't be a hazard, Mr. Drew got very close to me and said very slowly you can breathe it all day long. I did not believe what he was telling me but I am just a stationary engineer not a Superintendent not an Industrial Hygienist. I wanted to document the conversation and sent you an email detailing my conversation with Mr. Drew. I received an email from Mr. Drew confirming that there are no hazards from the vapor and no need for PPE, but if the smell bothered me I could wear the respirator I was trained to use. Last rotation I found a Code of Safe Practice on vapor in our plant. The Code of Safe Practices stated that all should assume biohazards in the mist of our waste water processes and that PPE are needed to lower the risk from the biohazards in the water vapor. First I could not believe I found a Code of Safe Practice. I have never seen one and this Code of Safe Practices was from Eric Goldman from 2016, it contradicted everything that Mr. Drew informed me about the hazards in the water vapor.

I shared this information with you and our Seniors. You told me you had discussed this with management, You told me they informed you that the Code of Safe Practices written by Eric Goldman was a draft and was never authorized.

Today I asked you about the meeting you had with Mr. Drews and some of our managers. You told me you presented them with the fact that the Code of Safe Practices written by Mr. Goldman was distributed by management to all departments. As a matter of fact this means someone lied to you. How are we to trust management when they willingly misinform their employees about known hazards that they tried to claim were not?

As to the topic of Code of Safe Practices, my understanding based on our conversation is that we have no current Code of Safe Practices and Management is working on developing a new system even though currently there is no written policy on Code of Safe Practices or practice of using the old Code of Safe Practices. And I was verbally counseled for insulting emails above my chain of command by stating it is a JOKE that any manager of WWE can claim they care about safety.

I plan on advancing my concerns. Clearly management here doesn't care, my options are limited. Please feel free to forward these concerns with whomever can make our workplace safer.

Thanks again,

E. Eliasson

LOTO Training

Thu, Oct 22, 2020 11:35 am

Eliasson, Eric EEliasson@sfwater.org [Hide](#)

To **Garcia, Edgar** EdGarcia@sfwater.org

Cc **O'Connell, John J** JOConnell@sfwater.org, [REDACTED], [REDACTED]

[TrainingTranscripts_dee68642-e...pdf \(14 KB\)](#)

Mr. Garcia,

Thank you for scheduling a time and place for me to take the LOTO training. I was shocked when I was given a letter of instruction from Mr. Navara for not taking the mandatory FEMA training when I was not scheduled anytime by either Mr. Navara or Mr. O'Connell to take the course. One of my many frustrations of working for WWE is the lack of instructions on performing my work. Since I have been on watch 5, I have not been given any written instructions as to what my duties are. Currently most of my day is spent in the shop waiting for a phone call for something to do.

While taking the course on LOTO there was a ongoing theme of a written LOTO plan. I have been working for WWE for over 10 years and I have never seen or used a written LOTO plan. This written plan is mentioned throughout the training module starting at the policy, section 2.8 LOTO Plan. It is mentioned that the LOTO policy was renewed in 2019, so perhaps we never had written plans in the past, as I have never even seen such a plan. In any case as of 2019 our LOTO policy states a written plan is part of the policy. In video 4 of 10 they show a 4 page form, "WWW Lockout/Tagout Plan" form. It was said in the training videos that they would for the most part be generated by a Chief or Senior. It is my assumption that if there is no written plan then a LOTO performed without a written LOTO plan would not be following our policy on the use of LOTO's. Do we have existing LOTO plans? Where can they be found? Who is responsible for making them?

In section 2.8.2 of the LOTO policy, it states the exceptions for not having a written plan and in video 4 of 10 the presenter used the example of a vacuum cleaner as one of the types of exceptions for not needing a written LOTO plan, the presenter stated most LOTO's will require a written plan.

In video 2 of 10 the presenter said before doing a LOTO check your companies Energy Control Plan...I have never seen our Energy Control Plan. Do we have one? Where can it be found if we do? Who is responsible for writing one?

It is awesome that someone has decided that our staff should restart our training programs. I feel that this is one of the major problems we face as an organization. Lack of leadership!!! When I was an operator I would hear from others that our management team would disparage the operators calling them lazy and inefficient. If we are not given written descriptions of what jobs our management team wishes us to perform, followed by documented training explaining how management would like us to perform the tasks they identify as part of our daily duties, then how are we to meet their expectations of doing a good job? As an example: we were told the FEMA training was mandatory and given the date it was due, yet I do not control my time. I am told what to do and when to do it. I don't write my schedule for the day, yet I was the one verbally counseled when it should have been my Senior or my Chief that was given the corrective action for not scheduling me the time to perform such task. Another example is LOTO's, there are no written LOTO plans. When we are given the task of placing a LOTO on a piece of equipment, there is no communication as to what the purpose is, which energy sources need to be LOTO'd, no written plans!!!

We work in an unsafe environment, we are employed by an organization that I feel cares little about our safety. I have attempted many times in the past to inform our management team of their inefficiencies in the area of planning, scheduling, training and managing, until I was given a verbal warning for doing so. I don't understand why we have policies or training on policies when the management team wont support the policies of that training. I know you are new to this position, but you are my Senior and I was instructed in my corrective actions to communicate within my chain of command. I hope you can answer or find the answers to my questions above pertaining to LOTO plans.

I have attached my proof of completion of the LOTO training. Now that I have been trained on WWE LOTO policy, do I follow the policy or past practice?

Thanks you for your time in this matter,

E. Eliasson

Documenting our earlier conversation

Fri, Oct 23, 2020 9:25 am

Eliasson, Eric EEliasson@sflower.org [Hide](#)

To **O'Connell, John J** JOConnell@sflower.org

Cc **Garcia, Edgar** EdGarcia@sflower.org, [REDACTED] [REDACTED]

Mr. O'Connel,

I want to start by apologizing for our interaction this morning. I allowed my frustrations of how poorly we are managed to effect my professional demeanor. In our jobs we are constantly assessing risks, as you are well aware we work in a very unsafe environment. Risk assessment has kept me from having any reportable injuries during my 10 year employment with WWE. I found it ironic that I came to you with my concerns about learning a safety policy, the LOTO policy that we currently don't follow, such as a written LOTO plan when performing LOTO's, with no indications as to when we will be following the written policies I trained on yesterday. In return you instructed me to be health checked upon entering the property before going to the locker room. The irony is that one effects my safety and the other has no effect on my safety based on information from the CDC and the fact that we are mandated to wear masks upon entering the facility. If I am not sick, I am no threat.

I was wrong to tell you I will not follow the policy of going directly to the health screening station, for this I am sorry. From now on I will either change at my car and then get screened or get screened and go to the locker room. The point I was trying to make and failed to do, is if we do not follow policies that we are mandated to train on and knowingly don't follow, which policies should we follow and which policies should we not follow?

I agree that we all need to work together to achieve our stated goals, but the goals must be stated by management so the staff will know how to perform the jobs as management determines them to be. I would like to think that our goal as an organization is to be as efficient as possible when performing the duties that management has identified as needing to be completed. As an example; Management determines our schedules are not sufficient to perform our work in the manner that management has determined. I would think Management would develop a plan, train the staff on the plan, change the schedule and implement the changes as documented in the plan. It is not efficient to change the schedule and work flows without a plan and training on the plan for who will be doing what job. Another example: If a policy is being presented to staff on LOTO policy, Management would realize that the policy presented has not been followed for 10 years. It is not efficient to give training on a policy when management has not developed a plan to implement said policy. Work flows should be determined by management!! The idea that we are mandated to train on LOTO policy that we are not going to follow is not efficient or safe.

Thank you for allowing me voice my concerns and frustrations, I will continue to do my best to perform my duties as instructed by Mr. Garcia and yourself,

E. Eliasson

RE: LOTO Training

Fri, Oct 23, 2020 3:59 pm

Stan Eichenberger (seichenberger@local39.org) To: you + 1 more [Details](#)

CCSF Stationary-Engineers-Lo...pdf (460 KB)

Hi Eric,

Thanks for taking a moment to speak with me a few minutes ago. Although you seem reluctant to trust the Union, I feel confident that we are on a better path to making much needed improvements. It will take some time; however, I am hopeful that you see some positive changes as I continue to work diligently as your union representative.

As discussed, I am sending you a copy of the CBA, please see the attached.

Have a great weekend!

Stan Eichenberger

Business Representative

IUOE - Stationary Engineers, Local 39

337 Valencia Street

San Francisco, CA 94103

Office: (415) 861-1135

Fax: (415) 861-5264

[Video: What Have American Unions Ever Done For Us?](#)

From: Eliasson, Eric <EEliasson@sfwater.org>

Sent: Friday, October 23, 2020 1:18 PM

To: Stan Eichenberger <seichenberger@local39.org>

Cc: [REDACTED] >

Subject: RE: LOTO Training

Mr. Eichenberger,

It is past 30 days but I documented my concerns at the time via email to my Chief. The primary reason I sent you the email is to keep you informed as to the working conditions at WWE. When it was decided to change our watch schedule to the current schedule there were no instructions on how 2 people would be doing the work of 5 people. When I bid off of the watch and bid to watch 5 6:00-14:30 there was no documentation of what my job duties would be. I have been on watch as an Operator for the 10 years of my employment. On Watch 5 I was told we are to standby until receiving instructions which is seldom given. Yesterday I was instructed to take the training course for SFPUC/WWE LOTO policy/procedure. I was amazed to see we don't follow this safety policy as written, there are no LOTO plans as the policy clearly states is needed when performing LOTO. After the training, my current Acting Senior Edgar Garcia instructed me to assist in performing a LOTO on a clarifier. I asked do we have a written plan as instructed on the training I completed and he informed me he was not aware of where the plans are and to continue the LOTO without a LOTO plan. To me this is unacceptable, but I have already been given verbal counseling in contacting managers above my chain of command. I value my job, I value the safety of my coworkers and myself. I have contacted OSHA to no effect at least 3 times as management has either lied or misdirected the OSHA inspectors as my safety concerns never seem to get addressed.

It is very frustrating to know my employer lacks the skill required to perform their duties. It is very frustrating receiving a survey from our Union about preferred schedules when our Union was unable to stop the last schedule change. Clearly we have no say in scheduling based on our loss of the schedule I worked for near 10 years and the majority of our members voted to keep.

What course of action do you suggest in making my employer follow the policy that was written by them and then trained by them and yet not followed by them? To me this is a serious safety issue.

Thanks for getting back to me,

E. Eliasson

The issue at hand is my faith. My employer is claiming the following charges as grounds for termination

- Violation of CCSF COVID-19 Vaccination Policy;
- Failure to meet minimum qualifications/conditions of employment;
- Failure to Follow Rules and Regulations/Failure to Follow instructions;
- Insubordination: and
- Acts which present an immediate danger to public health and safety.

SECTION ONE: Violation of CCSF-COVID-19 Vaccination Policy:

The first charge, Violation of CCSF-COVID-19 Vaccination Policy, this is the charge that allowed for all of the other charges listed against me. If this immoral policy had not been created and executed and my application for a Religious Exemption not been denied, I would not be in this process in the first place. This policy has provided no scientific evidence that would reflect how I can be of any harm to anyone. The policy is full of opinion and short on scientific facts.

Under the **“Purpose Statement”** of the CCSF-COVID-19 Vaccination Policy, it states claims that I believe to be from politicized and captured Government Agencies, i.e. the CDC, FDA and the NIH, that I hold ZERO faith in (Document A, B & T). The policy makes scientific claims which have not been proven. For example, under the section of the CCSF-COVID-19 Vaccination Policy, **“Purpose Statement”** makes the claim that, “Vaccination is the most effective way to prevent transmissions and limit COVID-19 cases and deaths”. There is no scientific evidence provided for this claim and it is common knowledge that the “COVID-19 vaccines” do not stop you from catching or spreading this disease. This is the reason even vaccinated employees still need to wear a mask when indoors, it is why this Skelly Meeting is being held remotely. It claims falsely with no evidence in support that, “Unvaccinated employees, interns, fellows, and volunteers are at greater risk of contracting and spreading COVID-19 within the workplace and City facilities, and to the public that depends on City services”. I have seen no scientific studies that prove this, there is enough data available today to know that there is little difference between the risk to vaccinated people catching or spreading COVID-19 versus the unvaccinated, as all are at risk of catching or spreading this “disease”. The known benefits of getting the vaccine is not immunization, but lowering of the severity of the illness IF you become infected.

Under the section, **“Legal Requirements”** of the CCSF-COVID-19 Vaccination Policy, it states that, “the Cal/OSHA rules require employers to verify and document that an employee is fully vaccinated before allowing that employee to discontinue masking indoors. For unvaccinated employees or employees for whom the City does not have documentation verifying fully vaccinated status, the City must enforce masking, provide COVID-19 testing following a close contact in the workplace or anytime they have COVID-19 symptoms, and exclude these employees from the workplace for 10 days after a close contact. Upon request, the City also must provide non vaccinated employees with respirators (N95 masks) and

provide education about using that type of mask.” Nowhere did I see it say I was a health or safety risk and therefore should be terminated.

Under the section, “**Vaccination Requirements for Employees**” it states, “Employees who are not fully vaccinated against COVID-19 and who are permitted in the workplace after November 1, 2021 must continue to wear a well-fitted mask at all times while at the workplace.” This illustrates that employees that are unvaccinated can in fact work past Nov. 1, 2021. Those employees that are permitted would pose no more of a health and safety risk than myself. In fact, the only reason I am here today and not at work is because my request for a Religious Exemption was declined by no fault of mine. This is either a matter of Health and Safety or it isn’t. How can it be that some unvaccinated people are a health and safety risk while others are totally fine to work?

I made every effort to stay in compliance with this policy by submitting my Religious Exemption form and follow up inquires in a timely manner, which was declined by no fault of mine (Documents C, D, E & F).

SECTION TWO: Failure to meet minimum qualifications/conditions of employment:

The next charge, failure to meet minimum qualifications/conditions of employment is baseless were it not for the new COVID-19 vaccination Policy. I hold a grade III Waste Water Certificate and the minimum requirement for my job is a Grade II Certificate (Document G, H & I). Had my religious exemption request been approved, there would be no charges against me.

SECTION THREE: Failure to Follow Rules and Regulations/Failure to Follow instructions:

The next charge is a challenge for me, Failure to Follow Rules and Regulations/Failure to Follow instructions. I work in an environment mostly void of standards. There are LOTO policies that collectively are not followed or Code of Safe Practices policies that collectively are not followed. It is very difficult to know which policies are to be followed and which are not (Doc H, I, J, K, L, M & U). In fact in my case, the policy for the religious exemption process was not followed by our HR dept. (Document N). If not following rules and regulations was a reason for termination, there would be very few employees working front line in our Waste Water Treatment Plants. The City has offered no documentation that demonstrates a history of my Failure to Follow Rules and Regulations/Failure to Follow instructions. As a valued employee I do my best to follow all rules and regulations, even when our Managers do not. As to Failure to Follow instructions, I followed to a “T” all instructions pertaining to submitting my religious exemption forms. It is no fault of mine that my religious exemption request was declined (Document C, D, E & F).

SECTION FOUR: Insubordination:

Insubordination is the next charge against me. I am lawfully allowed to not follow directives that I believe to be unsafe (Document A, B, C, O, P, Q, R & S). I found no documentation in the materials that I received on this action against me that shows a history of me being insubordinate. Had the Religious Exemption that I submitted been approved, we would not be here.

SECTION FIVE: Acts which present an immediate danger to the public health and safety:

The last charge against me is the most far reaching of all the others, acts which present an immediate danger to the public health and safety. This reflects the levels of absurdity in this entire global event up to and including this action against me (Document X). How is it that I am an immediate danger to public health and safety? (Document C & V) I could not find any scientific studies in the documents provided me that give evidence of this charge. The whole reason I have gone from being an essential worker, a worker that didn't work from home, a worker who works directly with the sewage from a City claiming to be in a global pandemic, a "hero" who works for SFPUC into a present and immediate danger to the public health and safety is because I won't take medical treatment so called "Vaccine"(Document T) that would violate the strongly held religious beliefs that I hold. Though I have known this for months and it has been known by people of science from the start and is now mainstream knowledge, these "vaccines" DO NOT stop you from getting infected, DO NOT stop you from spreading the disease. All this "vaccine" is meant to do is lower your chances of severe illness. Unlike most employees during this "pandemic", I worked on site throughout this event. I have inquired about the number of coworkers that have died or been hospitalized. There have been many cases, a few hospitalizations and ZERO deaths from any of the essential workers at WWE, this was before the "vaccine" was available. Had this been a true "pandemic" I am sure there would have been mass hospitalizations and mass deaths of our front line essential workers who treat the City's waste water. My personal experience is that I know of many cases, no hospitalizations and no deaths of fellow co-workers (Document W). I would need to be infectious to be a "present an immediate danger to the public health and safety". During this time as an essential worker, we were required to complete a health survey that for quite some time included taking my body temperature, we were instructed to wear masks and socially distance. It has been a challenge. I have never failed the health screening. People who choose not to take this vaccine and those who have, are no threat to anyone unless they are infectious. This **IS** the science. I have not been proven to be infectious therefor I can not be determined to be a "present an immediate danger to the public health and safety". In fact, the reason that my religious exemption request was denied was not due to; Accommodation would pose a direct threat to the Health and Safety of others and/or yourself. (Document C).

Conclusion:

All of the charges against me stem from me refusing to take a medical treatment, COVID-19 "vaccine" against my will. I did not refuse it because I am a defiant employee, or because I am anti-vax, because I am neither. I refused it because I do not believe in doing anything that goes against what I believe to be true. If the science were followed this would not be an issue. The science says this COVID-19 "vaccine" won't stop infection nor the spread of infection. The science says the survivability rate of this infection for most people is near 100%. Science says there are treatments like Ivermectin that prevents the need

for vaccination. Science says natural immunity is stronger than immunity provided by this COVID-19 “vaccine” that doesn’t provide any immunity but simply some protection from severe infections and hospitalizations. Science says that there are ZERO long term safety studies on this COVID-19 “vaccine”. The CDC VAERS reporting system reports some 15,000 deaths that have been associated with taking this COVID-19 “vaccine” and well over 400,000 reports of adverse events after taking this COVID-19 “vaccine”. **Faith** is the reason for these charges against me. Though I would like to comply with all policies and procedures that my employer gives me, this one I can not. It would violate the very essence of my believe that I was created by god with free will to choose between good and evil. Man can not force me to do anything I believe supports evil. I believe the City is my employer not my master, even the City can not make me violate what I believe to be true. If it is decided that I should be terminated for violating a policy that goes against my moral and religious beliefs I have no control. I have performed the job I have done well for the last 11 years. It is wrong to force, coerce or threaten another human to do anything that would violate their principles and religious beliefs. The simple fact that I am willing to lose my civil service job of the last 11 years, that took a few years prior to hiring to educating myself so I could meet the minimum standards for employment as a Waste Water Treatment Operator, because I will not follow the CCSF-COVID-19 Vaccination Policy, a policy that will violate my moral and religious beliefs... If that is not enough evidence of how strong my religious beliefs are then nothing will be.

November 17, 2021

To whom it may concern,

The following statements and documents are not for the purpose of converting your beliefs, but simply to document that this attempt to control my body is offensive to the core of my beliefs and unjust. This push to vaccinate every human has nothing to do with health or safety and everything to do with compliance with a policy that has no scientific basis and is politically driven. I am not guided by politics, I am guided by what I perceive as good or evil through the information that my creator exposes my spirit to.

I believe my body is my temple, that I was given this body at birth by my creator and through my parents. I believe that what goes into my body will only be of my choosing. I believe as the sole owner of my body I have a natural right to choose what medical interventions I take or don't take. I believe it is none of my employers or anyone else's business what I do with my body and what medical interventions I choose or don't choose. I am a Man who cherishes my privacy, it was offensive to be coerced and threatened with termination to report my medical status to my employer, i.e. vaccination status. Particularly when I knew I would be discriminated against for doing so. It was offensive to hear parts of my government as well as my employer mandating that I am required to take part in any medical interventions I deemed unnecessary, particularly when it goes against my religious beliefs and is unproven. Just because I don't share the same faith as those who denied my Religious Exemption request, doesn't make me a bad employee or a health and safety threat worthy of termination. I have little to NO faith in government institutions....NONE of them. I question everything and accept nothing without supporting evidence from sources I trust. My faith is in my creator and it has kept me alive and well for over 59 years. I will not be changing what I believe, the principles of self ownership that most in this society used to believe after the abolition of slavery. I believe this is an unlawful policy. A discriminating policy. It may be legal, but so was slavery in this country, it doesn't make it moral!!

My expectations for this process is very low. So far it has proven to be bias, unjust, discriminatory, unscientific and politically driven. I am however very grateful, for the first opportunity to defend what I believe to be the moral and true position that I hold.

Thank you,

Eric Eliasson



Employee Name	Employee DSW#
Eric Eliasson	██████████
Job Code and Title	Department
7372 Stationary Engineer	SFPUC
Division/Unit	Supervisor/Manager
WWE	John O'Connell

This notice is to advise you of the following departmental determination on your request for exemption from COVID-19 vaccination requirements submitted on 08 / 27 / 2021.

APPROVED

Your request for an exemption based on a disability, medical condition, or sincerely held religious belief is **APPROVED**. You will remain in your current position with the following reasonable accommodations (including any mandatory health and safety protocols for unvaccinated employees, such as regular testing and specific masking requirements and to protect coworkers and members of the public):

(Attach separate sheet as necessary.) Failure to comply with any of the required accommodations, including health and safety requirements, may result in revocation of this approval.

DURATION

Approved accommodations are subject to change in accord with public health orders, or to align with current essential job functions, or operational needs. Should either your condition or religious beliefs change such that this accommodation is no longer necessary, or needs to be modified, you must immediately notify your supervisor or department Human Resources personnel.

This accommodation is subject to review and re-approval on: 08 / 27 / 2021.

DENIED

<input type="checkbox"/> DISABILITY OR MEDICAL CONDITION	<input checked="" type="checkbox"/> SINCERELY HELD RELIGIOUS BELIEF
<p>Your request for an exemption based on an asserted disability or medical condition is DENIED for the following reason(s):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Medical Documentation Inadequate/Not Submitted <input type="checkbox"/> No Disability or Medical Condition Requiring Accommodation <input type="checkbox"/> Accommodation Would Pose a Direct Threat to the Health and Safety of Others and/or Yourself <input type="checkbox"/> Accommodation Would Prevent Employee from Performing Essential Function(s) <input type="checkbox"/> Accommodation Would Result in Undue Hardship for the City <input type="checkbox"/> Other: _____ 	<p>Your request for an exemption based on an asserted sincerely held religious belief, practice or observance is DENIED for the following reason(s):</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Documentation Insufficient to Show a Conflict Between Vaccination Requirement and Sincerely Held Religious Belief, Practice or Observance <input type="checkbox"/> Accommodation Would Pose a Direct Threat to the Health and Safety of Others and/or Yourself <input type="checkbox"/> Accommodation Would Prevent Employee from Performing Essential Function(s) <input type="checkbox"/> Accommodation Would Result in Undue Hardship for the City <input type="checkbox"/> Other: _____

CITYWIDE SEARCH

The department has determined that you have a medical condition, disability, or sincerely held religious belief that precludes you from being vaccinated, but that the department cannot reasonably accommodate you in your current position. While you cannot remain in your current position, you may continue the interactive process to explore other options for reasonable accommodation through the Citywide job vacancy search. This 60-day process involves a search for available, vacant, non-promotive positions within City employment for which you are qualified and that you can perform while unvaccinated, with or without accommodation.

FOR HR USE ONLY

Vaccination Status Updated in PeopleSoft Yes No

Date Determination Form Uploaded to PeopleSoft: 08 / 27 / 20 21

Referred to Citywide Reasonable Accommodation Coordinator Yes No



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Complaint Investigation Process

If you are a City employee or job applicant filing a discrimination complaint with the City, DHR EEO follows a defined process for reviewing your allegation(s). This process is detailed in the table below. It is DHR EEO's goal to complete these reviews within 180 days of receiving the complaint.

Following the review, DHR will issue a final determination letter. It is your right to appeal these determinations once issued to the Civil Services Commission [↗](#).

#1: Employee Files a Complaint

Submit a complaint to DHR EEO or your department detailing the following information:

- Name and Pronoun
- Preferred contact information
- Job title and department
- Issue and basis for your complaint
- Date of alleged civil rights violation
- Any witnesses
- Documentation to support your complaint

#2: DHR EEO Conduct Intake Interview

Once DHR EEO receives notification of your complaint, you will be contacted by a DHR EEO investigator within 10 days of their receipt of the allegation. If DHR EEO determines that the issue falls within its jurisdiction, an investigator will ask you to participate in an intake interview. The purpose of this interview is to clarify the issues involved and also allow you an opportunity

to present the complaint in more detail. Complainants may have a representative present during the intake interview.

#3: DHR EEO Reviews Scope of Complaint

A DHR EEO investigator will contact you after completing an evaluation of the allegations to be investigated. The DHR EEO investigator will give you a summary of the allegations to be investigated.

Following this, the investigator may conduct interviews with witnesses, your department, and review relevant employment records to investigate your complaint.

#4: DHR EEO Provides Results of Investigation

DHR EEO's goal is to issue a final determination letter to you within 180 days of receiving your complaint. DHR EEO's ability to meet this goal will depend on the assigned investigator's caseload, and other factors, such as the availability of witnesses.

If the investigation establishes that a complainant has been subjected to conduct in violation of the City's EEO Policy, complainants may be entitled to a remedy. You may be contacted by DHR EEO prior to issuance of the final determination letter if a violation of the City's EEO policies have occurred.

For more information on submitting a complaint to DHR EEO, visit [How to File a Discrimination, Harassment, or Retaliation page](#).



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EEO Policy

Discrimination and Harassment Prohibited

Discriminating against, or harassing City and County of San Francisco (City) employees, applicants, or persons providing services to the City by contract, including supervisory and non-supervisory employees, because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful. For the purpose of this policy only, the term “employees” includes unpaid interns and volunteers. Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

Sexual Harassment Prohibited

Sexual harassment is illegal under federal and state law. Federal law defines sexual harassment as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual, or written conduct of a sexual nature directed to persons of the same or opposite sex when:

- submission to such conduct is made explicitly or implicitly as a term or condition of employment;
- submission to or rejection of such conduct by an employee or applicant is used as a basis for employment decisions affecting the employee or applicant; or
- such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or otherwise offensive working environment.

State law defines sexual harassment as unwanted sexual advances or verbal, visual, or physical conduct of either a sexual nature, or other conduct based on sex. These are some examples of sexual harassment:

- requests for sexual favors or unwanted sexual advances;
- offering employment benefits in exchange for sexual favors;
- making or threatening reprisals after a negative response to sexual advances;
- verbal harassment (e.g., graphic comments, derogatory comments, sexually suggestive or obscene jokes or telephone calls);
- physical harassment (e.g., assault, impeding or blocking movement, gestures, or any physical interference with normal work or movements); or
- visual forms of harassment (e.g., leering, derogatory or sexually explicit emails, posters, letters, poems, graffiti, cartoons, computer screen savers, or drawings).

Retaliation Prohibited

Retaliation against an individual who reports, files a complaint of, or otherwise opposes conduct the individual reasonably believes to be unlawful discrimination, harassment, or retaliation, or assists in the investigation of a complaint, is also prohibited.

Responsibility for Responding to and Reporting Discrimination, Harassment, and Retaliation

All employees are encouraged to report discriminatory, harassing, or retaliatory behavior, whether directed at themselves or at co-workers.

Supervisory employees are required to take corrective action if employees are subjected to discrimination, harassment, or retaliation on the basis of a protected category. If a complaint is made to a supervisor, or if a supervisor becomes aware of potential discrimination, harassment, or retaliation, the supervisor must immediately report it to the department's Equal Employment Opportunity (EEO) or Human Resources personnel. Any supervisor who receives a complaint of discrimination, harassment, or retaliation and fails to report it may be subject to disciplinary action.

Departments must report all complaints of discrimination, harassment, and retaliation to the Human Resources Director within five days of becoming aware of such complaints. Departments are

responsible for ensuring that all employees know of and are trained periodically regarding this policy.

- Equal Employment Opportunity Policy - English
- Equal Employment Opportunity Policy - Chinese
- Equal Employment Opportunity Policy - Spanish



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EXHIBIT I

Notification of Charge of Discrimination and Request for
Information, dated December 9, 2021, and documents provided
in response, dated May 19, 2022

Dunson, Marvin (HRD)

From: Lavina, Eric (HRD)
Sent: Thursday, December 09, 2021 12:09 PM
To: Herrera, Dennis (PUC)
Cc: Gardunio, Rachel (PUC); Narbaitz, Dena (PUC); Martinez, Amalia (HRD)
Subject: CORRECTION: Eliasson, Eric - Notification of Charge of Discrimination and Request for Information

Dear General Manager Herrera,

Please disregard the prior emailed Request For Information regarding a medical exemption to the vaccination requirement, which was sent in error. Below is the corrected Request For Information pertaining to the employee's request for a religious exemption to the vaccination requirement. Please review and respond accordingly. Apologies for any confusion this may have caused.

A complaint of employment discrimination has been filed against the Respondent Department by **Eric Eliasson, EEO File No. 4061**. The Charter of the City and County of San Francisco provides that the Human Resources Director shall review and resolve all allegations of employment discrimination. The Department of Human Resources, Equal Employment Opportunity Division has been assigned to investigate this complaint and will act as an objective third party reviewer, representing neither the complainant nor the Respondent Department charged with discrimination.

Notification of Charges

The Complainant alleges that they were denied an exemption from COVID-19 vaccination requirements in public health orders and/or the City's Vaccination Policy for a sincerely held religious belief. The City's Equal Employment Opportunity Policy and related Charter provisions require City Departments to reasonably accommodate employee's sincerely held religious beliefs, practices and observance. The Complainant alleges that they have a sincerely held religious belief that conflicts with the vaccination requirement. They informed the Department of the conflict with the vaccination requirement and sought workplace accommodations that would enable them to perform their essential job functions while unvaccinated.

The Complainant alleges that the Department denied Complainant's reasonable accommodation request, despite receiving information establishing that (1) Complaint has a sincerely held religious belief, practice or observance that conflicts with the vaccination requirement; and (2) Complainant is able to safely perform all essential job functions while unvaccinated with reasonable accommodations. Denying Complainant's reasonable accommodation request may violate the City's Equal Employment Opportunity Policies and related provision in the Charter.

Request for Information and Departmental Response

In order to investigate this complaint, we request that the following information be provided within **10 business days of the date this email was sent**.

1. Respondent's Response to the Charges

Please respond to the allegations of the complaint as stated above, to the extent the Department is presently knowledgeable about these matters. This response should include the Department's answer to the specific allegations, as well as any relevant evidence, such as records or documents that support the Department's response.

Please keep in mind that the Department should not conduct its own investigation to respond to the allegations. In particular, the Department should not interview witnesses or decision-makers regarding the allegations but should only respond to these allegations to the extent that management was made aware of these allegations.

2. Request for information

- a. Please state whether Complainant requested a reasonable accommodation for a religious belief, practice, or observance. If so, provide the date the accommodation request was received by the Department.
- b. Please identify the person(s) who reviewed and made decisions regarding Complainant's reasonable accommodation request.
- c. Please describe how the Department processed requests for religious exemptions to the COVID-19 vaccination requirement.
- d. Please state whether the Department has other vaccination requirements for employees in Complainant's classification. If so, identify each vaccination requirement Complainant is required to meet as a condition of employment.

3. Requests for Documents

We would like to obtain copies of the following documents:

- a. Any and all documents pertaining to Complainant's request for an exemption from the COVID-19 vaccination requirement as a reasonable accommodation for a religious belief, practice or observance, including, but not limited to, the Complainant's request, written communications regarding the request, notes, correspondence, written determinations and other documents.
- b. Documents identifying vaccinations Complainant has received to comply with employment requirements for their current or former City job(s), including, but not limited to, immunization records and other records showing vaccines administered to the Complainant.

Documents can be scanned, attached to an email, and sent to the Department of Human Resources, Equal Employment Opportunity Division at DHR-EEO@sfgov.org. Please enter "Response to RFI" and the Complainant's name as the Subject of the email, and designate the email as "CONFIDENTIAL." If the Department has previously provided the requested documents, please respond via email with a list identifying each document provided to DHR-EEO.

D. Important Reminders

Please remember that the information in this request is sensitive and that management should use professional discretion with regard to these allegations. In addition, management should be reminded that any form of retaliation against an employee for making a complaint of discrimination or participating in this investigation is strictly prohibited by law.

We remind all those involved in complaints of discrimination that the process of evaluating the merits of the charges reinforces each employee's right to a workplace free of discrimination. Therefore, allegations should not be considered as personal attacks but management opportunities to demonstrate a commitment to such a working environment.

Should you have any questions about the complaint process or this request, please do not hesitate to contact Amalia Martinez, Director of Equal Employment Opportunity and Leave Management Program at amalia.martinez1@sfgov.org or via phone at (415) 557-4932. Thank you for your assistance.

Sincerely,

Amalia Martinez

Amalia Martinez
Equal Employment Opportunity Director
Department of Human Resources



**Eric Lavina, EEO Management Assistant
(he/him/his)**

Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4818
Website: www.sfdhr.org

May 19, 2022

Amalia Martinez
Equal Employment Opportunity Director
Department of Human Resources, Equal Opportunity Division
One South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Via Email
DHR-EEO@sfgov.org

Re: Department Response to Notification of Charge of Discrimination and Request for Information
Complainant: Eric Eliasson; EEO File No. 4061

Dear Amalia Martinez:

The San Francisco Public Utilities Commission (“SFPU” or “Department”) is in receipt of your December 9, 2021 email to Dennis Herrera, General Manager of the SFPU, regarding the Notification of Charge of Discrimination filed by Eric Eliasson (“Complainant”) and Request for Information. Please accept the following in response.

1. Summary of Response

The SFPU did not discriminate against Eric Eliasson for the reasons set forth in the Charge of Discrimination or for any other reason. Rather, the SFPU reviewed the information provided by the Complainant and determined that accommodation in the Complainant’s current position was not possible under the City’s September 24, 2021 COVID-19 Vaccination Medical and Religious Exemption Request Procedure (“Procedure”) due to a number of factors including, but not limited to, the fact that the documentation provided was insufficient to show a conflict between vaccination requirement and sincerely held religious belief, practice or observance. (Attachment A.)

The Department also considered guidance provided by the Department of Human Resources (“DHR”), including the September 1, 2021 Tips for Processing Religious Accommodation-Vaccine Exemption Requests and the October 26, 2021 Guidance for COVID-19 Vaccine Accommodations and Undue Hardship Defense. (Attachments B & C.)

2. Request for Information

Request 2.a:

Please state whether Complainant requested a reasonable accommodation for a religious belief, practice, or observance. If so, provide the date the accommodation request was received by the Department.

Response to Request 2.a:

Complainant submitted a request for a religious exemption on August 27, 2021.

London N. Breed
Mayor

Anson Moran
President

Newsha Ajami
Vice President

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Dennis J. Herrera
General Manager

Request 2.b:

Please identify the person(s) who reviewed and made decisions regarding Complainant's reasonable accommodation request.

Response to Request 2.b:

Hallie Albert, then EEO Programs Manager, SFPUC

Request 2.c:

Please describe how the Department processed requests for religious exemptions to the COVID-19 vaccination requirement.

Response to Request 2.c:

The SFPUC processed requests for exemptions to the City's COVID-19 Vaccination Policy consistent with the September 24, 2021 Procedure, the September 1, 2021 Tips for Processing Religious Accommodation-Vaccine Exemption Requests, the October 26, 2021 Guidance for COVID-19 Vaccine Accommodations and Undue Hardship Defense, and guidance from DHR and the City Attorney's Office. (Attachments A–C.)

Request 2.d:

Please state whether the Department has other vaccination requirements for employees in Complainant's classification. If so, identify each vaccination requirement Complainant is required to meet as a condition of employment.

Response to Request 2.d:

The SFPUC does not have other vaccination requirements for employees. Some vaccinations may be offered to employees in certain job classifications, but an employee may decline if unwilling to receive the recommended vaccine(s). (Attachment D.)

3. Request for Documents

Request 3.a:

Any and all documents pertaining to Complainant's request for an exemption from the COVID-19 vaccination requirement as a reasonable accommodation for a religious belief, practice or observance, including, but not limited to, the Complainant's request, written communications regarding the request, notes, correspondence, written determinations and other documents.

Response to Request 3.a:

Please see Attachments E–J. However, as the SFPUC has not conducted an investigation into Complainant's allegations, the SFPUC lacks sufficient information to respond comprehensively to this request for documents.

Request 3.b:

Documents identifying vaccinations Complainant has received to comply with employment requirements for their current or former City job(s), including, but not limited to, immunization records and other records showing vaccines administered to the Complainant.

Response to Request 3.b:

The SFPUC was not able to locate any responsive documents. As the SFPUC has not conducted an investigation into Complainant’s allegations, the SFPUC lacks sufficient information to respond comprehensively to this request for documents. Some vaccinations may be offered to employees in certain job classifications and if they accept, they can be vaccinated at Zuckerberg San Francisco General Hospital or with their own health care provider. As a result, the SFPUC does not track which employees have receive or declined non-mandatory vaccinations.

4. Attachments

All responsive documents and supporting documents are attached to this email:

Attachment A	September 24, 2021 City Vaccination Exemption Procedure
Attachment B	September 1, 2021 Tips for Processing Religious Accommodation–Vaccine Exemption Requests
Attachment C	October 26, 2021 Guidance for COVID-19 Vaccine Accommodations and Undue Hardship Defense
Attachment D	Medical Monitoring Program Criteria, San Francisco Public Utilities Commission, Health and Safety Program – 2022
Attachment E	Complainant’s Request for Accommodation and Attachments
Attachment F	Questions to and Responses from Complainant
Attachment G	Determination on COVID-19 Vaccination Exemption Request and Email
Attachment H	Notice of Proposed Disciplinary Action and Employee Conference/ <i>Skelly</i> Meeting (<i>Skelly</i> Notice) and Placement on Paid Administrative Leave and Attachments to Complainant
Attachment I	Notice of Dismissal and Enclosures to Complainant
Attachment J	Grievance Letter to Complainant

Should you have any additional questions, please do not hesitate to contact me at smtang@sfgwater.org or via telephone at (628) 207-2637.

Sincerely,



Steven Tang
EEO Programs Manager
Human Resource Services

COVID-19 VACCINATION MEDICAL AND RELIGIOUS EXEMPTION REQUEST

PROCEDURE

Issued: July 30, 2021

Revised and Reissued: September 24, 2021

I. Legal and Policy Authority

A. Employment Rights for People with Disabilities Policy

The Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA) prohibit employment discrimination against qualified employees on the basis of disability. In accordance with the law, it is the policy of the City and County of San Francisco (City) to provide equal employment opportunities to qualified individuals with disabilities. The ADA and FEHA require the City to engage in the interactive process with qualified employees with a disability to determine whether the City can provide a reasonable accommodation for the employee's medical restrictions that allow the employee to perform the essential function of their position with or without accommodation.

B. Religious Accommodation

Title VII of the Civil Rights Act of 1964 and FEHA require covered employers to accommodate the sincerely held religious belief of qualified employees. To qualify, an employee must demonstrate that their belief is both sincere and religious rather than secular or scientific. Employers like the City are not required to accommodate employees if it would cause an undue burden on operations. For example, if the accommodation would be costly, infringe on other employees' job rights or benefits, compromise workplace safety, decrease workplace efficiency, or require other employees to do more than their share of potentially hazardous or burdensome work, the accommodation is not reasonable.

II. General Vaccination Requirements

All City employees were required to report their vaccination status and submit verifying documentation by July 29, 2021. Unvaccinated employees are required to update their vaccination status and provide verifying documentation as they receive vaccination doses.

Consistent with State and local Public Health Orders and City policy, the City requires employees to be vaccinated against COVID-19. This health and safety-related job requirement is effective as follows:

- By September 30, 2021, employees routinely working onsite in High-Risk Settings must have received the final dose of a COVID-19 vaccination;

- By October 13, 2021, employees who are not permanently stationed or regularly assigned to a High-Risk Setting, but who in the course of their duties may enter or work in those settings even on an intermittent or occasional basis for short periods, must be fully vaccinated against COVID-19; and
- By November 1, 2021, all other City employees must be fully vaccinated.

The local Public Health Order defines High-Risk Settings as certain care or living settings, including many congregate settings, where employees may have contact with vulnerable populations and where the risk of COVID-19 transmission is high. High-Risk Settings include general acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails.

III. Medical and Religious Exemptions: A Two-Step Process

Employees may be exempt from COVID-19 vaccination requirements when a qualifying medical condition or sincerely held religious belief prevents them from receiving one of the available COVID-19 vaccinations. Employees who believe they qualify for an exemption from the vaccination requirement must seek an exemption from the department where they work.

Upon receipt of a request for an exemption, departments must review the employee’s request and supporting documentation, and, as necessary, engage in an interactive process to evaluate the request, to determine: (1) whether the employee has a qualifying medical condition or has stated a sincerely held religious belief that prohibits them from receiving the vaccination, and (2) if the answer to this first inquiry is “yes,” then whether the department has the ability to implement a reasonable accommodation to allow the employee to perform the essential functions of their position. An accommodation is not reasonable if it would pose an undue hardship on operations and present a substantial risk of harm associated with having unvaccinated employees in the workplace.

A. Step 1: Determining if There is a Qualifying Basis for an Exemption

At step 1, departments must determine whether employees qualify for a medical or religious exemption, applying the criteria below. This process may involve an interactive process with the employee, and the department may request supplemental information or documentation in support of the request:

For medical reasons (1) the employee has a qualifying disability that prevents them from receiving a COVID-19 vaccination, (2) the employee requests an exemption from the vaccination requirement, and (3) the employee provides required medical documentation to support an exemption; or

For religious reasons (1) the employee holds a sincerely held religious belief, practice or observance that is contrary to the practice of vaccination, (2) the employee requests an exemption from the vaccination requirement, and (3) the employee provides required documentation or information to support the sincerely held religious belief and exemption.

If the department finds that the employee has a qualifying medical condition or sincerely held religious belief that prohibits them from being vaccinated against COVID-19, then the department moves to step 2 of the process.

B. Step 2: Determining if the Department Can Reasonably Accommodate the Employee

At step 2, the department must determine whether the department can provide a reasonable accommodation that allows an unvaccinated employee to perform the essential functions of their current position.

Relevant to the step 2 inquiry, on September 10, 2021, the San Francisco Department of Public Health amended the local Health Order clarifying that masking and testing may not be an effective accommodation for some employees working in High-Risk Settings. The Order instructs employers to determine what accommodations are reasonable in light of the direct threat posed by COVID-19 and the risk posed by unvaccinated employees in the workplace. Consistent with this Order, departments must consider what, if any, reasonable accommodations exist for persons who are exempt from vaccination and therefore are unvaccinated in the workplace.

In accordance with the San Francisco Health Order, the Department of Human Resources (DHR) has determined that unvaccinated employees pose a direct threat to the health and safety of themselves or others while at work. Accordingly, departments must determine whether granting an exemption from the vaccination requirement will result in an unvaccinated employee posing a substantial risk of harm to others, or the employee, that cannot be mitigated with masking, regular testing, or other measures. **To the extent a department has already granted a request for exemption, the department may be required to withdraw approval to comply with the local Health Order as well as any changes to local health conditions.**

Some of the additional information departments must consider when evaluating whether they can offer a reasonable accommodation that allows the employee to perform the essential functions of their position without creating an undue burden or posing a health or safety risk to themselves or others include:

- (a) Whether the employee will place other people at risk of transmission of COVID-19 because they are required to come into contact (including on an emergency or occasional basis) with coworkers, members of the public, or with persons whose vaccination status is unknown, who are not yet eligible for the vaccine, or who are or may be members of a vulnerable population (e.g., the elderly, incarcerated people, and acute care patients, and people with compromised immune systems);
- (b) The type and frequency of testing available to employees and whether the department has the ability to provide and track requesting testing for employees;
- (c) The logistical and operational impact of ongoing testing;
- (d) Whether the department can ensure compliance with the mask mandate whenever the employee is around other people in the workplace;
- (e) Whether the proposed accommodation imposes an undue burden because it infringes on other employee's job rights or benefits, compromises workplace safety, decreases workplace efficiency, or requires other employees to do more than their share of potentially hazardous or burdensome work;
- (f) The number of employees available to perform a specific function and the impact on other employees of approving a vaccination exemption;
- (g) The ability of the department to accommodate persons with an exemption given that testing and masking may not be effective for employees working in High-Risk Settings; and
- (h) Whether the proposed accommodation would be unduly burdensome for any other reason, such as because it would be too costly or administratively unfeasible.

To determine employee requests for medical or religious vaccination exemptions, departments must generally engage employees in the interactive process. The interactive process may include requesting additional information to support the exemption requests, discussing the request and need for accommodation, and generally communicating with the employee, and third-parties as necessary, to determine whether accommodation is needed, and if so, what reasonable accommodations may be available to keep the employee at work. Employees who receive an exemption must be able to perform all essential job functions of their current position, or an available, vacant, non-promotive position for which the employee is qualified, with or without reasonable accommodation.

For additional guidance on the reasonable accommodation process, consult with the department's assigned Deputy City Attorney and DHR.

IV. Departmental Process for Review and Determinations

Requests for medical and religious exemptions will be processed by the employee's department personnel official and, if necessary, in consultation with the department's assigned Deputy City

Attorney and DHR. Departments will issue written determinations notifying employees of the approval or denial of their requests.

Approved requests must include the specific accommodation that the department will implement to enable the employee to remain at work. In most cases, departments should indicate that the accommodation is being offered on a temporary basis and subject to review and re-approval (for example, for three to six months) because departments may be required to reassess the availability of accommodations to account for changes in health and safety conditions and the potential hardship and expense of an accommodation.

Where the department denies an employee's request for an exemption, they must include the reason for the denial and when the basis for the denial is an inability to reasonably accommodate the employee in their current position, inquire whether the employee is interested in participating in a Citywide job search as a further reasonable accommodation effort.

A. Medical Exemption Process

1. Employees should complete and sign an **Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a disability-related accommodation that provides sufficient notice of an employee's asserted inability to comply with vaccination requirements due to a medical condition, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.
2. Employees must answer relevant questions regarding the medical condition that prevents getting vaccinated, but should not disclose the diagnosis or treatment plan.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a medical exemption from the vaccination requirement, with medical verification of the employee's disability that prevents them from getting vaccinated, to a department personnel official, supervisor or manager.
4. Department personnel officials should make reasonable efforts to acknowledge receipt of an employee request for a medical exemption from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.

5. Department personnel officials should engage employees in the interactive process if the need for a medical exemption from vaccination requirements is not established by the employee's request and supporting medical certificates, or the employee does not submit sufficient medical verification. Department personnel should consult with the Office of the City Attorney and DHR with questions on requests for exemption.
6. Department personnel officials should use the **Health Care Provider Certification Form (COVID-19 Vaccine Exemption)** for requesting information from health care providers in support of a request for exemption from vaccination requirements.
7. If the department concludes that the employee has a qualifying medical condition that prohibits them from receiving the COVID-19 vaccine, the department must consider what, if any, reasonable accommodation it can offer that would allow the employee to continue to perform the essential functions of their job. The department must evaluate the considerations outlined above in Section III(B) when determining if it is able to reasonably accommodate the employee.
8. Department personnel officials should use the **Accommodation Determination Form (COVID-19 Vaccination Exemption)** to document and communicate final determinations on employee requests for medical exemption from vaccinations requirements. If the department determines to approve the request, it must send the packet to DHR for review before communicating the determination to the employee. If the department determines to deny the request, the department must state the reason for the denial on the form.
9. Copies of approved exemption requests must be sent to the employee's supervisor and reported in PeopleSoft along with the employee's "Unvaccinated" status.
10. If the employee will be accommodated, the department must implement the accommodation(s) by the date upon which the employee is required to be fully vaccinated under the City Vaccination Policy (i.e., October 13 or 14, or November 1).
11. If the employee fails to comply with the approved accommodations, including testing and masking requirements, the department will revoke the accommodation.

B. Religious Exemption Process

1. Employees should complete and sign an **Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a religious accommodation that provides sufficient notice of an employee's asserted inability to comply with vaccination requirements for religious

reasons, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.

2. Employees must answer all relevant questions regarding the religious belief, practice or observation that prevents them from getting the COVID-19 vaccination.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a religious exemption from the vaccination requirement, with any relevant statements, documents, or information pertaining to the religious belief, practice or observation that prevents them from getting vaccinated to a department personnel official, supervisor or manager.
4. Department personnel officials should make reasonable efforts to acknowledge receipt of employee requests for religious exemptions from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.
5. Employees may be required to submit additional information regarding the religious nature or the sincerity of a particular belief, practice or observance. Relevant information may include:
 - (a) letters from a religious leader explaining the nature of the religious belief(s), practice(s) or observation(s) and the need for an exemption from the vaccination;
 - (b) articles from religious scholars that describe the nature of the religious belief(s), practices(s), or observance(s) and the need for an exemption from the vaccination requirement;
 - (c) excerpts from religious or sacred texts explaining religious belief(s), practices(s), or observance(s) that prohibit vaccination;
 - (d) written materials describing the religious belief(s), practice(s) or observance(s) that prohibits vaccination;
 - (e) statements, affidavits or other documents from the employee describing the beliefs, practices, or observances, including information regarding when the employee embraced the belief(s), practice(s) or observance(s), as well as when, where and how the employee has adhered to the belief, practice, or observance that prohibits vaccination;
 - (f) statements, affidavits or other documents from potential witnesses identified by the employee as having knowledge of whether the employee adheres or does not adhere to the belief(s), practice(s) or observance(s) that prohibits vaccination, (e.g., religious leader, family, friend, neighbor, supervisor, or coworker who may have

observed the employee's past adherence, or lack thereof, or discussed it with the employee).

6. Department personnel officials will review requests for religious exemptions and determine whether additional information is required.
7. Employees who do not submit requested information within a reasonable period of the request for additional information from a department personnel official may be denied an exemption from the vaccination requirement, unless the department approves an extension of time for submitting the requested information.
8. Employees may use the **Religious Accommodation Certification Form (COVID-19 Vaccination Exemption)** to submit additional information in support of a request for religious exemption from the vaccination requirement.
9. Department personnel officials will make determinations and respond to an employee requests for religious exemptions from the vaccination requirement within a reasonable time after receiving an accommodation request and any supporting information requested by the department. Department personnel should consult with the department's assigned Deputy City Attorney and DHR regarding questions on requests for exemption.
10. If the department concludes that an employee has a sincerely held religious belief that prohibits them from receiving the COVID-19 vaccine, the department must consider what, if any, reasonable accommodation it can offer that would allow the employee to continue to perform the essential functions of their job. The department must evaluate the considerations outlined above in Section III(B) when determining if it is able to reasonably accommodate the employee.
11. Department personnel officials should use the **Accommodation Determination Form (COVID-19 Vaccination Exemption)** to document and communicate final determinations on employee requests for religious exempts from vaccinations requirements. If the department determines to approve the request, it must send the packet to DHR for review before communicating the determination to the employee. If the department determines to deny the request, the department must state the reason for the denial on the form.
12. Copies of approved exemption requests must be sent to the employee's supervisor and reported in PeopleSoft along with the employee's "Unvaccinated" status.

13. If the employee will be accommodated, the department must implement the accommodation(s) by the date upon which the employee is required to be fully vaccinated under the City Vaccination Policy (i.e., October 13 or 14 or November 1).

14. If the employee fails to comply with the approved accommodations, including testing and masking requirements, the department will revoke the accommodation.

V. Contesting Department Determinations

An employee who believes that the department's determination on their request for an exemption violates protections for employees with disabilities or religious beliefs may file an internal discrimination complaint with the DHR, Equal Employment Opportunity Division, for a determination by the Human Resources Director, whose determinations are appealable to the Civil Service Commission. Employees may, in the alternative, file a grievance alleging disability or religious discrimination in violation of provisions in the applicable Memorandum of Understanding. Filing a complaint or grievance does not stay the department's further action in connection with its review, approval, or denial of an employee's request for exemption.

VI. Testing and Masking Requirements for Unvaccinated Employees

Unvaccinated employees with an approved exemption must:

1. Test for COVID-19 at least once a week (or more as required by the state and local Public Health Orders) using either a nucleic acid (including polymerase chain reaction (PCR)) or antigen test; AND
2. Wear a Well-Fitted Mask (or other face covering as required by the state or local Public Health Orders) at all times while working indoors or in a vehicle with another person or, if outdoors, when less than six feet from any other individual. Employees subject to this requirement may remove their mask indoors for the limited purpose of eating or drinking, but must be at least six feet from others when doing so, or when alone in a private office with the door closed.

Masking and testing do not necessarily constitute a complete or sufficient reasonable accommodation. These are the minimal safety requirements for unvaccinated persons in the workplace. Departments must determine, on a case-by-case basis, whether the masking and testing requirements above are adequate an reasonable accommodation for employees seeking an exemption from the vaccination requirement. Departments should refer to guidance in section III(B), to make determinations on what, if any, accommodations will enable employees to remain in their current jobs.

V. Citywide Job Search Process

Only employees with qualifying disabilities or sincerely held religious beliefs that prevent vaccination may participate in the Citywide job search, following a determination by their department that no reasonable accommodation will enable them to remain in and perform the essential functions of their current jobs.

If an eligible employee expresses interest in participating in the Citywide vacancy search, departments should promptly refer the vaccination exemption request to the DHR, EEO Division, Citywide Reasonable Accommodation Coordinator. The Citywide Reasonable Accommodation Coordinator will contact the employee to confirm participation in the search process. Participation in the citywide job vacancy search is voluntary.

DHR will conduct the search for 60 days. An employee placed in a vacant position may be required to serve a probationary period. Employees who decline the Citywide job search will be subject to separation on the applicable vaccination deadline for inability to meet the job-related vaccination requirement.

If an employee elects to participate in the Citywide job search and the applicable deadline for full vaccination (October 13 or 14 or November 1) has passed, the employee will remain out of the workplace pending the results of the search. In such cases, employees may use any accrued paid leave balances other than paid sick leave.



Tips for Processing Religious Accommodation-Vaccine Exemption Requests

Issued: September 1, 2021

Employees with sincerely held religious beliefs that prevent them from being vaccinated against COVID-19 may request an accommodation either orally or in writing. The City has special forms to assist employees with providing information to support religious accommodation requests for vaccine exemptions. Employees are encouraged to use these forms but cannot be required to submit requests in writing or using the City's forms. Employees must actively participate in the interactive accommodation process and provide all information reasonably needed to evaluate the request.

Each request should be considered on a case-by-case basis, and the following is offered as general guidance for processing religious vaccine exemption requests. **Before denying or approving any request for an exemption and accommodation based on a sincere religious belief, please consult with the department's assigned labor attorney. Any decision to approve a religious accommodation must be submitted to DHR's Medical Leave Program Manager for approval before the determination is sent to the employee.**

1. Is the Request Form Complete and Signed?

- Check for answers to all questions.
- Make sure the employee responds to question #4, regarding prior vaccinations and their religious beliefs.
- Make sure the employee signs the request.
- While employees can make requests orally, they should be encouraged to use the City forms. If employees refuse to submit the forms, the department should still work with the employee to obtain any necessary information for evaluating the request.

2. Is the belief religious?

Most recognized organized religions do not prohibit vaccinations. A non-exhaustive list of religious faiths and their stance on vaccination can be found here:

<https://www.vumc.org/health-wellness/news-resource-articles/immunizations-and-religion>.

But, an employee is not required to cite a recognized religion or religious tenet to qualify for an accommodation. You may need to seek additional information about the employee's belief to determine whether it is, in fact, religious.

Departments are not required to accept high-level or vague statements about religious teachings, practices or observances. Because many secular views about the vaccine are

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circulating, departments should review religious exemption requests carefully and ask any necessary questions. Issues that provide an objective reason to ask for more information may include:

- The employee includes political, social, scientific, or other personal reasons with their request.
- The employee does not identify a specific religion or practice that they follow.
- The request does not include an explanation as to how the stated belief prohibits vaccination.
- The belief system is a lifestyle or health choice rather than a religion.

The following is a non-exhaustive list of beliefs state and federal courts have held are **not religious** (and therefore, without more, do not warrant an exemption):

- fear of possible side effects from immunization;
- a desire to live a “healthy” or “pure” lifestyle;
- opposition to vaccination due to veganism;
- a belief that the vaccine will do more harm than good; and
- distrust in the science supporting vaccination.

With respect to the COVID-19 vaccine specifically, a statement that the employee is refusing the vaccine due to concerns about the use of stem or fetal cells may not be a qualifying religious belief because neither the Pfizer nor Moderna vaccines contain fetal cells. (See, Los Angeles County COVID-19 Vaccine and Fetal Cell Lines http://publichealth.lacounty.gov/media/Coronavirus/docs/vaccine/VaccineDevelopment_FetalCellLines.pdf). Similarly, concerns about the use of fetal cell lines in researching the COVID-19 vaccines may not qualify since those same cell lines were used to develop many other vaccines, including those for hepatitis A, rubella, and rabies. If the employee has previously received other vaccines without concern, the claimed belief may not be religious, and you may need to inquire further about the basis for the employee’s objection to vaccination.

3. Is the belief sincerely held?

Assume employees seeking exemptions do so in good faith, unless there is a reasonable objective basis for questioning their sincerity. The following are a few objective facts that may raise questions about whether an exemption request is based on a sincerely held belief:

- The employee only recently adopted the stated belief, i.e., this year or since the start of the pandemic.
- The request is accompanied by a declaration or letter from an online “church” or pastor.
- The employee provides vague or incomplete information about their religious beliefs.
- The employee has previously accepted other vaccinations, and now has a different position regarding only the COVID-19 vaccination.

4. What questions can departments ask?

When an employee makes a claim for religious exemption, the employer may attempt to determine whether the belief is, in fact, religious or secular in nature. The ultimate inquiry is whether the employee has a belief that occupies a place in their life parallel to that filled by God in traditional religions. An employee's opposition to the COVID-19 vaccination should be considered religious in nature if it meets all of the following requirements:

- The belief is part of a larger tenet or belief system that is comprehensive in nature, as opposed to an isolated teaching or philosophy;
- The belief system addresses fundamental or ultimate questions such as the meaning or purpose of life, matters of human life and death, or the exercise of faith; and
- The religion has certain recognizable formal or external signs, such as services or ceremonies, an organizational structure, orders of worship or articles of faith, or holidays.

Depending on the circumstances, you may need more information to evaluate an employee's request. Inquiries may include the following (to be used as needed, not necessarily in all cases):

- Please identify the specific religious tenet that prohibits the COVID-19 vaccination.
- Please identify the Christian/Muslim/Jewish/etc. Sect or denomination that teaches that the COVID-19 vaccination is prohibited.
- Can you provide any existing literature to support your exemption request?
- State whether the views expressed in your religious exemption request are part of a shared or comprehensive doctrine and how long the doctrine has existed.
- Do you regularly worship with others sharing your beliefs about the COVID-19 vaccine, if so, how often and where are services generally held?
- Is the declaration supporting your religious exemption request from your pastor or religious leader?
- Did you purchase the letter or pay the person who provided the declaration supporting your religious exemption request?
- The [Vatican/insert religious authoritative or governing body] has endorsed the COVID-19 vaccines and pronounced that the connection between the fetal cell lines used in vaccine testing and actual abortion is sufficiently remote and the pandemic sufficiently serious to allow members to receive the vaccine in good conscience. Are your beliefs contrary to this pronouncement? If so, why?
- Please identify the specific religious tenet, practice or observation used to identify substances that are harmful, and state how you applied this to the COVID-19 vaccine.
- Please identify the specific religious tenet, practice or observance that prohibits receiving vaccines developed or tested using fetal cell lines.

5. **When to request a Declaration from a religious leader, religious scholar, or other person with knowledge of the employee's adherence to a religion or belief system**

Because the definition of religion is broad and protects beliefs, observances and practices with which department personnel may be unfamiliar, departments may need additional information to support a religious exemption request. Circumstances that justify seeking information from a third party with knowledge of the employee's religious beliefs include:

- Employee provides vague or incomplete responses to questions about their religious beliefs or belief system.
- Employee's religion or belief system is not well-known, or has a structure that is not like traditional religions.
- Employee statements objectively raise questions regarding whether the employee's belief is part of a religion or belief system.
- Employee actions are inconsistent with the alleged religious beliefs.

Departments should require employees to respond to requests for information regarding their religious beliefs within five (5) business days, unless employees request an extension for good cause. Employees may be allowed up to an additional five (5) business days to respond to questions or requests for additional information.

6. **Making Decisions**

Review information from employees along with supporting declarations and letters holistically. How an employee responds to one question is not necessarily dispositive on the issue of approval. All statements, documents and additional research should be used to assess whether an employee's belief is religious and sincere.

Departments can deny any exemption requests where the facts show:

- The belief is political, scientific, isolated, or personal and not religious.
- There are no religious tenets, teachings, or a recognizable structure.
- The belief system addresses only perceptible human concerns, e.g., *what to eat*.
- The belief system has no officials, classes, ceremonies, services, gatherings, writings, or holidays.
- The request is based on non-religious views, such as:
 - fear of possible side effects from immunization;
 - a desire to live a "healthy" or "pure" life style;
 - opposition to vaccination due to veganism;
 - a belief that the vaccine will do more harm than good; or
 - distrust in the science supporting vaccination.

If departments have doubts or concerns about a religious exemption to the mandatory COVID-19 vaccination requirement, departments should consult with their assigned advice attorney or DHR's Medical Leave Program Manager. **Any decision to approve a religious accommodation must be reviewed by DHR's Medical Leave Program Manager, before the determination is sent to the employee.**


7. Determining Whether an Accommodation Can Be Offered

If the employee has a sincere religious belief that prevents them from receiving the COVID-19 vaccine, the department must then determine whether it can offer the employee a reasonable accommodation, such as telework or reassignment.

Departments are not required to accommodate employees if it would pose an "undue hardship." In making this determination, the department may consider whether the employee's job requires them to come into contact with others (including members of the public) whose vaccination status could be unknown or who may be ineligible for the COVID-19 vaccine. In such cases, an unvaccinated employee may pose a direct threat of harm to coworkers or non-employees if they remain in the workplace and an accommodation may not be possible. Such employees may need to be referred to DHR for a Citywide job search.



MEMORANDUM

DATE: October 26, 2021
TO: **Departmental Personnel Officers**
FROM: Janie White, Medical Leave Program Manager 
Jessica Comes, Citywide Reasonable Accommodation Coordinator
SUBJECT: Guidance for Covid-19 Vaccine Accommodations and Undue Hardship Defense

The following is additional guidance for City departments on conducting the Step 2 analysis for COVID-19 religious and medical exemption requests. This guidance addresses when masking and regular testing may not be sufficient to mitigate the undue burden and direct threat posed by unvaccinated employees in the workplace.

Proximity to Others

Where an employee works in proximity to the public, City contractors, or other employees; works indoors; or must share a vehicle with other City employees in the course of their work, allowing that employee to remain in the workplace unvaccinated where any one of these factors exists poses a health and safety risk.

Limited Resources to Monitor Masking and Testing Compliance

The cost and staff resources required to implement robust monitoring of ongoing masking requirements for all employees working with the unvaccinated employee, at least weekly COVID-19 testing for the unvaccinated employee, and maintaining regular cleaning and sanitizing protocols in areas where unvaccinated employees work, is likely to pose an undue burden on human resources as well as managers and supervisors.

Burden on Vaccinated Employees

The impact on vaccinated employees of working with unvaccinated employees both in terms of the risk of spreading COVID-19 to employees with and without medical vulnerabilities, and the burden on vaccinated employees from continued compliance with office masking requirements, are additional factors departments should consider and weigh against the feasibility of providing an accommodation that would allow an unvaccinated employee to remain in the workplace.

Janie White, Medical Leave Program Manager
Jessica Comes, Citywide Reasonable Accommodation Coordinator
Re: Guidance for Covid-19 Vaccine Accommodations and Undue Hardship Defense
October 26, 2021, Page 2 of 2

Temporary Accommodation Options

Departments should also consider whether it is feasible to grant an interim accommodation of continued telework or temporary unpaid leave while further assessing possible accommodations, as well as evaluating the burdens and risks of returning unvaccinated employees to the worksite. Departments choosing to approve interim accommodations should establish limits of no more than 3-6 months for these temporary accommodations.

The City is now poised to enter flu season with more people staying indoors during these colder winter months. While we are hopeful that the City will not face a future COVID-19 surge, we must ensure that the City does everything it can to protect its employees, their families, City contractors, and members of the public. Given that unvaccinated employees have an increased likelihood of contracting and transmitting COVID-19, including to vaccinated employees, departments must review any proposed decision to grant an accommodation with their assigned Labor Team Deputy City Attorney and DHR Medical Leave Program Manager, Janie White.

cc: Carol Isen, Human Resources Director, DHR
Ardis Graham, Employee Relations Director, DHR
Kate Howard, Deputy Director Human Resources, DHR
Shawn Sherburne, Client Services Manager, DHR
Mawuli Tugbenyoh, Chief of Policy

**Medical Monitoring Program Criteria
San Francisco Public Utilities Commission
Health and Safety Program – 2022**

The following information identifies and describes medical evaluations, and vaccinations provided to SFPUC employees by Zuckerberg San Francisco General Hospital. Please ask your supervisor and/or Health & Safety Program representative if you would like additional information about the SFPUC Medical Monitoring Program.

1.0 MEDICAL EVALUATIONS

1.1 Initial Medical Evaluation (CCSF-DHR Examination)

General physical evaluation.

1. Required for placement into particular job classes per CCSF, Department of Human Resources standards.
2. May be required upon initial hire, interdepartmental transfers &/or promotions.

1.2 US Dept. of Transportation / FMCSA – Federal Motor Carrier Safety Administration

General physical evaluation including vision and hearing tests, and other evaluations as needed depending on physical condition. May also include drug testing (including random drug testing). Drug testing is performed by outside vendor, not San Francisco General Hospital.

1. Required for placement, and continued employment in “safety sensitive” job classifications, as defined by CCSF and USDOT standards.
2. Generally includes employees that require Class A and Class B drivers’ licenses.

1.3 Respirator Medical Evaluations

1.3.1 Air Purifying and PAPR Respirator Medical Evaluation

Medical history questionnaire and general physical evaluation. Additional evaluations sometimes required (e.g. pulmonary function test, EKG, exams/information from your personal doctor) if SFGH examiner is concerned about health conditions that make “air-purifying respirator (APR)”-use hazardous. APRs include cartridge/filter-type respirators (1/2- or full-facemask) and powered air-purifying respirators (PAPR).

1. Required annually for employees who need APRs to perform job duties (including disaster-relief) safely.
2. Required annually for employees that voluntarily use APRs to perform job duties.
3. Pre-employment requirement for positions requiring APR-use.
4. Employees that do not qualify medically for APR-use cannot perform tasks requiring APR-protection.
5. In situations where employees decline to participate in a respirator medical evaluation, the supervisor should handle it as a performance issue.

1.3.2 Self-Contained Breathing Apparatus (SCBA) Medical Evaluation

Medical history questionnaire and general physical evaluation. Additional evaluations (e.g. pulmonary function test, EKG, exams/information from your personal doctor) sometimes required if medical staff is concerned about health conditions that make SCBA-use hazardous.

1. Required annually for employees who need SCBAs to perform job duties (including confined space rescue and disaster-relief) safely.
2. Pre-employment requirement for positions requiring SCBA-use.
3. Employees that do not qualify medically for SCBA-use cannot perform tasks requiring SCBA-protection.

4. In situations where employees decline to participate in a respirator medical evaluation, the supervisor should handle it as a performance issue.

1.3.3 Self-Contained Underwater Breathing Apparatus (SCUBA) Medical Evaluation

Medical history questionnaire and general physical evaluation. Additional evaluations (e.g. pulmonary function test, EKG, exams/information from your personal doctor) sometimes required if medical staff is concerned about health conditions that make SCUBA-use hazardous.

1. Required annually for employees assigned to underwater tasks requiring SCUBA-use (generally, "Dive Team" members).
2. Pre-employment requirement for positions requiring SCUBA-use.
3. Employees that do not qualify medically for SCUBA-use, or who decline this evaluation, cannot perform tasks requiring SCUBA-protection.

1.4 Hearing Exam (also known as Audiometric Testing)

Sit in quiet booth wearing headphones, indicate when sound-tones are heard through headphones; SFGH examiner plays tones at varying frequencies (itches) and volumes (decibel-levels) to evaluate hearing ability, which can be damaged by loud-noise exposure.

1. Provided annually for employees whose noise-exposure level equals or exceeds the Cal/OSHA Action Level (85 dBA (8-hr time-weighted-average) without regard to attenuation provided by hearing protection).
2. Provided annually for employees whose noise exposure is highly variable and unpredictable, but which at times exceeds the Cal-OSHA Action Level.
3. Employees can decline this exam.

1.5 Lead Evaluation

SFGH examiner draws blood sample and has it analyzed for lead content and zinc-protoporphyrin (ZPP) level only. ZPP is a blood enzyme that can become elevated due to lead-exposure. ZPP may become elevated due to other common medical conditions as well.

1. Provided for employees who may be exposed to lead via inhalation and/or ingestion, at above normal-background levels, while performing job duties.
2. Includes exposures that exceed the Cal/OSHA Lead Action Level (30 µg/m³, 8-hour TWA).
3. Employees may decline if unwilling or unable to provide a blood sample.

1.6 Asbestos Evaluation

General physical evaluation and chest x-ray (as determined by a physician) to look for health conditions related to asbestos exposure.

1. Provided for employees who may be exposed to asbestos via inhalation and/or ingestion, at above normal-background levels, while performing job duties.
2. Includes potential exposures that occurred any time during past CCSF employment. Exposures that may have occurred during past non-CCSF employment will also be considered.
3. Per Cal/OSHA requirements, includes employees who spend 30 or more days per year doing "asbestos work", or whose exposure exceeds the excursion limit or permissible exposure limit (PEL).
4. Employees may decline if unwilling to receive x-ray or are unable to do so for medical reasons.

1.7 Hazardous Materials Evaluation

Medical follow-up provided for employees that were, or potentially were overexposed to hazardous materials (other than lead and asbestos) while performing job duties, via skin contact, inhalation &/or ingestion. The type(s) of medical follow-up varies depending on the nature of the potential exposure. Hazardous materials which may be of concern include, but are not limited to, silica from sand &/or concrete dust; petroleum hydrocarbons from fuel,

solvents, paint &/or contaminated soil; mercury from contaminated soil or vaults; other metals from contaminated soil areas. For lead & asbestos exposure concerns, see “Lead Evaluation” and “Asbestos Evaluation” respectively.

1.8 Tuberculosis (TB) Screening

TB screening is provided for employees that are potentially infected with TB or were potentially exposed to TB while performing job duties. Employees in the Silica Medical Evaluation program are also receiving TB Screening. Screening is performed by administering an injection of a small amount of TB antigen under the skin. Skin reaction at injection site and is evaluated 48-72 hours after injection to help evaluate whether TB exposure &/or infection has occurred. In some cases, including an initial TB test, a second injection is administered 7 days after the first injection; skin reaction is evaluated 48-72 hours after second injection. If test shows possible TB exposure or infection, additional medical follow-up will be provided.

1.9 Silica Exposure Medical Evaluation

General physical evaluation and chest x-ray (as determined by a physician) to look for health conditions related to silica exposure. As required by the Cal/OSHA Silica regulations, medical surveillance will be made available for:

1. Each employee required to use a respirator for 30 or more days per year due to their Respirable Crystalline Silica exposure, if tasks are regulated under the Construction Safety Orders or,
2. Each employee occupationally exposed to respirable crystalline silica at or above the action level for 30 or more days per year, if tasks are regulated under the General Industry Safety Orders

The required screening components include medical and work history, physical examination, chest X-ray, pulmonary function test, testing for latent tuberculosis infection; and any other tests deemed appropriate by the PLHCP. Periodic medical exams will be provided at least every 3 years, or more frequently if recommended by the PLHCP.

2.0 VACCINATIONS

2.1 Tdap Vaccination

Protects against Tetanus, diphtheria, and pertussis. These diseases are caused by bacteria. Diphtheria and pertussis are spread from person to person through secretions from coughing or sneezing. Tetanus enters the body through cuts, scratches, or wounds. Recommended every 10 years for all workers. Single-injection vaccination.

1. Provided for employees that perform non-office job duties.
2. Employees may decline if unwilling to receive vaccine.

2.2 Hepatitis A Vaccination

Protects against Hepatitis A virus infection. Generally contracted due to “hand-to-mouth” contact with human feces, or items/materials contaminated with human feces. Injection vaccination (2-shot series).

1. Provided for employees that perform non-office job duties, which involves reasonable possibility of contact with human feces, or items/materials contaminated with human feces.
2. Employees may decline if unwilling to receive vaccine.

2.3 Hepatitis B Vaccination

Protects against Hepatitis B virus infection. Generally contracted due to contact with human blood/bodily fluids/materials, or items/materials contaminated with human blood/bodily fluids/materials. Injection vaccination (3-shot series).

1. Provided for employees that perform non-office job duties, which involves reasonable possibility of contact with human blood/bodily fluids/materials, or items/materials contaminated with human blood/bodily fluids/materials.
2. Employees may decline if unwilling to receive vaccine.
3. Employees may want to discuss with their health care practitioner the possibility of having a titer test for Hepatitis B antibodies prior to making a decision to receive the Hepatitis B vaccination.

SFPUC MEDICAL MONITORING MATRIX CODES

CATEGORY	CODE	EXPLANATION
DHR Exam	Y	Employees must receive pre-employment and promotional physicals per requirements of Dept. of Human Resources (DHR)
DMV	Y	Employees must receive a CA Dept. Of Motor Vehicles physical every two years.
DOT/ FMCSA	Y	Employees must participate in the random drug and alcohol-testing program, as determined by CCSF – DHR.
Audiogram	H1	<u>Required for all</u> employees in job class; includes initial baseline and annual hearing tests.
	H2	<u>Offered to, and strongly recommended</u> for employees who have field duties involving potential exposure to noise exceeding 85 dBA.
	H3	<u>Offered</u> to employees in job class (on a case-by-case basis) for employees who may have field duties involving potential exposure to noise exceeding 85 dBA.
Respirator ¹	R1	<u>Required for all</u> employees in job class; includes pre-employment, promotional, and annual respiratory protection evaluations <u>and</u> medically qualified as determined by ZSFG for use of respiratory protection. Employees must report to work clean-shaven for daily respirator use.
	R2	<u>Required for all</u> employees in job class; includes pre-employment, promotional, and annual respiratory protection evaluations <u>and</u> medically qualified as determined by ZSFG for use of respiratory protection. Employees must be prepared to shave in the event where respirator use is warranted.
	R3	<u>No pre-employment respirator medical is needed for this category.</u> Exceptions: The hiring division may determine that a position requires a respirator medical exam on a case-by-case basis, due to position specific job duties. Employee Life Cycle (ELC) staff should contact the hiring manager to determine if there are any position-specific respirator requirements.
Respirator Exam Rationale	A, C, L, S, P	These employees are exposed at varying durations and frequencies to the following: lead (L), asbestos (A), silica (S), particulates (P), and chemicals (C). Chemicals include but are not limited to: hydrogen sulfide, volatile organic compounds, epoxies, isocyanates, chlorine, and fluoride.
SCBA ²	S1	<u>Required for all</u> employees in job class; includes pre-employment, promotional, and annual respiratory protection evaluations <u>and</u> medically qualified as determined by ZSFG for use of Self Contained Breathing Apparatus (SCBA). Employees must report to work clean-shaven for daily SCBA use.

¹ On pre-employment and promotional exams, candidate MUST successfully pass respirator evaluation to obtain employment. Incumbents who fail to pass evaluation will be reviewed on a case-by-case basis.

² On pre-employment and promotional exams, candidate MUST successfully pass SCBA evaluation to obtain employment. Incumbents who fail to pass evaluation will be reviewed on a case-by-case basis.

CATEGORY	CODE	EXPLANATION
	S2	<u>Required for all</u> employees in job class; includes pre-employment, promotional, and annual respiratory protection evaluations <u>and</u> medically qualified as determined by ZSFG for use of Self Contained Breathing Apparatus (SCBA). Employees must be prepared to shave in the event where SCBA use is warranted.
	S3	<u>No pre-employment respirator medical is needed for this category.</u> Exceptions: The hiring division may determine that a position requires an SCBA medical exam on a case-by-case basis, due to position specific job duties.
Asbestos	A2	<u>Offered to, and strongly recommended for</u> employees in job class a medical evaluation for asbestos exposure. SFGH must determine frequency.
	A3	<u>Offered to</u> employees in job class (on a case-by-case basis) a medical evaluation for asbestos exposure. SFGH must determine frequency.
	A4	Designated employee requires medical evaluation for asbestos exposure at frequency to be determined by SFGH (special request).
Lead	L1	<u>Required for all</u> employees in job class; includes baseline and annual blood lead level testing <u>and</u> Pre- and Post-project blood lead level testing when required.
	L2	<u>Offered to, and strongly recommended for</u> employees in job class; includes baseline and annual blood lead level testing <u>and</u> Pre- and Post-project blood lead level testing when required.
	L3	<u>Offered to</u> employees in job class (on a case-by-case basis); includes baseline and annual blood lead level testing <u>and</u> Pre- and Post-project blood lead level testing when required.
	L4	Special request blood lead level testing.
Silica	C1	Required for all employees in job class; includes silica medical surveillance exam and any other testing recommended by health care provider.
	C2	Offered to, and strongly recommended for employees in job class; includes silica medical surveillance exam and any other testing recommended by health care provider.
	C3	Offered to employees in job class (on a case-by-case basis); includes silica medical surveillance exam and any other testing recommended by health care provider.
Hep B	O	<u>Offered to</u> employees, voluntary Hepatitis B vaccine – 3 shot series.
Hep A	O	<u>Offered to</u> employees, voluntary Hepatitis A vaccine – 2 shot series.
Tdap	O	<u>Offered to</u> employees, voluntary Tetanus vaccine – recommended one shot every 10 years.

PUC MEDICAL MONITORING MATRIX

Job Class	Job Class Title	Dept. Name	GMI's office	Pre-Employment Exams (Necessary to be hired)				Periodic Medical Surveillance Exams										Respirator Exam Rationale, Comments				
				DHR Exam	DMV	Respirator / Silica	Audio-gram (Annual)	Respirator (annual)	SCBA (Annual)	Asbestos (Annual)	Lead (Annual)	Silica	DMV (every 2 yrs)	DOT/ FMCSA	Hep B (Initial)	Hep A (Initial)	Tdap (every 10 years)					
7334	Stationary Engineer	CDD				R2	H1	R2		A3	L3										A, C, L, P	
1466	METER READER	CDD					H1															
1478	Senior Water Services Clerk	CDD					H1															
1934	STOREKEEPER	CDD					H1															
1936	SR STOREKEEPER	CDD					H1															
1950	Asst Purchaser	CDD					H1															
2708	CUSTODIAN	CDD					H1															
3410	APPRENTICE GARDENER	CDD					H1															
3417	GARDENER	CDD					H1															
3418	GRDNR AST SUPV	CDD					H1															
3422	Park Section Sup	CDD					H1															
3424	PEST CTL SPEC	CDD					H1															
5207	ASSOC ENGINEER	CDD					H3															
5211	SR ENGINEER	CDD					H3															
5241	ENGINEER	CDD					H3															
5380	Student Design Trainee I Engr.	CDD					H1															
5381	Student Design Trainee II Engr.	CDD					H1															
5382	Student Design Trainee III Engr.	CDD					H1															
6318	CONSTRUCT INSP	CDD					H1															
6319	SR CONSTRUCT INSP	CDD					H1															
7120	BD/GD MT SPT	CDD					H1															
7205	CHIEF STA ENGR	CDD					H1															
7208	Heavy Equipment Supervisor	CDD					H1															
7215	GEN LBR SUP I	CDD					H1															
7226	CARPENTER SUPV I	CDD					H1															
7238	Electrician Supv I	CDD					H1															
7240	WT MT SH SUP I	CDD					H1															
7245	Sr. Stationary Engineer	CDD					H1															
7250	UTL PLMB SUP I	CDD					H1															
7254	AUTO MCH SUP I	CDD					H1															
7258	MNT MACH SUP I	CDD					H1															
7276	Electrician Sup II	CDD					H1															
7281	Sr. Env Ops Sup	CDD					H1															
7284	UTL PLMB SUP II	CDD					H1															
7306	AUTO BDY/FR WKR	CDD					H1															
7309	AUTO PAINTER	CDD					H1															
7313	AUTO MACHINIST	CDD					H1															
7315	AUT MCH ASS SUP	CDD					H1															
7316	WTR SERV INSP	CDD					H1															
7317	SR WTR SERV INSP	CDD					H1															
7318	ELEC MNT TECHN	CDD					H1															
7320	Apprentice Auto Machinist 1	CDD					H1															
7327	Apprentice Maint Machinist 1	CDD					H1															

Note: R3* No pre-employment respirator medical is needed for this category. Exceptions: Employee Life Cycle (ELC) staff should contact the hiring manager to determine if there are any position-specific respirator requirements.
Med Mon Matrix - primary

PUC MEDICAL MONITORING MATRIX

Job Class	Job Class Title	Dept. Name	Pre-Employment Exams (Necessary to be hired)			Periodic Medical Surveillance Exams											Respirator Exam Rationale, Comments	
			DHR Exam	DMV	Respirator / Silica	Audio-gram (Annual)	Respirator (annual)	SCBA (Annual)	Asbestos (Annual)	Lead (Annual)	Silica	DMV (every 2 yrs)	DOT/ FMCSA	Hep B (Initial)	Hep A (Initial)	Tdap (every 10 Years)		
7328	OPER ENGR-UNIV	CDD	Y	Y	R2	H1	R2	A3	L3		C3	Y	Y					Also requires
7331	Apprentice Mechanist 2	CDD			R1	H1	R1	A3	L3									A,C,L,P
7332	MAINT MACHINIST	CDD			R1	H1	R1	A3	L3									A,C,L,P
7334	STATIONARY ENGR	CDD	Y		R2	H1	R2	A3	L3			Y						A,C,L,P
7335	SR STNRY ENGR	CDD	Y		R2	H1	R2	A3	L3									A,C,L,P
7337	Maint Mach. Asst Sup.	CDD	Y		R2	H1	R2	A3	L3									A,C,L,P
7341	Sia. Engineer - WTP	CDD	Y		R2	H1	R2	A3	L3									A,C,L,P
7343	SR STA ENG -WTP	CDD	Y		R2	H1	R2	A3	L3									A,C,L,P
7344	CARPENTER	CDD	Y		R1 / C1	H1	R1	A3	L3		C1							A,C,L,P
7345	ELECTRICIAN	CDD	Y		R2	H1	R2	A3	L3		C2							A,C,L,P
7346	PAINTER	CDD	Y		R2 / C2	H1	R1	A3	L1		C2							A,C,L,P
7353	WTR MTR RBR	CDD	Y		R2	H1	R2	A3	L3		C3	Y						A,C,L,P
7355	TRUCK DRIVER	CDD	Y	Y	R1	H1	R2	A3	L2		C1		Y					A,C,L,S,P
7360	PIPE WELDER	CDD	Y		R2 / C1	H1	R1	A3	L2		C2							A,C,L,S,P
7388	UTILITY PLUMBER	CDD	Y		R2	H1	R2	A3	L3			Y						A,C,L,S,P
7410	AUTO SERV WKR	CDD	Y	Y	R2 / C1	H1	R2	A3	L2		C1							A,C,L,S,P
7463	Utility Plumber Apprentice I	CDD	Y		R2 / C1	H1	R2	A3	L2		C1							A,C,L,S,P
7464	Utility Plumber Apprentice II	CDD	Y		R2 / C2	H1	R2	A3	L3		C2							A,C,L,S,P
7514	GEN LABORER	CDD	Y		R2 / C2	H1	R2	A3	L3									A,C,L,S,P
9910	PUB SRV TRAINEE	CDD			R3*	H1	R3*											
9912	Public Service Aide-Technical	CDD			R3*	H1	R3*											
9916	Public Svc Aide-Public Works	CDD			R3*	H1	R3*											
9920	Public Service Aide - Assistant To P	CDD			R3*	H1	R3*											
9922	Public Service Aide - Associate To F	CDD			R3*	H1	R3*											
1770	Head Photographer	CMB			R3*	H1	R3*											
1774	Photographer	CMB			R3*	H1	R3*											
5201	JUNIOR ENGINEER	CMB			R3*	H3	R3*											
5203	ASST ENGINEER	CMB			R3*	H3	R3*											
5207	ASSOC ENGINEER	CMB			R3*	H3	R3*											
5211	SR ENGINEER	CMB			R3*	H3	R3*											
5212	PRIN CIVIL ENGR	CMB			R3*	H3	R3*											
5241	ENGINEER	CMB			R3*	H3	R3*											
5310	SURVEYOR ASST I	CMB				H1												
5312	SURVEYOR	CMB				H1												
5314	SRVY PRTY CHF	CMB				H1												
5380	Student Design Trainee I Engr.	CMB			R3*	H1	R3*											
5381	Student Design Trainee II Engr.	CMB			R3*	H1	R3*											
5382	Student Design Trainee III Engr.	CMB			R3*	H1	R3*											
6317	ASST CONSTRUCT INSP	CMB			R3*	H1	R3*	A3	L3									
6318	CONSTRUCT INSP	CMB			R3*	H1	R3*	A3	L3									
6319	SR CONSTRUCT INSP	CMB			R3*	H1	R3*	A3	L3									
9910	PUB SRV TRAINEE	CMB			R3*	H1	R3*											
9912	Public Service Aide-Technical	CMB			R3*	H1	R3*											
9916	Public Svc Aide-Public Works	CMB			R3*	H1	R3*											
9920	Public Service Aide - Assistant To P	CMB			R3*	H1	R3*											

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Med Mon Matrix - primary

PUC MEDICAL MONITORING MATRIX

Job Class	Job Class Title	Dept. Name	Pre-Employment Exams (Necessary to be hired)			Periodic Medical Surveillance Exams											Respirator Exam Rationale, Comments		
			DHR Exam	DMV	Respirator / Silica	Audio-gram (Annual)	Respirator (annual)	SCBA (Annual)	Asbestos (Annual)	Lead (Annual)	Silica	DMV (every 2 yrs)	DOT/ FMCSA	Hep B (Initial)	Hep A (Initial)	Tdap (every 10 Years)			
9922	Public Service Aide - Associate To F	CMB			R3*	H1	R3*												
1466	METER READER	CSB				H1													
2708	CUSTODIAN	CSB			R3*	H1	R3*												
7316	WTR SERV INSP	CSB				H3													
7317	SR WTR SRV INSP	CSB				H3													
932	MNGR HLTH & SFTY	H&S			R2	H1	R2	S3	A3										
5177	SAFETY OFFICER	H&S			R2	H1	R2	S3	A3										
6130	SAFETY ANALYST	H&S			R2	H1	R2	S3	A3										
6137	AST IND HYGNST	H&S			R2	H1	R2	S3	A3										
6138	INDSTR L HYGNST	H&S			R2	H1	R2	S3	A3										
6139	SR IND HYG DPH	H&S			R2	H1	R2	S3	A3										
2706	HOUSEKEEPER	HHW			R3*	H1	R3*												
2708	CUSTODIAN	HHW			R3*	H1	R3*												
3417	GARDENER	HHW			R3*	H1	R3*												
3418	GRDNR AST SUPV	HHW			R3*	H1	R3*												
3422	Park Section Sup	HHW			R3*	H1	R3*												
3424	PEST CTL SPEC	HHW			R3*	H1	R3*												
3434	FREE TOPPER	HHW				H1													
5201	Junior Engineer	HHW			R3*	H3	R3*												
5203	ASST ENGINEER	HHW			R3*	H3	R3*												
5207	ASSOC ENGINEER	HHW			R3*	H3	R3*												
5211	SR ENGINEER	HHW			R3*	H3	R3*												
5241	ENGINEER	HHW			R3*	H3	R3*												
5362	Engineering Assistant	HHW			R3*	H3	R3*												
5364	Engineering Associate 1	HHW			R3*	H3	R3*												
5366	Engineering Associate 2	HHW			R3*	H3	R3*												
5380	Student Design Trainee I Engr.	HHW			R3*	H3	R3*												
5381	Student Design Trainee II Engr.	HHW			R3*	H3	R3*												
5382	Student Design Trainee III Engr.	HHW			R3*	H3	R3*												
5620	REG SPECIALIST	HHW			R3*	H3	R3*												
6317	ASST CONSTRUCT INSP	HHW			R2 / C2	H1	R2	A3											
6318	CONSTRUCT INSP	HHW			R2 / C2	H1	R2	A3											
6319	SR CONSTRUCT INSP	HHW			R2	H1	R3*	A3											
7126	MCH SHPE/Q SUP	HHW				H1													
7215	GEN LBR SUP I	HHW			R2 / C2	H1	R2												
7226	CARPNT R SUPV I	HHW			R2 / C2	H1	R2	A3											
7229	TRN LINE SUP I	HHW			R2	H1	R2												
7232	HH Mech. Shop Sup.	HHW			R2	H1	R2												
7238	ELEC SUPV I	HHW			R3*	H1	R3*	A3											
7242	PAINTER SUPV I	HHW			R3*	H1	R3*	A3											
7250	UTL PLMB SUP I	HHW			R1 / C1	H1	R1	A3											A, C, L, P
7254	AJTO MCH SUP I	HHW			R3*	H1	R3*	A3											
7257	Communication Line Sup1	HHW			R3*	H1	R3*	A3											
7259	WTR/PPWR MNT SP	HHW			R3*	H1	R3*												
7270	WTRSHHD KPR SUP	HHW			R3*	H1	R3*												

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Med Mon Matrix - primary

PUC MEDICAL MONITORING MATRIX

Job Class	Job Class Title	Dept. Name	Pre-Employment Exams (necessary to be hired)			Periodic Medical Surveillance Exams											Respirator Exam Rationale, Comments		
			DHR Exam	DMV	Respirator / Silica	Audio-gram (Annual)	Respirator (annual)	SCBA (Annual)	Asbestos (Annual)	Lead (Annual)	Silica	DMV (every 2 yrs)	DOT/ FMCSA	Hep B (Initial)	Hep A (Initial)	Tdap (every 10 Years)			
7284	UT PLUMB SUP II	HHW			R3*	H1	R3*	A3		L3	C3								
7287	SUP ELEC MT TCH	HHW			R3*	H2	R3*												
7318	ELEC MNT TECHN	HHW			R3*	H1	R3*												
7325	GEN UTL Y MECH	HHW	Y	Y	R2 / C2	H1	R2	A3		L2	C2	Y	Y						A, C, L, P
7328	OPER ENGR-UNIV	HHW	Y	Y	R2	H1	R2	A3			C3	Y	Y						A, C, L, S, P, Also requires Crane Operator Exam
7329	ELEC MNT TC ASP	HHW	Y		R3*	H1	R3*				C3	Y	Y						A, C, L, P
7330	SR GEN UTL MCH	HHW	Y	Y	R2	H1	R2	A3		L2		Y	Y						A, C, L, P
7338	ELEC LINE WRKR	HHW	Y	Y	R2	H1	R2					Y	Y						C, P
7341	STA ENGR-WTP	HHW	Y		R2	H1	R2												A, C, L, P
7344	CARPENTER	HHW	Y		R1 / C1	H1	R1	A2		L1	C1								A, C, L, P
7345	ELECTRICIAN	HHW	Y		R2 / C1	H1	R2	A3		L2	C1								A, C, L, P
7346	PAINTER	HHW	Y		R1 / C1	H1	R1	A3		L1	C1								A, C, L, P
7350	TRN & DIS LINE WRKR	HHW	Y	Y	R2 / C1	H1	R2					Y	Y						A, C, L, P
7355	TRUCK DRIVER	HHW	Y		R2 / C1	H1	R2					Y	Y						A, C, L, S, P
7372	STA ENG-SW PLN	HHW	Y		R2	H1	R2												A, C, L, P
7373	SR STA EN SWPL	HHW	Y		R2	H1	R2												A, C, L, P
7388	UTILITY PLUMBER	HHW	Y		R2 / C1	H1	R2	A3		L2	C1								A, C, L, S, P
7410	AUTO SERV WKR	HHW	Y	Y	R2	H1	R2	A3				Y	Y						A, C, L, P
7432	ELEC LINE HL PR	HHW	Y	Y	R2	H1	R2												A, C, L, P
7463	Utility Plumber Apprentice I	HHW	Y		R2 / C1	H1	R2	A3		L2	C1								A, C, L, S, P
7464	Utility Plumber Apprentice II	HHW	Y		R2 / C1	H1	R2	A3		L2	C1								A, C, L, S, P
7470	WTRSHD KEEPER	HHW			R3*	H1	R3*												
7480	POW GEN TECH I	HHW				H1													
7482	POW GEN TECH II	HHW				H1													
7484	SR PR GEN TECH	HHW				H1													
7488	POW GEN SUPV	HHW				H1													
7514	GEN LABORER	HHW	Y		R2 / C1	H1	R2			L2	C1								A, C, L, S, P
7542	Seasonal Wtrshd Wkr	HHW				H3													
9910	PUB SRV TRAINEE	HHW			R3*		R3*												
9912	Public Service Aide-Technical	HHW			R3*		R3*												
9916	Public Svc Aide-Public Works	HHW			R3*		R3*												
9920	Public Service Aide - Assistant To P	HHW			R3*		R3*												
9922	Public Service Aide - Associate To F	HHW			R3*		R3*												
5201	Junior Engineer	Power			R3*	H1	R3*				C3								
5203	ASST ENGINEER	Power			R3*	H1	R3*				C3								
5207	ASSOC ENGINEER	Power			R3*	H1	R3*				C3								
5211	SR ENGINEER	Power			R3*	H1	R3*				C3								
5241	ENGINEER	Power			R3*	H1	R3*				C3								
5362	Engineering Assistant	Power			R3*	H1	R3*				C3								
5364	Engineering Associate 1	Power			R3*	H1	R3*				C3								
5366	Engineering Associate 2	Power			R3*	H1	R3*				C3								

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			DHR Exam	DMV	Respirator / Silica	Audio-gram (Annual)	Respirator (annual)	SCBA (Annual)	Asbestos (Annual)	Lead (Annual)	Silica	DMV (every 2 yrs)	DOT/ FMCSA	Hep B (Initial)	Hep A (Initial)	Tdap (every 10 Years)						
7120	Bldg & Grounds Maint Supennt.	Power	Y		R3*	H1	R3*					C3										
7219	Maint. Scheduler	Power																				
7229	Trans. Line Supervisor 1	Power	Y	Y	R2	H1	R2					C3	Y	Y								
7257	Communication Line Supervisor 1	Power	Y	Y	R2	H1	R3*															
7262	Maint. Planner	Power																				
7263	Maint. Manager	Power																				
7285	Trans. & Dist. Line Supervisor 2	Power																				
7318	Electronic Maint. Tech.	Power	Y		R2 / C-1	H1	R2		A3			C-1		Y								
7329	Electronic Maint. Tech. Assit. Supe	Power	Y	Y	R3*	H1	R3*					C3	Y	Y								
7338	Elect. Line Worker	Power	Y	Y	R2	H1	R2					C3	Y	Y								
7345	Electrician	Power	Y	Y	R2 / C-1	H1	R2		A3			C-1		Y	Y							
7350	Trans. & Dist. Line Worker	Power	Y	Y	R2	H1	R2							Y	Y							
7432	Elect. Line Helper	Power	Y	Y	R2	H1	R2							Y	Y							
7514	General Labor	Power	Y		R2 / C-1	H1	R2					C-1										
5382	Student Design Trainee III Engr.	NR			R3*		R3*															
5620	REG SPECIALIST	NR			R3*		R3*															
7270	WTRSHD KPR SUP	NR			R3*		R3*															
7470	WTRSHD KEEPER	NR			R3*		R3*															
7542	Seasonal Wtrshd Wkr	NR			R3*		R3*															
9910	PUB SRV TRAINEE	NR			R3*		R3*															
9912	Public Service Aide - Technical	NR			R3*		R3*															
9916	Public Svc Aide-Public Works	NR			R3*		R3*															
9920	Public Service Aide - Assistant To P	NR			R3*		R3*															
9922	Public Service Aide - Associate To F	NR			R3*		R3*															
2481	WTR QUAL TECH III	WQD			R3*		R3*															
2482	WTR QUAL TECH III	WQD			R3*		R3*															
2483	BIOLOGIST III	WQD			R3*		R3*															
2484	BIOLOGIST III	WQD			R3*		R3*															
2485	SUPERV BIOL GST	WQD			R3*		R3*															
2486	Chemist III	WQD			R3*		R3*															
2487	Chemist III	WQD			R3*		R3*															
2488	SUPERV CHEMIST	WQD			R3*		R3*															
2489	Lab Svcs Mgr	WQD			R3*		R3*															
5203	ASST ENGINEER	WQD			R3*		R3*															
5207	ASSOC ENGINEER	WQD			R3*		R3*															
5211	SR ENGINEER	WQD			R3*		R3*															
5241	ENGINEER	WQD			R3*		R3*		H3													
5380	Student Design Trainee I Engr.	WQD			R3*		R3*															
5381	Student Design Trainee II Engr.	WQD			R3*		R3*															
5382	Student Design Trainee III Engr.	WQD			R3*		R3*															
7316	WTR SERV INSP	WQD																				
7317	SR WTR SRV INS	WQD																				

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9910	PUB SRV TRAINEE	WQD			R3*															
9912	Public Service Aide-Technical	WQD			R3*															
9916	Public Svc Aide-Public Works	WQD			R3*															
9920	Public Service Aide - Assistant To P	WQD			R3*															
9922	Public Service Aide - Associate To F	WQD			R3*															
1930	WAREHOUSE WORKER	WS&T																		
2708	CUSTODIAN	WS&T																		
3417	GARDENER	WS&T																		
3418	GRDNR AST SUPV	WS&T																		
5201	Junior Engineer	WS&T																		
5203	ASST ENGINEER	WS&T																		
5207	ASSOC ENGINEER	WS&T																		
5211	SR ENGINEER	WS&T																		
5212	Engrt/Architect Principal	WS&T																		
5216	Chief Surveyor	WS&T																		
5241	ENGINEER	WS&T																		
5304	MTRLS STNG AD	WS&T																		
5310	SVYRS FLD AST	WS&T																		
5312	SURVEYOR	WS&T																		
5314	SRVY PRTY CHIEF	WS&T																		
5364	Engineering Associate 1	WS&T																		
5366	Engineering Associate 2	WS&T																		
5380	Student Design Trainee I Engr.	WS&T																		
5381	Student Design Trainee II Engr.	WS&T																		
5382	Student Design Trainee III Engr.	WS&T																		
5620	REG SPECIALIST	WS&T																		
6318	CONSTRUCT INSP	WS&T																		
6319	SR CONSTRUCT INSP	WS&T																		
7120	BD/GD MT SPT	WS&T																		
7134	WTR CNMT SUP	WS&T																		
7213	PLUMBER SUPV I	WS&T																		
7215	GEN LBR SUP I	WS&T																		
7226	CARPNTN SUPV I	WS&T																		
7238	ELEC SUPV I	WS&T																		
7245	CHF STA EN-WTP	WS&T																		
7250	UTL PLMB SUP I	WS&T																		
7254	AUTO MCH SUP I	WS&T																		
7276	ELECTR SUPV II	WS&T																		
7284	UT PLMB SUP II	WS&T																		
7287	SUP ELC MT TCH	WS&T																		
7313	AUTO MACHINIST	WS&T																		
7316	WTR SERV INSP	WS&T																		
7317	SR WTR SRV INSP	WS&T																		
7318	ELEC MNT TECHN	WS&T																		
7320	Apprentice Auto Machinist 1	WS&T																		

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PUC MEDICAL MONITORING MATRIX

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7328	OPER ENGR-UNIV	WS&T	Y	Y	R2	H1	R2	A3	L3									A, C, L, S, P. Also requires Crane Operator Exam
7329	ELC MNT TC ASP	WS&T	Y		R3*	H1	R3*	A2	L3			Y	Y	O	O	O	O	A, C, L, P
7332	MAINT MACHINIST	WS&T			R1	H1	R1	A3	L3					O	O	O	O	A, C, L, P
7334	STATIONARY ENG	WS&T	Y		R2	H1	R2	A3	L3					O	O	O	O	A, C, L, P
7335	Sr-St Eng	WS&T	Y		R2	H1	R2	A3	L3					O	O	O	O	A, C, L, P
7339	APR STA EN-WTP	WS&T	Y		R2	H1	R2	S2						O	O	O	O	A, C, L, P
7341	STA ENGR-WTP	WS&T	Y		R2	H1	R2	S2						O	O	O	O	A, C, L, P
7343	SR STA ENG-WTP	WS&T	Y		R2	H1	R2	S2						O	O	O	O	A, C, L, P
7344	CARPENTER	WS&T	Y		R1	H1	R1	A3	L3					O	O	O	O	A, C, L, P
7345	ELECTRICIAN	WS&T	Y		R2	H1	R2	A3	L3					O	O	O	O	A, C, L, P
7346	PAINTER	WS&T	Y		R1	H1	R1	A3	L1					O	O	O	O	A, C, L, P
7347	PLUMBER	WS&T	Y		R1	H1	R1	A3	L1					O	O	O	O	A, C, L, P
7355	TRUCK DRIVER	WS&T		Y	R2	H1	R2	A3	L3				Y	O	O	O	O	A, C, L, S, P
7360	PIPE WELDER	WS&T	Y		R1	H1	R1	A3	L1					O	O	O	O	A, C, L, P
7388	UTILITY PLUMBER	WS&T	Y		R2 / C-1	H1	R2	A3	L2			Y		O	O	O	O	A, C, L, S, P
7410	AUTO SERV WKR	WS&T	Y		R2	H1	R2	A3	L2				Y	O	O	O	O	A, C, L, P
7463	Utility Plumber Apprentice I	WS&T	Y		R2	H1	R2	A3	L2					O	O	O	O	A, C, L, S, P
7464	Utility Plumber Apprentice II	WS&T	Y		R2	H1	R2	A3	L2					O	O	O	O	A, C, L, S, P
7514	GEN LABORER	WS&T	Y		R2 / C-1	H1	R2	A2	L3					O	O	O	O	A, C, L, S, P
7542	Seasonal Wtrshd Wkr	WS&T				H3								O	O	O	O	
9910	PUB SRV TRAINEE	WS&T			R3*									O	O	O	O	
9912	Public Service Aide - Technical	WS&T			R3*									O	O	O	O	
9916	Public Svc Aide-Public Works	WS&T			R3*									O	O	O	O	
9920	Public Service Aide - Assistant To P	WS&T			R3*									O	O	O	O	
9922	Public Service Aide - Associate To F	WS&T			R3*									O	O	O	O	
922	Manager I	WWE												O	O	O	O	
932	Manager IV	WWE												O	O	O	O	
941	Manager VI	WWE												O	O	O	O	
942	Manager VII	WWE												O	O	O	O	
955	Dep Dir V	WWE												O	O	O	O	
1003	IS Operator -Senior	WWE												O	O	O	O	
1022	IS Administrator 2	WWE												O	O	O	O	
1023	IS Administrator 3	WWE												O	O	O	O	
1042	IS Engineer - Journey	WWE												O	O	O	O	
1043	IS Engineer - Senior	WWE												O	O	O	O	
1052	IS Business Analyst	WWE												O	O	O	O	
1092	IT Ops Support Admin II	WWE												O	O	O	O	
1093	IT Ops Support Admin III	WWE												O	O	O	O	
1222	Senior Payroll Clerk	WWE												O	O	O	O	
1244	Senior Personnel Analyst	WWE												O	O	O	O	
1402	Junior Clerk	WWE												O	O	O	O	

Note: R3* No pre-employment respirator medical is needed for this category. Exceptions: Employee Life Cycle (ELC) staff should contact the hiring manager to determine if there are any position-specific respirator requirements.
Med Mon Matrix - primary

PUC MEDICAL MONITORING MATRIX

Job Class	Job Class Title	Dept. Name	Pre-Employment Exams (Necessary to be hired)			Periodic Medical Surveillance Exams										Respirator Exam Rationale, Comments			
			DHR Exam	DMV	Respirator / Silica	Audio-gram (Annual)	Respirator (annual)	SCBA (Annual)	Asbestos (Annual)	Lead (Annual)	Silica	DMV (every 2 yrs)	DOT/ FMCSA	Hep B (Initial)	Hep A (Initial)		Tdap (every 10 Years)		
1404	Clerk	WWE																	
1408	Principal Clerk	WWE																	
1424	Clerk Typist	WWE																	
1426	Senior Clerk Typist	WWE																	
1446	Secretary 2	WWE																	
1450	Executive Secretary 1	WWE																	
1452	Executive Secretary 2	WWE																	
1630	Account Clerk	WWE																	
1632	Senior Account Clerk	WWE																	
1704	Comm Dispatcher 1	WWE																	
1820	Jr. Admin Analyst	WWE																	
1822	Administrative Analyst	WWE																	
1823	Sr. Admin Analyst	WWE																	
1824	Pt. Admin Analyst	WWE																	
1842	Management Assistant	WWE																	
1843	EX Dir. SECF Commission	WWE																	
1844	Sr. Management Assist.	WWE																	
1920	Inventory Clerk	WWE																	
1934	STOREKEEPER	WWE																	
1936	SR STOREKEEPER	WWE																	
1944	Materials Coordinator	WWE																	
1950	Assistant Purchaser	WWE																	
2481	WTR QUAL TECH I/II	WWE																	
2482	WTR QUAL TECH III	WWE																	
2486	Chemist I/II	WWE																	
2487	Chemist III	WWE																	
2488	Supv Chemist	WWE																	
2489	Lab Svcs Mgr	WWE																	
3417	Gardener	WWE																	
3422	Park Section Supervisor	WWE																	
5130	SWG TRPLN SUPT	WWE																	
5148	Water Operations Analyst	WWE																	
5174	Administrative Engineer	WWE																	
5201	Junior Engineer	WWE																	
5203	Assistant Engineer	WWE																	
5207	ASSOC ENGINEER	WWE																	
5211	SR ENGINEER	WWE																	
5212	Engrt/Architect Principal	WWE																	
5241	ENGINEER	WWE																	
5299	Planner 4 - Environ Review	WWE																	
5304	Materials Testing Aide	WWE																	
5362	Engineering Assistant	WWE																	
5364	Engineering Associate 1	WWE																	
5366	Engineering Associate 2	WWE																	
5380	Student Design Trainee I Engr.	WWE																	

Note: R3* No pre-employment respirator medical is needed for this category. Exceptions: Employee Life Cycle (ELC) staff should contact the hiring manager to determine if there are any position-specific respirator requirements.
Med Mon Matrix - primary



**LIFE STYLE REQUEST FOR
RELIGIOUS ACCOMMODATION
(COVID-19 Vaccination Exemption)**

Employee Name	Employee DSW#
Eric Eliasson	██████████
Job Code and Title	Department
7372 Stationary Engineer	SEP
Division/Unit	Supervisor/Manager
WWE	John O'Connell

The City and County of San Francisco (City) is committed to equal employment opportunities for all employees and a work environment that is free of unlawful harassment, discrimination, and retaliation. Consistent with this commitment, the City complies with all laws protecting employees' religious beliefs, practices and observances. When requested, the City will provide an exemption or reasonable accommodation for employees' sincere religious beliefs, practices and observances, which prohibit the employee from receiving a COVID-19 vaccination, provided the requested accommodation is reasonable and does not create an undue hardship for the City or pose a direct threat to the health and/or safety of the employee or others in the workplace.

San Francisco Department of Public Health Order No. C19-07, requires persons routinely working onsite in High-Risk Settings as defined in the Order to receive a COVID-19 vaccination and report their vaccination status to their employer effective September 15, 2021. City policy must comply with this public health order, and will also require all other City employees to receive a vaccination within 10 weeks of FDA approval of any COVID-19 vaccine. A religious exemption may be granted to City employees who: (1) hold a sincere religious belief that conflicts with the vaccination requirement, (2) complete this request form, and (3) provide any information needed to support the exemption request.

EMPLOYEE CERTIFICATION

I request an exemption from the local Public Health Order and City Policy requiring COVID-19 vaccinations for all City employees. I make this request based on my sincere religious belief(s), practice(s), or observance(s). My beliefs are in conflict with the vaccination requirement, and I certify the following is true:

1. My religion or belief system is (enter name or description): Non Denominational

2. I have held this belief (or practiced and observed this religion since (enter date or year): ██████████

3. My religion, belief system, or practice requires me to abstain from the COVID-19 vaccination because (describe the specific tenet, practice, or observation that conflicts with the COVID-19 vaccination requirement and/or explain how you follow it):

My faith is based on Judeo/Christian doctrine although I am not Jewish nor Christian in faith. My faith is based on the idea that I was created in the image of god, spiritually not physically, as we All are. I was created with free will. To choose between right and wrong. I believe we are currently living through a spritual battle between good (free will) and evil (Tyranny). I have zero faith in worldly institutions. My faith remains in my creator. I will not defile my body with any substance that I believe was created from or by evil. Judge me as you will, my faith has taught me that our lives on this earth are at the mercy of evil, but my spirit will always be free.

Continued on Page 2

4. If your religion, belief system, or practice requires you to abstain from the COVID-19 vaccination, but not other

EMPLOYEE REQUEST FOR RELIGIOUS ACCOMMODATION
(COVID-19 Vaccination Exemption), Page 2 of 2

types of vaccinations, please describe the specific tenet, practice, or observation that expressly conflicts with the COVID-19 vaccination (*attach a separate sheet if needed*).

My creator has given me eyes to see and ears to hear. It is not about vaccines it is about free choice. This shot is not a "vaccine". I believe it is being used by evil to harm the worlds population. Our creator has provided an immune system to fend off disease. Of course with the poison that is put in our food and water and with the use of modern medicine that simply covers symptoms, makes lots of money and requires additional medicine for the side effects of the original prescribed medicine which has destroyed most peoples natural immune system. Medical errors are the 3rd leading cause of death in this country. I will not take part in this genocide and do not judge those who do.

5. If requested, I can provide a written statement, an affidavit or other documents ~~from a religious leader or other person describing my beliefs and practices, including information regarding where I embraced the belief or practice, as well as when, where, and how I have adhered to the belief, practice, or practice.~~ YES NO

I hereby certify that I make this request based on my sincerely held religious beliefs that prevent me from complying with COVID-19 vaccination requirements. I understand that any falsified information can lead to disciplinary action, up to and including termination of employment.

~~I also understand that my request for an accommodation may be approved if it is not reasonable, if it poses a direct threat to the health or safety of others in the workplace, and/or if it creates an undue hardship for the City.~~



Employee Signature

8/27/21

Date

Please note that this information will be maintained in a separate confidential file from your personnel file and access will be limited only to those with a need-to-know.

FOR HR USE ONLY

Date Received: ___/___/20___ Medical Certification Received Yes No
Date Medical Certification Received: ___/___/20___

From: [REDACTED]
To: [Albert, Hallie B](#)
Cc: [Eliasson, Eric](#)
Subject: Eliasson [REDACTED] Declaration in support of employee religious exemption request
Date: Monday, August 30, 2021 6:05:16 PM
Attachments: [Eliasson \[REDACTED\] religious exemp 3.pdf](#)

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hallie B. Albert,

I have attached the DECLARATION IN SUPPORT OF EMPLOYEE RELIGIOUS EXEMPTION REQUEST (COVID-19).

In addition I have submitted two references that give reference to my rights of consent. The first is from the Red Cross BasicPlus CRR, AED, and First Aid for Adults. I took this course at the South East Plant as part of my training. I was trained that I must first ask for permission to help as indicated below. Though this is not religious text it refers to the right to refuse medical treatment. My belief is that this right is a natural right given to all by our creator and is recognized by the Red Cross and I assume SFPUC as this was training provided by our organization.

Consent

Every one has the **right** to refuse medical treatment. Always ask a responsive person if he or she wants help before providing care . (2)

The second reference is from the HARVARD LIBRARY, office for Scholarly Communication “The History of the Informed Consent Requirement in United States Federal Policy”. This reference actually speaks to, “the natural right of the individual”. Again I believe this is called a natural right as it is given to all at birth by our creator.

“In reaching its decision, the court relied on a torts treatise to show that the consent requirement exists not just to authorize a touching, but also to make sure that the patient makes an informed decision. The court cites Kinkead on Torts, § 375, for the general rule:

The patient must be the final arbiter as to whether he will take his chance with the operation, or take his chances of living without it. **Such is the natural right of the individual**, which the law recognizes as a legal one. Consent, therefore, of an individual, must be either expressly or impliedly given before a surgeon may have the right to operate.” (1)

I do not provide any religious text as my faith is of a personal matter between me and our creator. My religious beliefs come from 59 years of living in this body that my creator has provided me. It is my body!! I have already provided you with my Religious Accommodation form which clearly summarizes my religious objections to being forced to inject a substance I believe comes from evil institutions, by evil institutions and for evil purposes.

Thank you for your consideration,

Eric Eliasson

<!--[if !supportLists]-->(1)<!--[endif]--
><https://dash.harvard.edu/bitstream/handle/1/8852197/Wandler.pdf?sequence=1>
(2) Red Cross Basic plus training, pg.7 (trained on last week



DECLARATION IN SUPPORT OF EMPLOYEE RELIGIOUS EXEMPTION REQUEST (COVID-19)

Employee Name	Employee DSW#
ERIC ELIASSON	[REDACTED]

San Francisco Department of Public Health Order No. C19-07 requires persons routinely working onsite in High-Risk Settings as defined in the Order to receive a COVID-19 vaccination and report their vaccination status to their employer effective September 15, 2021. As an employer, the City and County of San Francisco (City) must comply with this public health order. City policy also requires all other employees to receive a vaccination within 10 weeks of FDA approval of any COVID-19 vaccine. A religious exemption may be granted to City employees who hold a sincere religious belief that conflicts with the vaccination requirement.

INFORMATION REQUEST

The employee named above has identified ^{MYSELF} [REDACTED] as an individual with knowledge of the religious belief(s), practice(s), or observance(s) that precludes the employee from receiving a COVID-19 vaccination. Please answer the questions below based on your personal knowledge and beliefs.

I am a Religious Leader Religious Scholar ^{MAN} ~~PERSON~~ Knowledgeable Regarding the Employee's Religious Beliefs, Practices or Observances

1. The above-named employee adheres to the following religion or belief system (enter name or description):
NON DENOMINATIONAL BASED ON JUDEO/CHRISTIAN DOCTRINE

2. I have personal knowledge of the above-named employee's adherence to this belief system: YES NO
If YES, please explain how you have personal knowledge of the employee's adherence to the belief system.
I AM THE MAN WITH THOSE BELIEFS

3. Does the religion or belief system identified in response to Question 1, above, requires all adherents to abstain from the COVID-19 vaccination because the vaccination conflicts with the tenets, practices and observations of a recognized church, religious denomination, or recognized religious organization: YES NO
If YES, please cite the specific tenet, practice or observation that conflicts with the COVID-19 vaccination requirement, and/or explain how it is followed.

I WAS CREATED WITH FREE WILL, WITH THE ABILITY TO CHOOSE BETWEEN GOOD AND EVIL, GOOD (FREE WILL) AND EVIL (TYRANNY). MY BODY IS MY TEMPLE, I WILL NOT DEFILE MY BODY WITH ANY SUBSTANCE THAT I BELIEVE WAS CREATED FROM OR BY EVIL.

I declare under penalty of perjury under the law of California that the foregoing is true and correct.

[Signature]
Signature

8/30/21
Date

ERIC ELIASSON
Print Name

MAN, CREATED BY GOD
Title

[REDACTED]
Contact Phone

From: [REDACTED]
To: [Albert, Hallie B](#)
Cc: [Eliasson, Eric](#)
Subject: Fwd: E. Eliasson [REDACTED] Religious Exemption Request
Date: Wednesday, September 22, 2021 5:05:26 PM

CAUTION: This email originated from **outside** of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hallie,

Thank you for the opportunity to test my faith! With all due respect, it has been 15 days since I submitted my last form for religious inquisition by my employer. An employer that by law is not supposed to discriminate against me for my religious beliefs. And yet here we are 11 days past the date that you were to approve or deny my Religious Exemption Request further attempting to pry into my personal and private medical information and religious beliefs.

I want to thank you for providing me even more reasons that I should not take this vaccine along with Tylenol, Pepto Bismol, aspirin, Tums, Lipitor, Senokot, Motrin, ibuprofen, Maalox, Ex-Lax, Benadryl, Sudafed, albuterol, Preparation H, Claritin, Zoloft, Prilosec OTC, and azithromycin. I had no idea that these products were developed using the same technology used in the development of the Covid-19 vaccine.

This just goes to show you the state of lack of information in the process of informed consent. I have already provided you with the religious beliefs that I strongly hold that brought me to the conclusion that I will not take this vaccine. Not that it is any of your business but I was offered a different vaccine last month when I went to the doctors for a back injury and I declined.

As if it mattered there are several decisions that I have made in the past that I now regret. I am not a perfect human, but I am more perfect today than I was yesterday and far more perfect as a grandfather than I was as a young father...yet I still make mistakes.

My purpose for providing the information that I already have given you in reference to my personal and private medical status, i.e. Covid 19 vaccination status, as well as my personal and private religious beliefs via coercion and threat of termination from my employment for the past 11+ years with the City, was not to convert your belief system or to stop you from having faith in a medical system that has proven to be profit driven with no care given to good health. It was to legally provide requested information to exercise my religious rights recognized by our legal system. Even if the laws stop recognizing my natural rights I would not be coerced into taking this injection or any other medical treatment.

Approve or deny my request based on the information I have already provided to you, it provided more details about my faith that I would choose to share with strangers and I believe will only be used to discriminate against me. I am confident I am in the right in the eyes of our current legal system as religious discrimination is still not legal. I am also confident that if and when I lose this job my creator will find another path

for me.

Thank you,

Eric Eliasson

-----Original Message-----

From: Eliasson, Eric <EEliasson@sfwater.org>

To: [REDACTED]

Sent: Wed, Sep 22, 2021 12:27 pm

Subject: FW: E. Eliasson [REDACTED] Religious Exemption Request

From: Albert, Hallie B <HALbert@sfwater.org>

Sent: Tuesday, September 21, 2021 2:27 PM

To: Eliasson, Eric <EEliasson@sfwater.org>

Subject: RE: E. Eliasson [REDACTED] Religious Exemption Request

Hi Eric:

As part of the City's review process, please answer all of the following questions:

1. Have you taken vaccines for any of the following diseases: rubella (measles), varicella (chickenpox), or hepatitis A?
2. If applicable, have you authorized your children to receive vaccines for rubella (measles), varicella (chickenpox), or hepatitis A?
3. If your answer to question #1 and/or #2 is "yes," why is your position with respect to the COVID-19 vaccine different than for these other vaccines, all of which are also grown in cell lines derived from fetuses?
4. Many common medications were also developed using the same type of technology used in the development of Covid-19 vaccines, including Tylenol, Pepto Bismol, aspirin, Tums, Lipitor, Senokot, Motrin, ibuprofen, Maalox, Ex-Lax, Benadryl, Sudafed, albuterol, Preparation H, Claritin, Zoloft, Prilosec OTC, and azithromycin. Do your beliefs prohibit you from taking and will you in the future abstain from taking these and other similar medications? If not, what tenet or belief prohibits the use of the Covid-19 vaccine, but permits the use of these other medications?

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102

Phone:415.961.5812 Fax: 415.553.4898

Halbert@sfwater.org

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From: Eliasson, Eric <EEliasson@sfwater.org>
Sent: Wednesday, September 15, 2021 1:52 PM
To: Albert, Hallie B <HALbert@sfwater.org>
Cc: O'Connell, John J <JOConnell@sfwater.org>; [REDACTED]
Subject: RE: E. Eliasson [REDACTED] Religious Exemption Request

Hallie,

Perhaps if you can update me on how the process is being evolved I will have a better understanding of why your department is not following the written procedure. As I was not given any consideration on the date I had to report my personal and private medical information of my vaccination status and not given any consideration about injecting my body with a substance I object to without stating my personal and private religious beliefs with the potential of losing a job that I have been working the last 11 years including throughout this event, keeping our population and environment safe from the waste water we treat...FRUSTRATION doesn't quite fill all of the emotions my employer is putting me through. Please provide a timetable narrower than soon!!

Respectfully,

Eric Eliasson

From: Albert, Hallie B <HALbert@sfwater.org>
Sent: Wednesday, September 15, 2021 6:36 AM
To: Eliasson, Eric <EEliasson@sfwater.org>
Cc: O'Connell, John J <JOConnell@sfwater.org>; [REDACTED]
Subject: Re: E. Eliasson [REDACTED] Religious Exemption Request

Hi Eric:

I understand your frustration. When DHR created that original timeline it was without considering the evolving process, which they dictate. Now that the requests require multiple levels of review, I cannot state when SFPUC will be able to send you a determination letter but I am doing my best to make that soon. Thank you for your patience as the City addresses this complicated issue.

Hallie

Get [Outlook for iOS](#)

From: Eliasson, Eric <EEliasson@sfwater.org>
Sent: Wednesday, September 15, 2021 6:06 AM

To: Albert, Hallie B
Cc: O'Connell, John J; [REDACTED]
Subject: E. Eliasson [REDACTED] Religious Exemption Request

Hallie,

With all due respect, are the policies and procedures meant for only employees?

[Vaccination-Medical-Religious-Exemption-Request.pdf \(sfdhr.org\)](#)

In the link above it states under Religious Exemption Procedure, under section 9, it states;
9. Department personnel officials will make a determination and respond to an employee request for religious exemption from the vaccination requirement within seven (7) business days of receiving an accommodation request and any supporting information requested by the department.

I sent my original request for my Religious Exemption-Request on 8/27/21. It was acknowledge as received by you on 8/27/21. On this same date you requested that I fill out another form that supports my claim for my religious beliefs. Which I filled out and submitted via e-mail to you on 8/30/21.

I have not heard back from any representative about the status of my request. It has been 10 business days, 3 days past the stated procedure of making a determination and respond to an employee request.

Eric Eliasson



Employee Name	Employee DSW#
Eric Eliasson	██████████
Job Code and Title	Department
7372 Stationary Engineer	SFPUC
Division/Unit	Supervisor/Manager
WWE	John O'Connell

This notice is to advise you of the following departmental determination on your request for exemption from COVID-19 vaccination requirements submitted on 08 / 27 / 2021.

APPROVED

Your request for an exemption based on a disability, medical condition, or sincerely held religious belief is **APPROVED**. You will remain in your current position with the following reasonable accommodations (including any mandatory health and safety protocols for unvaccinated employees, such as regular testing and specific masking requirements and to protect coworkers and members of the public):

(Attach separate sheet as necessary.) Failure to comply with any of the required accommodations, including health and safety requirements, may result in revocation of this approval.

DURATION

Approved accommodations are subject to change in accord with public health orders, or to align with current essential job functions, or operational needs. Should either your condition or religious beliefs change such that this accommodation is no longer necessary, or needs to be modified, you must immediately notify your supervisor or department Human Resources personnel.

This accommodation is subject to review and re-approval on: 08 / 27 / 2021.

DENIED

<input type="checkbox"/> DISABILITY OR MEDICAL CONDITION	<input checked="" type="checkbox"/> SINCERELY HELD RELIGIOUS BELIEF
Your request for an exemption based on an asserted disability or medical condition is DENIED for the following reason(s):	Your request for an exemption based on an asserted sincerely held religious belief, practice or observance is DENIED for the following reason(s):
<input type="checkbox"/> Medical Documentation Inadequate/Not Submitted <input type="checkbox"/> No Disability or Medical Condition Requiring Accommodation <input type="checkbox"/> Accommodation Would Pose a Direct Threat to the Health and Safety of Others and/or Yourself <input type="checkbox"/> Accommodation Would Prevent Employee from Performing Essential Function(s) <input type="checkbox"/> Accommodation Would Result in Undue Hardship for the City <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Documentation Insufficient to Show a Conflict Between Vaccination Requirement and Sincerely Held Religious Belief, Practice or Observance <input type="checkbox"/> Accommodation Would Pose a Direct Threat to the Health and Safety of Others and/or Yourself <input type="checkbox"/> Accommodation Would Prevent Employee from Performing Essential Function(s) <input type="checkbox"/> Accommodation Would Result in Undue Hardship for the City <input type="checkbox"/> Other: _____

CITYWIDE SEARCH

The department has determined that you have a medical condition, disability, or sincerely held religious belief that precludes you from being vaccinated, but that the department cannot reasonably accommodate you in your current position. While you cannot remain in your current position, you may continue the interactive process to explore other options for reasonable accommodation through the Citywide job vacancy search. This 60-day process involves a search for available, vacant, non-promotive positions within City employment for which you are qualified and that you can perform while unvaccinated, with or without accommodation.

FOR HR USE ONLY

Vaccination Status Updated in PeopleSoft Yes No

Date Determination Form Uploaded to PeopleSoft: 08 / 27 / 20 21

Referred to Citywide Reasonable Accommodation Coordinator Yes No

Dunson, Marvin (HRD)

From: Gardunio, Rachel
Sent: Friday, October 29, 2021 1:47 PM
To: Eliasson, Eric
Cc: Prather, Joel; Cozzone, Francesca
Subject: FW: Determination re Request for Religious Accommodation

Hello,

The City and County of San Francisco issued a COVID-19 Vaccination Policy requiring all City employees to be fully vaccinated as a condition of employment by November 1, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious belief.

You submitted a COVID-19 Vaccination Exemption Request as a reasonable accommodation which has since been denied. City policy now requires you now to be in compliance with the City's COVID-19 vaccination requirements. Specifically, you are required to receive your **first dose of a COVID vaccine immediately** and provide a copy of your vaccination record.

If you do not receive your first dose of a COVID-19 vaccine by Friday, November 5, 2021, you will be subject to separation from City employment.

Do not report to work effective November 1, 2021. Once you have confirmed you are partially vaccinated, you will receive more information from your division about whether you can continue to work remotely or report onsite.

You can update your information by uploading it directly into the City's People and Pay System using the Employee Portal or by emailing your vaccination record to HRAdmin@sfgov.org. We also suggest you email ELR@sfgov.org a copy of your vaccination record.

If you have any questions about the City's COVID-19 Vaccination Policy, you can find additional resources at <https://sfdhr.org/covid-19> or you can contact ELR@sfgov.org.

Sincerely,

Rachel Gardunio
Employee & Labor Relations Division Manager
Cell: (415) 603-8091 | rgardunio@sfgov.org

From: Albert, Hallie B <HALbert@sfgov.org>
Sent: Friday, October 29, 2021 1:40 PM
To: Gardunio, Rachel <RGardunio@sfgov.org>
Subject: FW: Determination re Request for Religious Accommodation

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

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From: Albert, Hallie B
Sent: Thursday, October 7, 2021 11:41 AM
To: Eliasson, Eric <EEliasson@sfgwater.org>
Subject: Determination re Request for Religious Accommodation

Dear Eric Eliasson:

The Department has considered the information you supplied in your written request for a religious exemption as well as all follow up email communications. The Department has determined that the information you supplied does not meet the applicable standards under state and federal law, as well as the City's policies and procedures, for a religious exemption to the City's Covid-19 vaccination requirements. Attached is the Department's determination regarding your Covid-19 vaccination exemption request.

For additional information on the City's vaccination policies and this process please visit the Department of Human Resources website:

<https://sfdhr.org/vaccination-and-face-covering-policy-city-employees>

Thank you,

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

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Via USPS Mail and Email [REDACTED]

November 8, 2021

Eric Eliasson
[REDACTED]

Re: Notice of Proposed Disciplinary Action and Employee Conference/ Skelly Meeting (Skelly Notice) and Placement on Paid Administrative Leave

Dear Eric Eliasson,

This letter serves as notice that the San Francisco Public Utilities Commission ("SFPUC" or "Department"), Operations ("Division") is recommending that you be dismissed from your Permanent Civil Service Class 7372 Stationary Engineer, Sewage Plant position.

Employee Conference/Skelly Meeting

The Department will schedule an Employee Conference/Skelly Meeting where you will have an opportunity to respond to the charges and the proposed discipline. You are entitled to include a representative of your choice in the video conference/Skelly meeting. **It is your responsibility to contact your representative and provide them with a copy of your Employee Conference/Skelly Notice.**

We are offering this Skelly meeting in a remote format to comply with local and state health orders. These public health orders require any work that can be done remotely to be done remotely to limit the spread of COVID-19 and provide for the health, safety and welfare of the public. Conducting the Skelly meeting remotely does not meaningfully affect or limit your right to respond to the Skelly Notice because it provides the same opportunity for live and visual presentation and response directly to the Skelly hearing officer. You or your representative may submit any documents you wish considered to the Skelly officer by e-mail in advance or during the Skelly meeting.

You are not required to attend the remote Skelly Meeting. You may submit a written response and any relevant written materials for the Department to consider before making a final decision. If you choose this option, you must submit your written materials to me by e-mail at gnorby@sfgwater.org by 5:00 p.m., the day before your Skelly meeting is scheduled to take place. If you do not attend the video conference or submit a written response, the Department will make a decision on the proposed disciplinary action based on the enclosed information and materials.

Paid Administrative Leave

Effective immediately, the SFPUC is placing you on paid administrative leave under San Francisco Administrative Code Section 16.17 (1), which permits such leave

London N. Breed
Mayor

Anson Moran
President

Newsha Ajami
Vice President

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Dennis J. Herrera
General Manager

pending investigation relating to an employee’s conduct when the Department determines that the employee should be placed on leave “to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public interest or to the operation of the City.” (Attachment A.)

The paid administrative leave may continue for a period of up to 30 calendar days. During this period of paid administrative leave, you must remain ready and available to answer any phone calls or report to work within one hour, Monday to Friday between 8:00 a.m. and 5:00 p.m.

While on paid administrative leave, you will receive the compensation you would have earned if you had worked during the same period, without the inclusion of overtime earnings or special pay. **You must not report to any SFPUC work location until notified otherwise.**

You are directed to immediately relinquish all keys, access cards, identification badges, electronic devices, and other City and County of San Francisco and/or SFPUC property in your possession to George Engel, Operations Manager.

The charges are as follows:

- Violation of CCSF COVID-19 Vaccination Policy;
- Failure to meet minimum qualifications/conditions of employment;
- Failure to Follow Rules and Regulations/Failure to Follow Instructions;
- Insubordination; and
- Acts which present an immediate danger to public health and safety.

The proposed discipline is based on the following:

The City and County of San Francisco’s City’s COVID-19 Vaccination Policy (“Vaccination Policy”) required you to be fully vaccinated by November 1, 2021. On September 28, 2021, the SFPUC sent you a notice via US Mail that you were identified as an employee who has not received a COVID-19 vaccination as required by the Vaccination Policy and reminded you that you were required to be fully vaccinated by November 1, 2021. The notice also informed you that if you were not fully vaccinated by November 1 and were not approved a religious or medical exemption, you would be released from your PCS Class 7372 Stationary Engineer, Sewage Plant position for violation of the City and County of San Francisco COVID-19 Vaccination Policy.

The health and wellbeing of City employees and the public we serve are top priorities during our emergency response to COVID-19. Your failure to comply with the vaccination requirement endangers the health and safety of the City’s workforce, including yourself, and the public we serve. The City repeatedly notified you of this requirement, and your failure to comply is insubordination. Therefore, the SFPUC is recommending that you be dismissed from your PCS Class 7372 Stationary Engineer, Sewage Plant position.

The facts presented below support the aforementioned charges.

I. Factual Findings

A. COVID-19 Vaccination Policy

The City and County of San Francisco issued the COVID-19 Vaccination Policy on June 23, 2021 with an effective date of June 28. The Vaccination Policy included the following two requirements:

1. All City employees were required to report their vaccination status to the City by July 29, 2021.
2. All City employees (who do not work in high-risk settings) “must be fully vaccinated as a condition of employment within ten weeks after the Federal Drug Administration (“FDA”) provides final approval to at least one COVID-19 vaccine, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious beliefs.

The Vaccination Policy also states:

Once the vaccination deadline is reached the vaccination and reporting requirements are conditions of City employment and a minimum qualification for all City employees.

Failure to comply with this Policy may result in a disciplinary action, or non-disciplinary action from employment for failure to meet the minimum qualifications of the job.

(Attachment B.)

On August 6, 2021, the Vaccination Policy was amended and amongst other things, extended the reporting deadline to August 12, 2021.

Following FDA approval of the Pfizer-BioNTech vaccine for the prevention of COVID-19 on August 23, 2021, the Vaccination Policy was amended on September 8 to list the vaccination deadline for all City employees (who do not work in high-risk settings) as November 1, 2021. (Attachment B.)

B. HRS COVID-19 Digests Regarding COVID-19 Vaccination Policy

As part of its COVID-19 response, the SFPUC’s Human Resource Services (“HRS”) began sending out HRS COVID-19 Digests via email to all SFPUC staff to communicate key information about COVID-19.

Between June 24 to September 22, SFPUC HRS sent out eight all staff HRS COVID-19 Digests informing employees of the requirements of the COVID-19 Vaccination Policy.

- a. HRS COVID-19 Digest #69 – New Vaccine and Face Covering Policy for City Employees

On June 24, 2021, SFPUC HRS informed employees of the City’s new COVID-19 Vaccination Policy that would become effective June 28, 2021, and that it employees to (1) report their vaccination status by July 29, 2021; and (2) be fully vaccinated no later than 10 weeks after the

Food & Drug Administration (“FDA”) gives final approval to at least one COVID-19 vaccine by forwarding a memo from Carol Isen, Department of Human Resources (“DHR”) Director and a copy of the Vaccination Policy. (Attachment C.)

- b. HRS COVID-19 Digest #70 – Submit Your COVID-19 Vaccine Status via the SF Employee Portal

On June 29, 2021, SFPUC HRS informed employees that the portal to submit their vaccination status was live and reminded employees that the deadline to submit was July 29, 2021. The Digest included detailed instructions on how to access the vaccination portal and submit vaccine status. (Attachment D.)

- c. HRS COVID-19 Digest #72 – Vaccine Status Reporting

On July 13, 2021, SFPUC HRS forwarded a memo from Carol Isen, DHR Director and a copy of DHR’s New Vaccination and Face Covering Policy FAQ for CCSF Employees where employees were again reminded to report their vaccination status by July 29, 2021 and be fully vaccinated by November 1, 2021. (Attachment E.)

- d. HRS COVID-19 Digest #73 – Vaccination Reporting Reminder

On July 16, 2021, SFPUC HRS again reminded employees to report their vaccination status by July 29, 2021. (Attachment F.)

- e. HRS COVID-19 Digest #74 – COVID-19 Vaccination Status Reporting Requirement and SFPUC Vaccination Event

On July 22, 2021, SFPUC HRS again reminded employees to report their vaccination status by July 29, 2021. The Digest also announced a COVID-19 Vaccination Pop-up event at the Southeast Treatment Plant

The event provided Johnson & Johnson and Pfizer COVID-19 vaccines, and also hosted an “Ask the Doc Table” where employees could get their questions about the vaccine answered by a medical professional. (Attachment G.)

- f. HRS COVID-19 Digest #75 – Vaccine Status Reporting – Extended Deadline and COVID-19 Vaccination Medical and Religious Exemption Request

On August 12, 2021, SFPUC HRS forwarded a memo from DHR and a copy of DHR’s COVID-19 Vaccination Medical and Religious Exemption Request procedures. The SFPUC again reminded employees of the requirements to record their vaccination status by July 29, 2021, and be fully vaccinated no later than 10 weeks after the FDA gives final approval to at least one COVID-19 vaccine. The SFPUC provided employees with details about how to request a medical or religious exemption to the COVID-19 vaccination requirement. (Attachment H.)

- g. HRS COVID-19 Digest #76 – Employee Vaccination Deadline

On August 26, 2021, SFPUC HRS informed employees that full-time telecommuting would end on November 1, 2021, and reminded employees of the requirement to be fully vaccinated against COVID-19. HRS also forward a memo from Carol Isen, DHR

All Other Employees not working in “High- Risk” or other Health Care Settings	Must be fully vaccinated no later than November 1, 2021 . <ul style="list-style-type: none"> • Moderna: First Shot <i>no later than</i> September 20, 2021; Second Shot <i>no later than</i> October 18, 2021 • Pfizer: First Shot <i>no later than</i> September 27, 2021; Second Shot <i>no later than</i> October 18, 2021 Johnson & Johnson: First Shot <i>no later than</i> October 18, 2021.
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(Attachment I.)

h. HRS COVID-19 Digest #77 – COVID-19 Vaccination Events and Vaccine Exemption

On September 22, 2021, SFPUC HRS sent a COVID-19 Digest with the following information: (1) Vaccination Pop-Up Event for CCSF Employees at City Hall on September 27 and 29, 2021; (2) Reminders about the vaccination deadlines, including the chart of vaccination chart of COVID-19 Vaccination Deadlines listing the deadlines for each of the three COVID-19 vaccinations; and (3) Reminders that employees who have a qualifying medical condition or hold a sincere religious belief prohibiting them from being vaccinated may apply for an exemption to the vaccine requirement.

(Attachment J.)

C. Emails to Non-Compliant Employees

On September 24, 2021, the SFPUC reminded all employees who were non-compliant with the CCSF COVID-19 Vaccination Policy of the vaccination deadlines and the Vaccination Pop-Event at City Hall for CCSF Employees on September 27, 2021.

(Attachment K.)

On September 27, 2021, HRS sent all employees, including you, who were non-compliant with the CCSF COVID-19 Vaccination Policy an email entitled, “URGENT: Non-Compliance with COVID-19 Vaccination Policy.” You were reminded that to be considered fully vaccinated by the November 1, 2021 deadline, 14 days must have passed since you received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. Additional resources were linked to the email, including the COVID-19 Vaccination Policy; COVID-19 Vaccine FAQs; and tutorials on how to use the SFPUC Employee Portal to upload vaccination status. (Attachment L.)

D. Notice of Non-Compliance with COVID-19 Vaccination Policy

In addition to emailing the notice of non-compliance with the COVID-19 Vaccination Policy, HRS also mailed you a hard copy of the notice to your address on file on September 28, 2021. The SFPUC again reminded you about the requirement to be fully vaccinated by November 1, 2021, and that if you do not comply, “you will be subject to separation from your City employment if you do not receive your final dose by the applicable deadline.” (Attachment M.)

E. 1:1 Discussions Regarding Your Vaccination Status

On September 28, 2021, in an effort to ensure that you understood the requirements of the COVID-19 Vaccination Policy and the severe consequences for non-compliance after November 1, John O’Connell, Chief Stationary Engineer, Sewage Plant, spoke with you because City records indicated that you had not yet met the City’s requirement for vaccination and/or reporting using talking points provided by DHR. (Attachment M.) You were again reminded that City policy requires all employees to be fully vaccinated by November 1, 2021. O’Connell also offered to assist you with reporting your vaccination status or scheduling a vaccination appointment; explained the importance of getting vaccinated because of the need to have a safe workplace; and provided contact information for resources where you could ask questions about COVID-19 vaccines. They also explained that exceptions to the vaccine requirement are available for those with a qualifying medical condition that interferes with someone’s ability to receive the vaccine or a sincerely held religious belief that prevents the person from receiving the vaccine, and explained that if you wanted to request an exemption, you should do so as soon as possible. In addition, they explained that “if you do not receive your final dose by October 18th, you will not meet the requirements for City employment and you will be released from City employment.”

You were asked to sign a COVID-19 Vaccination Discussion Acknowledgement form to confirm that this discussion took place. You refused to sign the form. (Attachment N.)

F. COVID-19 Vaccination Exemption Request

You submitted a COVID-19 Vaccination Exemption Request as a reasonable accommodation, and your request was denied. On October 29, 2021, Rachel Gardunio, Employee & Labor Relations Manager, emailed you stating that City policy now requires you be in compliance with the City’s COVID-19 vaccination requirements and informed you that you were required to receive your first dose of a COVID vaccine immediately and provide a copy of your vaccination record. (Attachment O.)

To date, you have failed to receive your first dose of a COVID vaccine and provide documentation of your vaccination record.

II. Applicable Rules and Regulations

A. CCSF COVID-19 Vaccination Policy

The City’s COVID-19 Vaccination Policy required all City employees to report their vaccination status to the City by August 12, 2021, and all City employees (who do not work in high-risk settings) to be fully vaccinated as a condition of employment within ten weeks after the FDA provides final approval to at least one COVID-19 vaccine unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction, or for sincerely-held religious beliefs.

Once the November 1, 2021 vaccination deadline is reached,) the vaccination and reporting requirements are conditions of City employment and a minimum

qualification for all City employees. The policy informs employees that failure to comply with the Vaccination Policy, and meet the minimum qualifications of the position, may result in a disciplinary action, or non-disciplinary action from employment.

(Attachment B.)

B. SFPUC New Employee Orientation Handbook

Section 11.2 of the *SFPUC New Employee Orientation Handbook* defines misconduct as, among other things:

- Failure to Follow Rules and Regulations/Failure to Follow Instructions: When an employee disobeys rules and regulations.
- Inattention to Duties: Failure to perform assigned duties at an acceptable level for reasons such as undue carelessness, negligence, or intentional disregard.
- Insubordination: When an employee disobeys authority, refuses to follow a reasonable directive from a duly authorized supervisor or manager, or will not comply with established procedure.

(Attachment P.)

The *SFPUC New Employee Orientation Handbook* also sets forth “Special Circumstances” at Section 11.2.1.1, which are those actions that, “[t]he City Charter considers ... to be most serious, and possible grounds for termination.” Included amongst the acts of misconduct that are considered “special circumstances” are:

- Acts that present immediate danger to public health and safety.

(Attachment P.)

III. Disciplinary Charges

- A.** Violation of CCSF COVID-19 Vaccination Policy; Failure to Follow Rules and Regulations/Failure to Follow Instructions; Insubordination; Inattention to Duty; and Acts which present an immediate danger to public health and safety.

While the SFPUC and the City value your contribution and service to the SFPUC and its ratepayers, the City has an obligation to provide a safe and health workplace to protect its employees and the public as it reopens services and returns more employees to the worksite, and vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Unvaccinated employees are at a greater risk of contracting and spreading COVID-19 within the workplace and City facilities, and to the public that depends on City Services.

On June 23, 2021, the City adopted the COVID-19 Vaccination Policy which made reporting vaccination status and getting fully vaccinated by November 1, 2021, a condition of City employment and a minimum qualification for all City employees, including you. The Vaccination Policy stated that failure to comply may result in

disciplinary action, or non-disciplinary separation from employment for failure to meet the minimum qualifications.

Despite repeated communications from the SFPUC about the requirements of the Vaccination Policy and the potential consequences, including dismissal from your City employment, you have failed to comply with the policy. The SFPUC and City have provided multiple opportunities for you to get vaccinated and, if needed, direct your questions to qualified medical professionals. Unfortunately, you have declined to be vaccinated. Because your failure to comply with the vaccination requirement endangers the health and safety of the City’s workforce, including yourself, and the public we serve, the SFPUC has no choice but to dismiss you from your position.

IV. Conclusion

The above charges, independently and collectively, support this recommendation of dismissal. Enclosed with this letter are the materials upon which the charges and proposed dismissal are based:

Attachment A.	San Francisco Administrative Code Sec. 16.17 Paid Administrative Leave
Attachment B.	CCSF COVID-19 Vaccination Policy
Attachment C.	HRS COVID-19 Digest #69 – New Vaccination and Face Covering Policy for City Employees
Attachment D.	HRS COVID-19 Digest #70 – Submit Your COVID-19 Vaccine Status via the SF Employee Portal
Attachment E.	HRS COVID-19 Digest #72 – Vaccine Status Reporting
Attachment F.	HRS COVID-19 Digest #73 – Vaccination Reporting Reminder
Attachment G.	HRS COVID-19 Digest #74 – COVID-19 Vaccination Status Reporting Requirement
Attachment H.	HRS COVID-19 Digest #75 – Vaccine Status Reporting – Extended Deadline and COVID-19 Vaccination Medical and Religious Exemption Request
Attachment I.	HRS COVID-19 Digest #76 – Employee Vaccination Deadline
Attachment J.	HRS COVID-19 Digest #77 – COVID-19 Vaccination Events and Vaccine Exemption
Attachment K.	September 27 th Vaccination Event email
Attachment L.	URGENT: Non-Compliance with COVID-19 Vaccination Policy email
Attachment M.	September 28, 2021 Vaccination Status Letter
Attachment N.	Conversation with Employee and COVID-19 Vaccination Discussion Acknowledgement
Attachment O.	ACTION NEEDED – COVID-19 Vaccination Policy
Attachment P.	SFPUC New Employee Orientation Handbook

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Norby".

Greg Norby
Assistant General Manager, Wastewater Enterprise

cc: George Engel, Wastewater Enterprise, Division Manager
Michael Ho, Acting Employee & Labor Relations Manager, HRS
Official Employee Personnel File – Eliasson, Eric

ATTACHMENT A

SEC. 16.17. PAID ADMINISTRATIVE LEAVE.

(a) Appointing Officers, as defined in Administrative Code Section 2A.30, in the City and County of San Francisco are authorized, but not required, to place any City employee in their department on paid administrative leave under the following circumstances:

(1) When the City has initiated an investigation relating to an employee's conduct, and the Appointing Officer determines that the employee should be placed on leave during some or all of the investigation in order to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public interest or to the operation of the City, for a period of time beginning not earlier than the start of the investigation and ending not later than the date the investigation is completed, subject to a maximum of thirty (30) calendar days;

(2) When the City requires an employee to submit to drug and/or alcohol testing pursuant to the terms of a City or departmental policy, a Memorandum of Understanding between the City and a recognized employee organization, or local, state or federal law, for the period of time between the date the City directs the employee to submit to such testing until the employee refuses such testing or the testing is completed and the City is advised of the results of the testing, subject to a maximum of thirty (30) calendar days;

(3) When the City medically removes an employee pursuant to standards set forth by the California Occupational Safety and Health Administration in Title 8 of the California Code of Regulations;

(4) When the City requires an employee to undergo a fitness for duty examination pursuant to Civil Service Rules 116, 216, 316, 416, or any similar successor rules, for up to the period of time from the date the City directs the employee to undergo a fitness for duty examination until: (i) the date the examination is completed and the City is notified by the examining physician whether the employee is fit for duty; or (ii) the date the employee refuses examination. Paid administrative leave under this subsection is subject to a maximum of thirty (30) calendar days. In the event that the examining physician does not notify the City that the employee is fit for duty on the day of the examination, the Appointing Officer shall place the employee on compulsory sick leave pursuant to the Civil Service Rules starting on the business day following the examination. Should the examining physician thereafter declare the employee fit for duty, the City shall restore any sick leave deducted between the date of the examination and the date the City is so notified or, in the event the employee has no accrued sick leave, any lost compensation for the same period.

(b) While an employee is on paid administrative leave the employee shall receive the compensation he or she would have earned if the employee had worked during the same period, without the inclusion of overtime earnings or special pay.

(c) The Appointing Officer shall have the discretion to remove an employee from paid administrative leave at any time during the period of paid administrative leave.

(d) Subject to the prior written approval of the Director of the Department of Human Resources, the Appointing Officer may extend paid administrative leave one (1) time consistent with this Section for no more than an additional thirty (30) calendar days. For Service Critical Employees employed by the Municipal Transportation Agency, the Director of the Municipal Transportation Agency may extend paid administrative leave one (1) time consistent with this Section for no more than an additional thirty (30) calendar days. Under no circumstances may an employee be on paid administrative leave for more than sixty (60) calendar days relating to the same incident.

(e) The City's ability to place employees on paid administrative leave under this section is in addition to, not in lieu of, its right to place employees on unpaid administrative leave under Charter Section A8.341, or any similar successor Charter Section. The City may elect to place an employee on paid or unpaid administrative leave as permitted under this Section or under Charter Section A8.341. Further, the City may place an employee on paid administrative leave either before or after the employee is placed on unpaid administrative leave.

(f) Nothing herein shall limit or prohibit compliance with the regulations of the California Occupational Safety and Health Administration in Title 8 of the California Code of Regulations.

(Added by Ord. [174-11](#), File No. 110622; App. 9/12/2011, Eff. 10/12/2011)

ARTICLE III:

[RESERVED]

ATTACHMENT B



COVID-19 Vaccination Policy

Issued: 6/23/2021

Amended 8/6/2021

Amended 9/8/2021

Amended 10/27/2021

10/27/2021 Revision: *This revision updates the vaccination policy for city employees who are required to be fully vaccinated against COVID-19 by November 1, 2021. The revision does **not** apply to city employees who had an earlier deadline for vaccination (e.g., September 30 or October 13, 2021).*

This revision modifies the policy to allow departments discretion to allow, as necessary for continuity of critical City operations, employees who can demonstrate that they have received at least their first dose of a COVID-19 vaccine regimen to continue work after November 1 subject to certain requirements and restrictions. All partially vaccinated employees must document that they are fully vaccinated by no later than December 6, 2021.

PURPOSE STATEMENT

The City and County of San Francisco (City) must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as it reopens services and returns more employees to workplaces.

According to the federal Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the San Francisco County Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated employees, interns, fellows, and volunteers are at greater risk of contracting and spreading COVID-19 within the workplace and City facilities, and to the public that depends on City services.

To best protect its employees and others in City facilities, and fulfill its obligations to the public, all employees must, as a condition of employment: (1) report their vaccination status to the City; and (2) be fully vaccinated and report that vaccination status to the City no later than either the applicable deadline under the San Francisco Health Order, if it applies, or 10 weeks after the Federal Food & Drug Administration (FDA) giving final approval to at least one COVID-19 vaccine (November 1, 2021).

LEGAL REQUIREMENTS

On June 17, 2021, Governor Newsom issued Executive Order No. N-09-21, which implements new California Division of Occupational Safety and Health (Cal/OSHA) rules, effective June 17, 2021. These rules require employers to take specific measures to protect employees from COVID-19, including enforcing masking and quarantine requirements, and offering COVID-19 testing and time off, for employees who are unvaccinated or for whom the employer does not have documentation verifying

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they are fully vaccinated. The Cal/OSHA rules require employers to verify and document that an employee is fully vaccinated before allowing that employee to discontinue masking indoors. For unvaccinated employees or employees for whom the City does not have documentation verifying fully vaccinated status, the City must enforce masking, provide COVID-19 testing following a close contact in the workplace or anytime they have COVID-19 symptoms, and exclude these employees from the workplace for 10 days after a close contact. Upon request, the City also must provide non-vaccinated employees with respirators (N95 masks) and provide education about using that type of mask.

On July 26, 2021 CDPH issued an Order ([CDPH Vaccination Status Order](#)) that workers in high-risk and other healthcare settings must report their vaccination status no later than August 23, 2021. The CDPH Vaccination Status Order also requires routine testing and more rigorous masking for unvaccinated or only partially vaccinated personnel working in these settings.

On August 24, 2021, the San Francisco Health Officer updated the [SF Health Order](#) requiring all employers to determine the vaccination status of employees who routinely work onsite in high-risk settings by no later than September 30, 2021 and precluding unvaccinated employees from entering those facilities after that date, and precluding unvaccinated employees who may occasionally or intermittently enter those settings from entering those facilities after October 13, 2021. This order further requires employees (among others) to remain masked in the workplace, effectively superseding the Cal/OSHA COVID-19 Temporary Emergency Standard which allows vaccinated employees who had documented that status to remove their masks.

On August 2, 2021 DHR issued a revised policy Face Coverings at Work Policy that can be found here: <https://sfdhr.org/sites/default/files/documents/COVID-19/Face-Covering-Requirements-at-Work.pdf>

On August 5, 2021, CDPH issued a new Order ([Health Care Worker Vaccine Requirement](#)) mandating all workers who provide services or work in identified health care facilities to receive their final dose of a vaccine regimen *no later than September 30, 2021*. The only exemptions to the Health Care Worker Vaccine Requirement are for workers who have a documented and [approved exemption](#) from vaccination on the basis of a sincerely-held religious belief or due to a qualifying medical condition or restriction.

STATEMENT OF POLICY

Definition of "Employees" Under This Policy

For purposes of this policy only, the term "employees" includes all full, part-time, and as-needed City employees regardless of appointment type, volunteers, interns, and City fellows (such as San Francisco Fellows, McCarthy Fellows, Fish Fellows, and Willie Brown Fellows).

Requirement to Report Vaccination Status

To protect the City's workforce and the public that it serves, all City employees were required to report their vaccination status to the City by July 29, 2021 (with a subsequent extension to August 12, 2021), by providing the following information:

- Whether the employee is vaccinated (yes or no)
- For employees who are vaccinated or partly vaccinated:

- The type of vaccine obtained (Moderna, Pfizer, or Johnson & Johnson, or other vaccine received in approved clinical trials)
- Date of first dose vaccine;
- Date of second vaccine for a 2-dose vaccine;
- Declaration under penalty of perjury that they have been fully vaccinated, and
- Upload documentation verifying proof of vaccination status. Proof of vaccination can include a copy of the CDC COVID-19 Vaccination Record Card, documentation of vaccine from the employee's healthcare provider, or documentation issued by the State of California by going to: <https://myvaccinerecord.cdph.ca.gov/>

To be fully vaccinated, 14 days must have passed since an employee received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. All unvaccinated employees must continue to comply with masking, testing, and other safety requirements until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy. Employees who previously reported that they were unvaccinated must update their status once they are fully vaccinated.

Failure to comply with the reporting requirement may result in discipline, or non-disciplinary separation from employment with the City for failure to meet the minimum qualifications of the job.

How to Report Vaccination Status

Volunteers, interns, and City fellows must verify that they are fully vaccinated to the Departmental Personnel Officer or Human Resources professional by showing a copy of their CDC COVID-19 Vaccination Record Card, documentation from the individual's healthcare provider, or documentation issued by the State of California as described above. The department must retain documentation that the individual's vaccination status has been verified **but must not retain copies of the individual's vaccination record.**

All other employees must report their vaccination information and upload documentation verifying that status into the City's People & Pay system using the Employee Portal or by hand using the COVID-19 Vaccination Status Form. Only City employees authorized to access employee personnel information will have access to the medical portion of the file. The City will share information about an employee's vaccination status only on a need-to-know basis, including to the employee's department, managers, and supervisors for the purpose of enforcing masking, quarantining in the event of a close contact, and other safety requirements.

Vaccination Requirements for Employees

1. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees routinely assigned to or working onsite in high-risk settings must receive their final dose of a vaccine regimen no later than September 30, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who are routinely assigned to or working onsite in high-risk settings. Those employees who fail to meet the vaccination and reporting requirements under

this Policy will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.

2. To comply with the CDPH Health Care Worker Requirement and ensure delivery of City services, City policy requires that all City employees who are not otherwise covered by the SF Health Order, but who provide services or work in the health care facilities identified in the state's order, must receive their final dose of a vaccine regimen no later than September 30, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious-beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees provide services or work in the health care facilities identified in the state's order. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.

3. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees who in the course of their duties may enter or work in high-risk settings even on an intermittent or occasional basis or for short periods of time must be fully vaccinated — no later than October 13, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who in the course of their duties may enter or work in high-risk settings even on an intermittent or occasional basis or for short periods of time. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and therefore unable to perform an essential function of their job and will not meet the minimum requirements to perform their job.

4. Volunteers, interns, and City fellows must be fully vaccinated – and must have reported that status and providing documentation verifying that status to the Departmental Human Resources personnel – as a condition of serving as a City volunteer, intern or fellow. Those already working and who do not fall under the SF Health Order must be fully vaccinated no later than October 13, 2021. Failure to comply with this policy will result in suspension of the internship, fellowship, or volunteer opportunity until such time as the individual provides verification that they are fully vaccinated.

5. All other City employees must be fully vaccinated as a condition of employment within ten weeks after the FDA provides final approval to at least one COVID-19 vaccine (November 1, 2021). Employees who are not fully vaccinated by November 1, 2021 may not enter the workplace after that date. To maintain continuity of City operations, limited exceptions may be allowed for employees who demonstrate that they are partially vaccinated.

Office Environments

Departments have discretion, but are not required, to allow employees who work in office environments to work remotely provided the employees have received at least one dose of a COVID-19 vaccine regimen by November 1, 2021 and reported and documented that status to the City consistent with this Policy *and* the Department receives approval from the City Human Resources Director.

This is allowable for a maximum of up to three days (or 24 hours) per week. The remaining two days (or 16 hours), which are intended to be spent in person in the workplace, employees may use their accrued vacation or other non-sick leave time to cover those work hours that unvaccinated or partially vaccinated employees are restricted from the workplace due to not being fully vaccinated as required by City Policy. Employees who are partially vaccinated and have received written approval to work remotely after November 1, 2021 must report and document that they are fully vaccinated no later than **December 6, 2021**.

Non-office Environments

Departments have discretion, but are not required, to allow employees to enter the workplace after November 1 provided, the employees have received at least one dose of a COVID-19 vaccine regimen by November 1, 2021 and reported and documented that status to the City consistent with this Policy. Employees who are permitted in the workplace after November 1, 2021 must report and document that they are fully vaccinated no later than **December 6, 2021**.

Employees who are not fully vaccinated against COVID-19 and who are permitted in the workplace after November 1, 2021 must continue to wear a well-fitted mask at all times while at the workplace. Departments are strongly encouraged to require employees who are not yet fully vaccinated after November 1, 2021 to test at least once weekly and provide proof of a negative COVID-19 test result until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy.

Failure to comply with this Policy may result in a disciplinary action, or non-disciplinary separation from employment for failure to meet the minimum qualifications of the job.

Requesting an Exemption from the Vaccination Requirement

Employees with a medical condition or other medical restriction that affects their eligibility for a vaccine, as verified by their medical provider, or those with a sincerely held religious belief that prohibits them from receiving a vaccine, may request a reasonable accommodation to be excused from this vaccination requirement but must still report their status by the August 12, 2021 extended deadline. The City will review requests for accommodation on a case-by-case basis and engage in an interactive process with employees who submit such requests. For some positions where fully vaccinated status is required to enter the facility where the employee works, an accommodation may require transfer to an alternate vacant position, if available, in another classification for which the employee meets the minimum qualifications. Requests for Reasonable Accommodation forms and procedures can be found here: <https://sfdhr.org/new-vaccine-and-face-covering-policy-city-employees>

COVID-19 VACCINATION COMPLIANCE DEADLINES ADDENDUM TO VACCINATION POLICY AMENDED AUGUST 5, 2021

Below are the vaccination status reporting deadlines for City employees.

COVID-19 VACCINATION STATUS REPORTING DEADLINES	
July 29, 2021	Reporting Deadline
August 12, 2021	Grace Period - Final day to report vaccination status

Below are the vaccination deadlines for City employees. City employees working in high-risk settings are subject to non-disciplinary release if not vaccinated by the deadlines referenced below for failure to meet the minimum qualifications of their jobs.

COVID-19 VACCINATION DEADLINES BY EMPLOYEE TYPE	
Employees who are assigned to or routinely work onsite in High-Risk Settings or other Health Care Facilities	<p>Must receive their final dose of a vaccine regimen <i>no later than September 30, 2021.</i></p> <ul style="list-style-type: none"> • Moderna: First shot <i>no later than September 2, 2021</i>; Second shot <i>no later than September 30, 2021.</i> • Pfizer: First shot <i>no later than September 9, 2021</i>; Second shot <i>no later than September 30, 2021.</i> • Johnson & Johnson: First shot <i>no later than September 30, 2021</i>
Employees intermittently or occasionally working in "High-Risk Settings"	<p>Must be fully vaccinated <i>no later than October 13, 2021.</i></p> <ul style="list-style-type: none"> • Moderna: First Shot <i>no later than September 1, 2021</i>; Second Shot <i>no later than September 29, 2021</i> • Pfizer: First Shot <i>no later than September 8, 2021</i>; Second Shot <i>no later than September 29, 2021</i> • Johnson & Johnson: First Shot <i>no later than September 29, 2021</i>
All other employees not working in "High-Risk" or other health care settings	<p>Must be fully vaccinated <i>no later than November 1, 2021.</i></p> <ul style="list-style-type: none"> • Moderna: First shot <i>no later than September 20, 2021</i>; Second shot <i>no later than October 18, 2021.</i> • Pfizer: First shot <i>no later than September 27, 2021</i>; Second shot <i>no later than October 18, 2021.</i> <p>Johnson & Johnson: First shot <i>no later than October 18, 2021.</i></p> <p>For continuity of City operations limited exceptions may be made for partially vaccinated employees. Such employees must report and document they are fully vaccinated no later than December 6, 2021.</p> <p><i>Office environments:</i> Departments have discretion to allow employees to work remotely, if they are not fully vaccinated, but have received at least the first dose of a COVID-19 vaccine series. Written approval required</p> <p><i>Non-office environments:</i> Departments have discretion to allow employees at the worksite after November 1, 2021 if they are not fully vaccinated but have received at least the first dose of a COVID-19 vaccine series. Masking required.</p>

ATTACHMENT C



HRS COVID-19 Digest #69

June 24, 2021

New Vaccine and Face Covering Policy for City Employees

We'll Cover:

- Message from the Department of Human Resources (DHR)
- New Vaccine Policy for City Employees
- New Face Covering Policy for City Employees
- Reminders

Today's digest is a message from the Department of Human Resources (DHR) on the [New Vaccine](#) and [Face Covering](#) Policy for City Employees. **Please be prepared to report your vaccination status to the City no later than July 29, 2021** (review the policies for exemptions), and if you are fully vaccinated, provide documentation to verify the status. Stay tuned for more guidance on uploading your verification to the Employee Portal.

Derek Kim
Deputy People Officer
Human Resource Services



Dear City employee-

According to the federal Centers for Disease Control (CDC), the California Department of Public Health, and the San Francisco County Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths.

This email is to provide you with information about the new vaccination related requirements for all City employees, which require all employees to:

1. report their vaccination status to the City no later than July 29, 2021, and if they are fully vaccinated, to provide documentation to verify that status; and
2. be fully vaccinated and report that vaccination status to the City no later than 10 weeks after the Federal Food & Drug Administration (FDA) gives final approval to at least one COVID-19 vaccine.

The policy will be effective as of Monday, June 28, 2021. All employees will have 30 days (until July 29, 2021) to report their vaccination status including documentation verifying that status, using the City's People and Pay system through a link that will be found on the Employee Portal. All employees must provide the name of vaccine, date(s) of vaccination, and upload documentation into the system. This information will remain protected under existing City standard procedures for keeping any protected information in your employee file confidential.

If you need assistance uploading your verification to the Employee Portal or have other related questions, please reach out to your department human resource representative.

As always, thank you for all you are doing to support the residents of the City and County of San Francisco.

Sincerely,
Carol Isen
Human Resources
Director
Resources

Department of Human

New Vaccine Policy for City Employees

City and County of San Francisco
Carol Isen
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

COVID-19 Vaccination Policy
Issued June 23, 2021
Effective June 28, 2021

PURPOSE STATEMENT

The City and County of San Francisco (City) must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as it reopens services and returns more employees to workplaces.

According to the federal Centers for Disease Control (CDC), the California Department of Public Health, and the San Francisco County Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths.

On June 17, 2021, Governor Newsom issued Executive Order No. N-09-21, which implements new State Division of Occupational Safety and Health (Cal/OSHA) rules, effective June 17, 2021. These rules require employers to take specific measures to protect employees from COVID-19, including enforcing masking and quarantine requirements, and offering COVID-19 testing and time off, for employees who are unvaccinated or for whom the employer does not have documentation verifying they are fully vaccinated. Unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace and to the public that depends on City services.

To best protect its employees and fulfill its obligations to the public, effective June 28, 2021, the City's policy is to require that all employees must, as a condition of employment: (1) report their vaccination status to the City; and (2) be fully vaccinated and report that vaccination status to the City no later than 10 weeks after the Federal Food & Drug Administration (FDA) gives final approval to at least one COVID-19 vaccine.

LEGAL REQUIREMENTS

Cal/OSHA's COVID-19 Temporary Emergency Standard, revised June 17, 2021 and effective June 17, 2021 by Governor Newsom's Executive Order No. N-09-21, requires employers to verify and document that an employee is fully vaccinated before allowing that employee to discontinue masking indoors (except at certain worksites where a face covering remains required even for fully-vaccinated employees). For unvaccinated employees or employees for whom the City does not have documentation verifying fully vaccinated status, the City must enforce masking, provide COVID-19 testing for employees following a close contact in the workplace or anytime they have COVID-19 symptoms, and exclude these employees from the workplace for at least

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10 days after a close contact. Upon request, the City also must provide non-vaccinated employees with respirators (N95 masks) and provide education about using that type of mask.

STATEMENT OF POLICY

To protect the City's workforce and the public that it serves, all City employees must report their vaccination status to the City. The City will use this information to enforce the Cal/OSHA masking, testing, quarantine and other requirements and compliance with this Policy.

In addition, except as otherwise provided below, all City employees must be fully vaccinated no later than 10 weeks after the FDA gives final approval to at least one COVID-19 vaccine. Employees with a medical condition or other medical restriction that affects their eligibility for a vaccine, as verified by their medical provider, or those with a sincerely held religious belief that prohibits them from receiving a vaccine, may request a reasonable accommodation to be excused from this vaccination requirement. The City will review requests for accommodation on a case-by-case basis consistent with existing procedures for reasonable accommodation requests. Employees who previously reported that they were unvaccinated must update their status once they are fully vaccinated.

Failure to comply with this policy may result in discipline up to and including termination of employment.

Process for Reporting Vaccination Status

All City employees must report their vaccination status into People and Pay using the COVID-19 Vaccination Status Form no later than July 29, 2021, with the following information:

- The type of vaccine obtained (Moderna, Pfizer, or Johnson & Johnson);
- Date of first dose of vaccine;
- Date of second dose of vaccine for a 2-dose vaccine;
- Declaration under penalty of perjury that they have been fully vaccinated; and
- Uploaded documentation verifying proof of vaccination status. Proof of vaccination can include a copy of the CDC Covid-19 Vaccination Record Card, documentation of vaccine from the employee's healthcare provider, or documentation issued by the State of California by going to: <https://myvaccinerecord.cdph.ca.gov/>

To be fully vaccinated, 14 days must have passed since an employee received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. Employees who are not fully vaccinated but partially vaccinated as of July 29, 2021 shall provide that information. All unvaccinated employees must continue to comply with masking, testing, and other safety requirements until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy.

Unless excused through an approved reasonable accommodation request, all employees must comply with the requirement to be fully vaccinated and submit documentation of that status no later than 10 weeks after the FDA gives final approval to at least one COVID-19 vaccine.

POLICY IMPLEMENTATION

Employees must report their vaccination information and upload documentation verifying that status into the City's People & Pay system using the Employee Portal. Only City employees authorized to access employee personnel information will have access to the medical portion of the file. The City will share information about an employee's vaccination status only on a need-to-know basis, including to the employee's department, managers, and supervisors for the purpose of enforcing masking and safety requirements.

The first date that a fully vaccinated employee who has provided verification and documentation of that status to the City is allowed to unmask at indoor work sites is July 6, 2021. Thereafter, Departments will receive updated information on a weekly basis. Fully vaccinated employees may not remove masks at work until their department has been provided with the information necessary to confirm their status and enforce these requirements.

New Face Covering Policy for City Employees

City and County of San Francisco
Carol Isen
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Face Covering Requirements At Work COVID-19 Prevention Revised June 23, 2021

Revision Note: This Face Covering Requirements at Work policy (Policy) supersedes the Face Covering Requirements at Work policy issued June 5, 2020 and amended August 3, 2020. The revision complies with Governor Newsom's Executive Order No. N-09-21, which implements new State Division of Occupational Safety and Health (Cal/OSHA) rules effective June 17, 2021.

The changes in this Policy specify the face covering requirements for employees based on vaccination status, as reported and documented by employees pursuant to the Vaccine Policy issued June 23, 2021.

POLICY

This Policy applies to all City employees, except employees whose work is governed by the safety requirements in the Cal/OSHA Aerosol Transmissible Disease Standard (ATD Standard). The ATD Standard generally applies to workplaces where employees have an elevated risk of contracting disease, such as healthcare settings where patients are present, including hospitals, medical clinics, skilled nursing facilities, home health care, long-term healthcare facilities, medical transport, and paramedic response. If employees have questions about whether this Policy or the ATD Standard applies to them, they should ask their supervisor or departmental Human Resources personnel.

All employees subject to this Policy must comply with its requirements. Generally, employees are not required to wear face coverings when working outdoors. Employees who have submitted documentation to the City verifying that they are fully vaccinated are not required to wear face coverings indoors or outdoors, except as otherwise described in this Policy. Employees who have not submitted documentation verifying fully vaccinated status must wear a face covering indoors, except as otherwise described in this Policy.

The first date that a fully vaccinated employee who has provided documentation of that status to the City is allowed to unmask at indoor work sites is July 6, 2021. Thereafter, Departments will receive updated information on a weekly basis. Fully vaccinated employees may not remove masks at work until their department has been provided with the information necessary to confirm their status and enforce these requirements.

Departments must enforce face covering requirements for employees who have not submitted documentation to the City verifying that they are fully vaccinated. Upon request, departments must also provide employees who are not documented as fully vaccinated and who are working indoors or in vehicles with more than one person with respirators (N95 mask) for voluntary use (although these employees must wear some face covering, even if they elect not to wear a respirator). Departments must provide face coverings to any employee regardless of vaccination status.

These safety rules are essential to protect the health of City employees and the public. All employees subject to this Policy must comply with them. If an employee is unable to comply with this face covering requirement

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based on a qualifying disability or medical restrictions or because of a sincerely held religious belief, they may request an accommodation by contacting their departmental Human Resources representative.

Employees shall be sent home and may use sick leave, if available, during the interactive reasonable accommodation process, unless the department determines telecommuting is available and appropriate.

An employee who fails to comply with these face covering requirements will receive one direct notice of the requirement and will be given an immediate opportunity to comply with the requirement. If the employee does not immediately comply, the employee will be sent home on vacation or accrued leave, other than sick leave. If the employee does not comply with the requirement a second time, the City will proceed with discipline up to and including separation from employment. There is no tolerance for employees who will not adhere to these reasonable and necessary safety requirements.

Vaccination Status Defined

For purposes of this Policy and City employment, an employee is considered fully vaccinated when they have submitted documentation to the City verifying that it has been at least 14-days since their final dose of a COVID-19 vaccine, consistent with the City's Vaccination Policy. Employees who have not submitted proof of vaccination are considered unvaccinated.

Face Coverings Defined

A face covering means a surgical mask, a medical procedure mask, a voluntarily worn respirator, or a cloth covering that is two-layers, without holes, and that fits closely around and covers the nose, mouth, and surrounding areas of the lower face. Face coverings may not have a one-way valve (an "exhaust valve"), typically a small plastic square or disc on the front or side of the face covering, that is designed to allow easy exhaling.

Bandanas, scarves, turtlenecks, ski masks, balaclavas, plastic face shields, or single-layer fabric coverings are not acceptable.

Unvaccinated employees who have a medical exemption from wearing a face covering due to a medical condition or disability may wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it.

Face Covering Requirements

All employees, including fully vaccinated employees, must continue to wear face coverings at work in the following locations as required by State and Federal law:

- On public transit (airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares) and in transportation hubs (airport, bus terminal, marina, train station, seaport or other port, subway station, or any other area that provides transportation);
- Indoors at K-12 schools, childcare and other youth settings;
- Healthcare settings (including long-term care facilities);
- State and local correctional facilities and detention centers; and
- Homeless shelters, emergency shelters, and cooling centers.

In addition, in certain circumstances such as an outbreak, all employees regardless of vaccination status may be required to wear a face covering, regardless of whether working indoors or outdoors.

Face Covering Requirements
June 23, 2021

In certain circumstances, departments may determine that additional Personal Protective Equipment is necessary during high-risk activities or to comply with other governmental requirements. Any additional requirements must be included in the department's COVID-19 Prevention Plan required by Cal/OSHA.

Except as provided above and beginning July 6, 2021, **fully vaccinated** employees are not required to wear a face covering indoors if they have submitted the required documentation to the City. Employees who provide documentation after that will be allowed to remove face coverings in indoor workspaces on the Monday following the receipt of the necessary information to ensure that the departments may enforce the safety requirements.

Employees who are **unvaccinated** (including those who have not submitted documentation verifying their fully vaccinated status) must also continue to wear a face covering as follows:

- **Indoors:** Unvaccinated employees must wear a face covering indoors with the following exceptions:
 - When eating and drinking while maintaining 6-foot distancing;
 - When working alone in a private office so long as the employee can put on the face covering quickly if someone enters; and
 - When the employee's department determines that wearing a face covering while working would create a safety risk to the employee.
- **Vehicles:** Unvaccinated employees must wear a face covering when in a vehicle with another person.

Employees who are vehicle operators of a bus or public transit vehicle must continue to wear face coverings at all times, even if fully vaccinated.

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#)** (must be connected to network) or our [remote workspace](#) (no connection required).
- **Send your COVID-19 questions to covidinfo@sfgwater.org.**

SFPUC Mission

To provide customers with high-quality, efficient, and reliable services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

SFPUC Core Values

Service | Excellence | Stewardship | Diversity | Safety | Inclusiveness

[Go to Currents](#)

ATTACHMENT D



HRS COVID-19 Digest #70

June 29, 2021

Submit Your COVID-19 Vaccine Status via the SF Employee Portal

We'll Cover:

- Submit Your COVID-19 Vaccine Status via the SF Employee Portal
- Changes to Employee Mask Requirements Starting July 6th
- Reminders

As a follow-up to last week's digest on the [New Vaccine and Face Covering Policy for City Employees](#), the Vaccination Portal is now live for employees to submit their vaccination status. You can access it by logging into the Employee Portal through the Employee Gateway where a new section has been added titled "HR INFORMATION (NEW)". See below for detailed instructions on accessing the Vaccination Portal and submitting your COVID-19 vaccine status. As a reminder, **please report your vaccination status to the City no later than July 29, 2021** (review the policies for exemptions), and if you are fully vaccinated, provide documentation to verify the status. Lastly, included is a statement from the Department of Human Resources (DHR) on **changes to the employee mask requirement starting July 6, 2021**. As always, send your questions to covidinfo@sfgov.org.

A handwritten signature in black ink that reads "Derek Kim".

Derek Kim
Deputy People Officer
Human Resource Services

Submit your COVID-19 Vaccine status via the SF Employee Portal



SF EMPLOYEE PORTAL

- [Click here](#) or scroll down for instructions on how to submit your COVID-19 vaccine status via the Employee Portal
- [How to log into the SF Employee Portal for the first time](#)
- [How to clear browser cache](#)
- [COVID-19 Vaccination Policy](#) (effective 6/28/21)
- [COVID-19 Vaccine FAQs for CCSF Employees](#)

Step 1: Go to the **SF Employee Gateway** <https://sfgov.org/sfc/employee-gateway>

Step 2: Click the **SF Employee Portal** tile and log in. [If you have issues logging in click here to review an article to assist you.](#)



Welcome to the SF Employee Gateway

Select Language Powered by Google Translate

Citywide Enterprise Applications

 SF Employee Portal Employee Login	 SF Data Support SF Employee Portal	 MyApps Portal City Apps and Systemic Email
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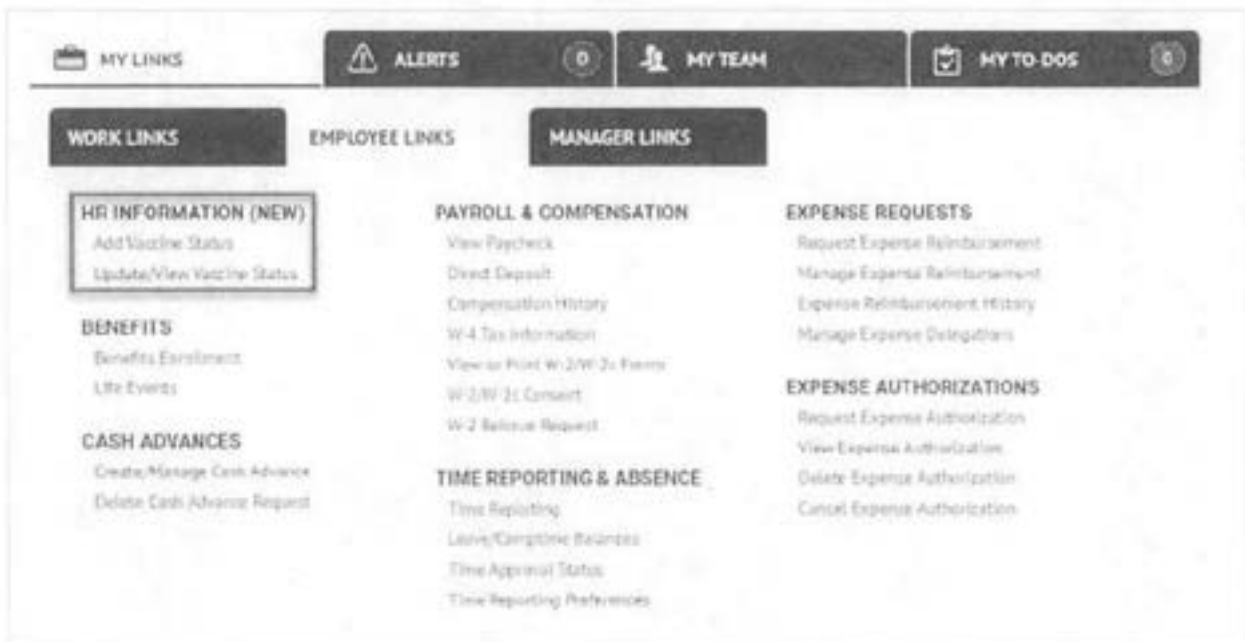
STAY CONNECTED

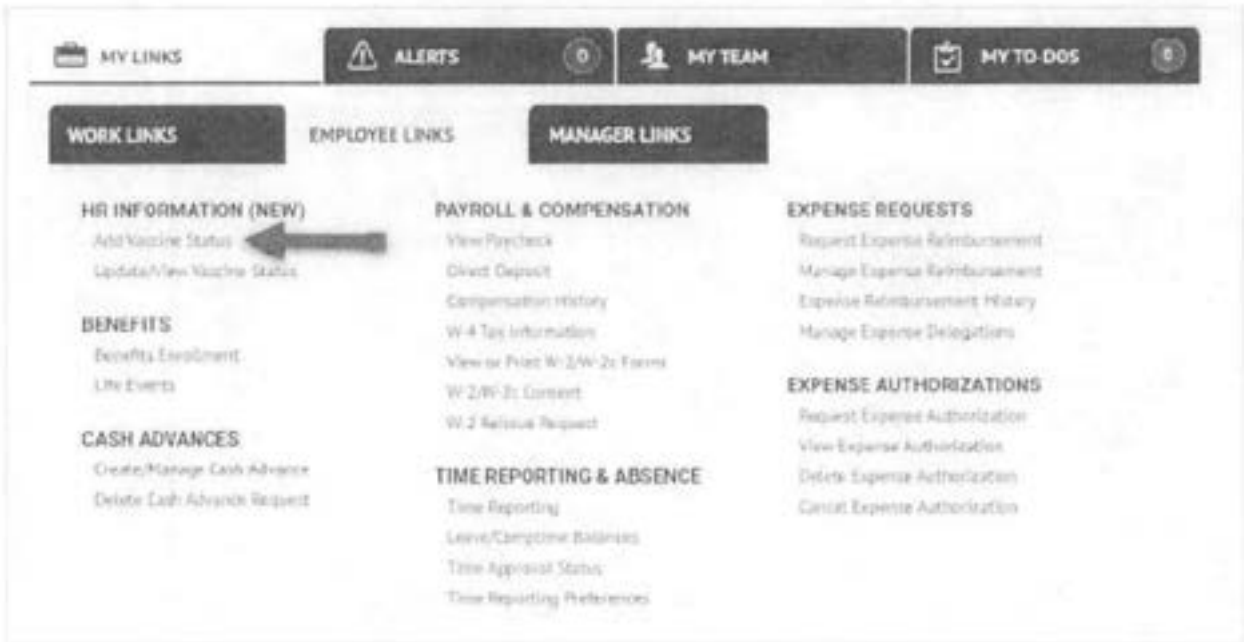
Step 3: Once you arrive on the Portal main page, from the **MY LINKS** tab, Click the **EMPLOYEE LINKS** tab.



Step 4: On the Employee Links tab find HR Information (NEW).



Step 5: If this is your first time entering your Vaccine Status, click **"Add Vaccine Status"** and proceed to Step 6. If you need to update your Vaccine Status, click here to see the "Update/View Vaccine Status" article.



Step 6: A pop-up box will appear with three tabs. Please review the **Instructions** tab before you begin.



Step 7: Click on the **Form** tab to enter the required information. (Required information listed below for reference)



On the Form tab you will be required to input the following information:

1. Are you vaccinated?
2. Vaccine name
3. Date of first vaccination
Only enter the second date if you received the vaccine that required two doses.
4. Date of second vaccination

Step 8: Once you have entered your information, click the **Save** button before going to the next step. If you do not save your entry, the system will not allow you to upload your vaccine documentation. **Do not** click the submit button before uploading your vaccine documentation.

Instructions **Form** Attachments

COVID-19 Vaccination Status

Status: Initial

Please complete the form by indicating the name of vaccine received and the date(s) of your vaccination. If you had Johnson single-dose vaccine, please place the date of your vaccination in the "Date of First Vaccination".

Are you vaccinated?

Vaccine Name:

Date of First Vaccination:

Only enter the second date if you received the vaccine that required two doses.

Date of Second Vaccination:

Please submit the documentation of your COVID-19 vaccination. This can be an image of your vaccination card, a photo of your physician, or documentation issued by the State of California by going to: <https://vaccinestatus.cdph.ca.gov/>.

To upload an attachment, first click the save button below.

After the form is saved, click on the Attachments tab above. Navigate to the upload button and search for your document. The document should also be included in the description field. Once you have uploaded your document, return to the form to complete.

Save

Step 9: Click the **Attachments** tab to upload your vaccine documentation.

Instructions Form **Attachments**

COVID-19 Vaccination Status

Search:

Attached File	Open
1	Open

Add your attachments

Search:

Attach

Step 10: Click the **Attach** button to select the vaccination documentation you have saved to your computer/phone.

Instructions Form **Attachments**

COVID-19 Vaccination Status

Search:

Attached File	Open
1	Open

Add your attachments

Search:

Attach

Step 11: Click the **Choose File** button to locate the vaccination documentation you have saved to your computer/phone and click the **Upload** button.



Your file will appear below once attached. You may also add a Description.



Step 12: Click the **Form** tab to finalize your submission. On the **Form** tab, click the **Submit** button for completion.

The screenshot shows a web interface for submitting COVID-19 vaccination status. At the top, there are three tabs: 'Institutions', 'Form' (which is selected and highlighted), and 'Attachments'. Below the tabs, the page title is 'COVID_19_Vaccination_Status'. On the left, it says 'Seq Nbr 53' and 'Status Initial'. On the right, there are two buttons: 'Preview/Approve' and 'Submit'. The main content area contains instructions: 'Please complete the form by indicating the name of vaccine received and the date(s) of your vaccination. If you have Johnson single-dose vaccine, please place the date of your vaccination in the "Date of First Vaccination".' Below this are three input fields: 'Are you vaccinated?' with a dropdown menu showing 'Yes', 'Vaccine Name' with a dropdown menu showing 'Pfizer', and 'Date of First Vaccination' with a date picker showing '06/01/2021'. Below these fields, there is a note: 'Only enter the second date if you received the vaccine that required two doses.' followed by a 'Date of Second Vaccination' field with a date picker showing '06/15/2021'. At the bottom, there are instructions: 'Please submit the documentation of your COVID-19 vaccination. This can be an image of your vaccination card, a your physician, or documentation issued by the State of California by going to: myvaccinerecord.cdph.ca.gov. To upload an attachment, first click the save button below. After the form is saved, click on the Attachments tab above. Navigate to the upload button and search for your doc; should also name your document in the description field. Once you have uploaded your document, return to the completed report.'

Please review the [COVID-19 Vaccine and Face Coverings Policy](#) memos and [Frequently Asked Questions](#), attached to the [How to Submit your COVID-19 Vaccine status via the SF Employee Portal Solution Article](#), published by the Department of Human Resources. Please send any questions to covidinfo@sfgov.org.

Changes to Employee Mask Requirements Starting July 6th



"Starting on July 6, 2021, employees who are fully vaccinated and have reported this to the City will be able to go unmasked in most settings unless masking is otherwise required by local, state, or federal regulation. Employees who are unvaccinated or not fully vaccinated or who have not reported their vaccination status to the City must continue to wear a mask consistent with the [City's Face Covering Policy](#). Employees may continue to wear a mask at the worksite even if they are vaccinated. Employees who wear masks should not be assumed to be unvaccinated. For example, the City must comply with federal, state and local regulations requiring masking regardless of vaccination status in various settings, including transportation hubs, correctional facilities, shelters, congregate settings and health care settings."

Employees should only be allowed to remove their masks after the SFPUC HRS department provides a weekly report of which employees are allowed to be unmasked in the workplace (except where a mask is required regardless of vaccination status); not on a rolling basis, and not as soon as they have reported their status and uploaded their documentation. Please send any questions to covidinfo@sfwater.org.

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our remote workspace (no connection required).**
- **Send your COVID-19 questions to covidinfo@sfwater.org.**

SFPUC Mission

To provide customers with high-quality, efficient, and reliable services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

SFPUC Core Values

Service | Excellence | Stewardship | Diversity | Safety | Inclusiveness

ATTACHMENT E



HRS COVID-19 Digest #72

July 13, 2021

Vaccine Status Reporting

We'll Cover:

- Vaccine Status Reporting
- Vaccination and Face Covering Policy Frequently Asked Questions (FAQ) for City and County of San Francisco (CCSF) Employees
- Reminders

Please see the message below from the [Department of Human Resources \(DHR\)](#) on vaccine status reporting and the vaccination and face covering policy frequently asked questions for City and County of San Francisco employees.

As a reminder, **report your vaccination status in the Vaccination Portal no later than July 29, 2021** (review the policies for exemptions), and if you are fully vaccinated, provide documentation to verify the status. Send your questions to covidinfo@sfgwater.org.

Here are some resources for uploading and reporting your COVID-19 vaccine status:

- [Instructions on how to submit your COVID-19 vaccine status via the Employee Portal](#)
- [COVID-19 Vaccination Policy](#)
- [How to log into the SF Employee Portal for the first time](#)
- [How to clear browser cache \(troubleshooting SF Employee Portal\)](#)

Derek Kim
Deputy People Officer
Human Resource Services

Vaccine Status Reporting



Thank you to all City employees who have reported their COVID-19 vaccine status either through the SF Employee Portal or with the assistance of human resources professionals.

Employees who have not yet had an opportunity to report their vaccination status are encouraged to do so as soon as possible and **no later than July 29, 2021**, per City policy. Please see the attached New Vaccination and Face Covering Policy Frequently Asked Questions (FAQ) for City and County of San Francisco (CCSF) Employees, for more information about the COVID-19 vaccines and vaccination reporting. Additionally, please see the list of links to online resources below or consult with your department's human resources professionals for further assistance.

It is not a violation of the Health Insurance Portability and Accountability Act ("HIPAA") to report vaccination status to the City. Vaccine status is confidential employee information and will be collected and stored in the same manner as all other confidential employee data in the City's SF People & Pay system. Vaccine status will be used only to ensure the City is meeting its obligations under Cal/OSHA guidelines which permit fully vaccinated employees to remove their face coverings at work.

To get vaccinated visit <https://sf.gov/get-vaccinated-against-covid-19>. Scheduled appointments and drop-in slots are available. Paid leave is also available for employees receiving their vaccination, [read more here](#).

Thank you for your cooperation and your hard work on behalf of the residents of the City and County of San Francisco.

Sincerely,

Carol Isen
Human Resources Director
Department of Human Resources

Vaccination and Face Covering Policy Frequently Asked Questions (FAQ) for City and County of San Francisco (CCSF) Employees



New Vaccination and Face Covering Policy FAQ for CCSF Employees Created July 12, 2021

To protect the health and safety of all City employees and the public, the City has implemented a new Vaccination Policy. The policy requires that all City employees:

1. Report their vaccination status, including verification documents, by July 29, 2021.
2. Be fully vaccinated and report that vaccination status to the City no later than 10 weeks after the Federal Food & Drug Administration (FDA) gives final approval to at least one COVID-19 vaccine. Per the July 8, 2021 [Health Order](#), City employees working in high-risk settings are required to be fully vaccinated by September 15th, 2021, regardless of whether the FDA has given final approval to a vaccine by that date.

ABOUT THE VACCINE

Is the COVID-19 vaccine safe?

Yes. COVID-19 vaccines have been thoroughly tested and are safe and effective. Before being authorized for use, all COVID-19 vaccines were tested in clinical trials involving tens of thousands of people of [different ages, races, and ethnicities](#) to make sure they meet all health and safety standards. Millions of people in the United States have now received COVID-19 vaccines and helped to slow the spread of the pandemic.

All 3 vaccines authorized and recommended in the United States offer very strong protection against COVID-19, especially against hospitalization and death:

- [Pfizer-BioNTech](#)
- [Moderna](#)
- [Johnson & Johnson / Janssen](#)

How do I get the COVID-19 Vaccine?

The City has created a webpage for people who live or work in San Francisco to find vaccination sites in San Francisco. Employees can schedule an appointment online at: <https://sf.gov/eetvaccinated>.

The City has also set up a call center to provide assistance over the phone. The number is (628) 652-2700. Appointments are widely available throughout the City and many sites also offer drop-in availability.

To learn more about vaccination locations in other counties, visit <https://www.vaccines.gov/> or text your zip code to 438829 or call 1-800-232-0233 to find vaccine locations near you. Many local options available. Type COVID vaccine near me into a smart phone to see nearby options.

VACCINATION REPORTING

How do I upload my vaccination status?

All employees must report their vaccination status into People and Pay using the COVID-19 Vaccination Status Form no later than July 29, 2021.

[Click here](#) for detailed instructions on how to submit your COVID-19 Vaccine status via the SF Employee Portal.

I don't have my vaccine card, where can I get a copy?

Employees can access their digital vaccine card here: [Digital COVID-19 Vaccine Record \(ca.gov\)](#).

Vaccination and Face Covering Policy FAQs
July 12, 2021

[Click here](#) for detailed vaccination reporting instructions for People and Pay.

I don't have computer access, how do I report my vaccination status?

Department human resource analysts can help employees without computer access input their vaccination status using a paper form. Speak with your department human resource professional for more information.

I am only partially vaccinated when should I record my status?

Employees have until July 29 to record their vaccine history and status. They will record the most updated information they have, even if their series is not complete.

If I am not vaccinated do I still need to report my status in People & Pay?

Yes, all employees must report, vaccinated or not, by July 29, 2021. Unvaccinated employees must continue to wear a mask indoors in the workplace.

Who will have access to view my reported vaccination status?

Department human resource professionals who are allowed to see confidential information in People and Pay will have access to employee vaccination status.

Is my vaccination status HIPAA protected?

Vaccination status is protected health information (PHI). The City will keep information about employee vaccination status confidential and it will be kept secure in the same manner as other confidential PHI that the City gathers and stores about its employees. Although vaccination information may be PHI, it is not a violation of the Health Insurance Portability and Accountability Act (HIPAA) for an employer to ask its employees to reveal their vaccination status or to ask employees to provide documentation showing their vaccination status. HIPAA's privacy rules only apply to HIPAA-covered entities, such as healthcare providers and health plans.

If an employer asks an employee to provide proof that they have been vaccinated in order to allow that individual to work without wearing a facemask or to protect the health and safety of their coworkers and the public, that is not a HIPAA violation. Reporting your own vaccination status to the City is also not a violation of the HIPAA.

The City and County of San Francisco uses PeopleSoft, one of the most secure and widely-used human resources database tools in the world, to collect and store confidential employee data. DHR takes employee privacy very seriously. Vaccination reporting data will only be seen by a small number of Human Resources professionals.

VACCINATION REQUIREMENT

Read the full Employee Vaccination Policy [here](#).

What does it mean to be fully vaccinated?

For purposes of the Vaccination Policy and City employment, an employee is considered fully vaccinated when they have submitted documentation to the City verifying that it has been at least 14-days since their final dose of a COVID-19 vaccine, consistent with the City's Vaccination Policy. Employees who have not submitted proof of vaccination are considered unvaccinated.

When will the vaccination requirement take effect?

For most City employees the requirement to become vaccinated is not effective until 10 weeks after the FDA gives final approval to at least one COVID-19 vaccine. The vaccines have been approved under the [Emergency Use Authorization \(EUA\)](#). Any of the vaccines that have been approved under the EUA would fulfill the vaccination requirement, not only the one(s) that ultimately receive full approval. Employees who test negative or test positive for COVID-19 antibodies are still required to receive the vaccine.

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Per the [Health Order No.C19-07y](#) ordered July 8, 2021, City employees working in high-risk settings are required to be fully vaccinated, with limited exemptions, by September 15th. "High-Risk Settings" means certain care or living settings, including many congregate settings, where employees have contact with vulnerable populations and where the risk of COVID-19 transmission is higher. "High-Risk Settings" are defined by the health order as general acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails.

What are the exceptions to the vaccination requirement?

Reasons for not getting vaccinated are 1) a sincerely held religious belief that prevents the employee from receiving the vaccine, or 2) a qualifying medical reason, such as a disability, that interferes with the employee's ability to receive the vaccine.

Employees with a medical condition or other medical restriction that affects their ability to receive a vaccine, as verified by their medical provider, or those with a sincerely held religious belief that prohibits them from receiving a vaccine, may request a reasonable accommodation to be excused from this vaccination requirement. Those employees who work in high-risk settings (as defined in [Health Order No.C19-07y](#)) and who receive an exemption will be required to wear a well-fitted mask indoors in the workplace and undergo at least weekly surveillance testing. This is a requirement of the Health Order, and the City must comply with that order like other San Francisco employers.

The City will review requests for accommodation on a case-by-case basis consistent with existing procedures for reasonable accommodation. Except for employees working in high-risk settings defined above, vaccination exemptions will not be considered or approved until the FDA approves at least one vaccination.

WORKPLACE SAFETY

Read the full [Face Covering Requirements at Work COVID-19 Prevention Policy](#) here.

If there is a mix of vaccinated and unvaccinated employees in an office space, does everyone need to wear a mask?

Employees who have not completed the form or uploaded documentation onto the employee portal will be required to wear a mask.

Can I still wear a mask even if I am vaccinated?

Certainly. You are welcome to continue with facial covering if it provides a level of person confidence and safety, though it is not required.

What qualifies as a face covering?

A face covering means a surgical mask, a medical procedure mask, a voluntarily worn respirator, or a cloth covering that is two-layers, without holes, and that fits closely around and covers the nose, mouth, and surrounding areas of the lower face. Face coverings may not have a one-way valve. Bandanas, scarves, turtlenecks, ski masks, balaclavas, plastic face shields, or single-layer fabric coverings are not acceptable.

Can individual offices require members of the public to wear a mask to receive services?

As of Tuesday, July 6, face coverings are no longer required for fully vaccinated visitors entering City Hall and other City facilities, except for certain limited settings such as healthcare, long-term care, public transit, correctional and shelter facilities. [Read the full City Administrator memo here.](#)

How will supervisors know who needs to be masked?

Employees will use the self-service function in people and pay to record their status. A roster of employees who are able to unmask indoors will be distributed weekly.

ADDITIONAL RESOURCES

- **Safety of COVID-19 Vaccines:** <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/safety-of-vaccines.html>
- **State's COVID webpage:** <https://covid19.ca.gov/vaccines/>
- **City's COVID webpage:** <https://sf.gov/covid-19-vaccine-san-francisco/>
- **Employee Assistance Program:** <https://sfhss.org/eap>

Reminders

- **Complete the Disaster Service Worker (DSW) Activation Survey.** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on Currents or our remote workspace (no connection required).**
- **Send your COVID-19 questions to covidinfo@sfwater.org.**

SFPUC Mission

To provide customers with high-quality, efficient, and reliable services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

SFPUC Core Values

Service | Excellence | Stewardship | Diversity | Safety | Inclusiveness

[Go to Currents](#)

ATTACHMENT F



COVID-19 Digest #73
July 16, 2021

Vaccination Reporting Reminder

We'll Cover:

- Vaccination Reporting Reminder
- Reminders

If you haven't done so already, please report your COVID-19 vaccination status in the Vaccination Portal no later than **July 29, 2021** (review the policies for exemptions), and if you are fully vaccinated, provide documentation to verify the status. Review Digest [#70](#) and [#72](#) for more information on submitting your status.

Please see the vaccination reporting reminder below from the Department of Human Resources (DHR) and continue to send any questions to covidinfo@sfgov.org.

A handwritten signature in cursive script, appearing to read "Derek Kim".

Derek Kim
Deputy People Officer
Human Resource Services

Vaccination Reporting Reminder



All City employees must report their vaccination status to the City no later than **July 29, 2021**, and if they are fully vaccinated, to provide documentation to verify that status. The City's Vaccination policy may be found here: <https://sfdhr.org/sites/default/files/documents/COVID-19/COVID-19-Vaccination-Policy.pdf>

As we approach the July 29th deadline for all employees to report their vaccination status, DHR encourages you to reach out to your employees who have not yet reported. DHR has created an FAQ for employees to help answer any questions they may have. The FAQ may be found here: <https://sfdhr.org/sites/default/files/documents/COVID-19/Vaccination-and-Face-Covering-Policy-FAQs-for-Employees.pdf>

Some employees may not have access to or may have experienced difficulties in accessing the Employee Portal in Self Service. Below are links to resources to assist you and your employees in accessing the Employee Portal:

- [How to submit your COVID-19 vaccine status via the SF Employee Portal video and instructions](#)
- [How to view/update your COVID-19 vaccine status on the SF Employee Portal](#)
- [How to log into the SF Employee Portal for the first time](#)
- [How to clear browser cache](#)

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).**
- **Send your COVID-19 questions to covidinfo@sflower.org.**

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ATTACHMENT G



COVID-19 Digest #74
July 22, 2021

COVID-19 Vaccination Status Reporting Requirement / New Self-Screening for All Onsite Employees / COVID-19 Cases @ SEP & SFPUC Vaccination Event

We'll Cover:

- COVID-19 Vaccination Status Reporting Requirement
- New Self-Screening for All Onsite Employees
- COVID-19 Cases @ SEP & SFPUC Vaccination Event
- Reminders

Colleagues,

We have much to share with you regarding the COVID-19 vaccination status reporting requirement, a new health screening process, and an SFPUC Vaccination Pop-Up event. Please review the digest for details.

Thank you all for your dedication to the health and wellbeing of yourselves, your colleagues, and your community.

A handwritten signature in black ink, appearing to read "Derek Kim".

Derek Kim
Deputy People Officer
Human Resource Services

COVID-19 Vaccination Status Reporting Requirement
Due: July 29, 2021

Thank you to those who have reported their COVID-19 vaccination status. Employees who have not yet had an opportunity to report their vaccination status **must do so by Thursday, July 29th** per [City policy](#).

We understand that you may have questions regarding the CCSF vaccination policy or the vaccine itself, [click here for Vaccination Policy frequently asked questions](#). We are actively working with City partners to address employee concerns around the vaccination requirement.

The July 29th deadline is a **reporting deadline**, not a deadline for vaccination completion. Our department's vaccination status data will inform these discussions and is necessary to comply with Cal/OSHA workplace safety requirements. Whether you are fully vaccinated, partially vaccinated, or not vaccinated, understanding the vaccination status of our workplace is incredibly important to keeping each other as well as the public we serve safe.

If you are having difficulty uploading your vaccination status, please [click here for detailed instructions](#) or you can also send your question to covidinfo@sfgwater.org.

To make vaccination status reporting easier and more convenient, HRS staff is available to enter and upload vaccination status information for you.

If you:

- do not have access, or have limited access, to a computer/internet
- have experienced difficulties entering and uploading the vaccination information

You can work with your bureau/enterprise DPLs who will collect your documents and HRS staff will enter and upload the vaccination status for you.

New Self-Screening for All Onsite Employees Starting Monday July 26

For the past 18 months, we have all been doing our part to reduce the spread of COVID-19 by submitting daily health screenings whenever we work onsite. Those screenings will continue, but are going to be simplified.

Starting July 26, all onsite employees will now need to complete their daily health screenings online prior to or upon arriving at the worksite. The new health screening form will be found here: www.sfpuc.link/screen. Make sure to bookmark this link for quick reference – **the link will be live as of Monday, July 26.**

This easy-to-use form is very similar to the form we used at the beginning of the COVID-19 emergency, prior to developing the app. It can be completed from any computer or smartphone, anywhere. Just like with the onsite screening, you will be required to complete this screening every day before you can go onsite. And just like with the current system, you and your supervisor will receive an email to your sfgwater.org email addresses immediately after you complete the screening letting you and them know if you passed the screening. Supervisors will also continue to have direct and instant visibility into their staff's screening status via the Manager's Health Screening Dashboard, which now does double duty as a verification of both health screening status and mask/no mask status.

If you do not have internet access at home or a smartphone, you may screen onsite using the iPads that were previously used by health screeners, or at a computer onsite. As each facility has different set-ups for this, if you need to screen onsite, please speak with your supervisor. Rick Nelson (RANelson@sfgwater.org), Health Screening Program Manager, is also available to assist you with this, and if you have any questions or concerns regarding the health screening.

COVID-19 Cases @ SEP & SFPUC Vaccination Event

Due to 4 positive COVID-19 cases within a 14 day period, the SEP facility is in COVID outbreak status under Cal/OSHA guidelines through Friday, July 23rd (unless there's another positive case on site, in which case it extends another two weeks). All staff at the SEP are currently required to wear face coverings when indoors and out and to follow social distancing to the fullest extent possible. They should also wear face coverings fulltime even when visiting other locations. Contractors have also been directed to wear face coverings in SFPUC-controlled areas onsite and asked to wear face coverings fulltime through the end of the outbreak.

All employees are being offered the opportunity to get tested on SFPUC-time once per week until the outbreak ends.

Also, the SFPUC is hosting a COVID-19 vaccination event at the Southeast Treatment Facility! This event will be held on Tuesday, July 27th and is open to ALL SFPUC staff. The event features:

- The ability to get vaccinated with the Johnson & Johnson or Pfizer COVID-19 vaccine (your choice!) by staff from DPH.
- Dr. Fiona Wilson, DHR's supervising physician, who will be available to answer all of your COVID-19 vaccination-related questions.
- Staff from DHR who can assist in entering COVID-19 vaccination status into the DHR reporting system.

Covid-19 Vaccination Pop-up for PUC Employees

Stop by for your **free** COVID-19 vaccine.

Your choice of the Johnson & Johnson or Pfizer vaccine will be available.

WHEN Tuesday, July 27th
6:30 AM to 12:30 PM

WHERE 750 Phelps Street,
Building #850

BRING A State issued ID



- Visit the "Ask the Doc" table and get your questions about the vaccine answered.
- Staff will be on-site to help you upload your vaccination information.

*Vaccinations will be waived.



Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).**
- **Send your COVID-19 questions to covidinfo@sfwater.org.**

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[Go to Currents](#)

ATTACHMENT H



COVID-19 Digest #75

August 4, 2021

Updated COVID-19 Safety Protocol for City Facilities and Operations/ Vaccine Status Reporting - Extended Deadline/ COVID-19 Vaccination Medical and Religious Exemption Request/ Well-Being Survey

We'll Cover:

- Updated COVID-19 Safety Protocol for City Facilities and Operations
- Vaccine Status Reporting - Extended Deadline
- COVID-19 Vaccination Medical and Religious Exemption Request
- Well-Being Survey
- Reminders

Colleagues,

Please see the memo below from Mayor London N. Breed and City Administrator Carmen Chu regarding the Updated COVID-19 Safety Protocol for City Facilities and Operations. In addition, the Department of Human Resources (DHR) has extended the deadline for vaccine status reporting and provided the procedure for COVID-19 Vaccination Medical and Religious Exemption Request. Lastly, the San Francisco Health Service System (SFHSS) would like your feedback via a quick and anonymous well-being survey.

Please continue to send any questions to covidinfo@sfgwater.org.

Thank you all for your continued dedication to the health and well-being of yourselves, your colleagues, and your community.

A handwritten signature in black ink, appearing to read "Derek Kim".

Derek Kim
Deputy People Officer
Human Resource Services

Updated COVID-19 Safety Protocol for City Facilities and Operations

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

TO: Department Heads
FROM: Mayor London N. Breed and City Administrator Carmen Chu
RE: Updated COVID-19 Safety Protocol for City Facilities and Operations
DATE: August 2, 2021

With the surge in cases and increase in hospitalizations due to the highly transmissible Delta variant, and due to recent changes in CDC and CDPH recommendations around masking, San Francisco's Health Officer has updated the *Encouraging COVID-19 Vaccine Coverage and Reducing Disease Risks (Safer Return Together)* health order adding an indoor universal masking requirement ([Health Order](#)).

The updated order requires that all individuals, vaccinated and unvaccinated, wear a mask in indoor public settings at all times except for the limited circumstances described as part of the Health Order's Appendix A: Face Covering Requirements. This means that all individuals entering a City facility are required to wear a well-fitted mask consistent with DPH's mask guidance ([Mask Guidance](#)), though there are some settings like acute care hospitals where an N95, respirator or surgical mask is required under state or local rules.

The purpose of this memo is to provide specific guidance for our facilities and operations related to the updated order. To the extent allowed by state or federal rules requiring face coverings for unvaccinated people, wearing a well-fitted mask is not required in the following situations:

Indoors While Alone. A person does not need to wear a Well-Fitted Mask when they are alone in a City facility or in a completely enclosed space such as an office, and other people are not likely to be in the same space. If another person enters the enclosed space, both people must wear a Well-Fitted Mask for the duration of the interaction. Individuals must wear Well-Fitted Masks whenever they are in semi-enclosed spaces such as cubicles and common areas, such as firehouses, lobbies, and elevators. A Well-Fitted Mask must be worn if the person is in an indoor public space where others are routinely present.

Active Eating and Drinking. People may remove their Well-Fitted Mask while actively eating or drinking. People are urged to be seated at a table or positioned at a stationary counter or place while eating or drinking. While office breakrooms and other eating areas may remain open, the following guidelines must be followed:

- o As a condition for employees to remove their masks and eat or drink in breakrooms, the breakroom must use at least one of the three DPH-approved ventilation strategies: 1) all available windows and doors accessible to fresh

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

outdoor air are kept open as long as air quality and weather conditions permit; 2) fully operational HVAC system; or 3) appropriately sized portable air cleaners in each room.

- Employees should be notified that they are advised against eating indoors in a breakroom or other common area to the greatest extent possible. Where feasible, departments should provide an outdoor area where employees can eat their meals. If employees must eat indoors, encourage employees to eat away from others, including at their own desks or workspaces.
- Departments should stagger and schedule breaks for their employees and the use of break rooms or other similar indoor spaces to avoid crowding and help limit socializing.
- Departments should post the "Take a Break Safely" sign in any break room, cafeteria, or similar indoor space. The sign is available online ([Take a Break Safely](#)).

Motor Vehicles. A person does not need to wear a Well-Fitted Mask when in a City vehicle if alone and the vehicle is not regularly used by other individuals. But a Well-Fitted Mask is required when more than one person is in the vehicle or if the vehicle is regularly used by others. People are strongly encouraged to roll down the vehicle's windows for ventilation when there is more than one occupant in a vehicle.

Showering, Personal Hygiene, or Sleeping. People may remove their Well-Fitted Mask only while showering or actively engaging in personal hygiene that requires removal of the Well-Fitted Mask, including at a gym or other facility. People may remove their Well-Fitted Mask while sleeping in indoor public settings (e.g., firehouses).

Gyms and Recreational Sports. Participants in indoor recreational sports, gyms, and yoga studios may not remove their Well-Fitted Masks except while actively engaged in water-based sports (swimming, swim lessons, diving, water polo) and other sports where masks create imminent risk to health (e.g., wrestling, judo).

The Real Estate Division will be updating signage at entrances of all City buildings it manages to reflect the new universal masking requirement. Departments can find updated face covering signage online as part of the Outreach Toolkit ([COVID-19 Toolkit](#)).

We know that vaccinating as many people as possible, as soon as possible, is our best defense against COVID-19, the delta variant, and the harm it can do to our communities. We must continue working together to ensure that as many eligible people as possible get vaccinated. For more information on COVID-19 vaccines, visit [Get Vaccinated](#).

Links from the above memo:

- [Heath Order](#)
- [Mask Guidance](#)
- [Take a Break Safely](#)
- [COVID-19 Toolkit](#)
- [Get Vaccinated](#)

COVID-19 Vaccination Status Reporting Requirement Deadline Extended: August 12, 2021



Employees who have not yet reported their vaccination status to the City have been provided a 2-week grace period (**until August 12, 2021**) to do so. If this applies to you, please be sure to complete it by the extended deadline.

If you are having difficulty uploading your vaccination status, please [click here for detailed instructions](#) or you can also send your question to covidinfo@sfgov.org.

To make vaccination status reporting easier and more convenient, HRS staff is available to enter and upload vaccination status information for you.

If you:

- do not have access, or have limited access, to a computer/internet
- have experienced difficulties entering and uploading the vaccination information

You can work with your bureau/enterprise DPLs who will collect your documents and HRS staff will enter and upload the vaccination status for you.

For more information, see our last digest - [COVID-19 Digest #74](#).

COVID-19 Vaccination Medical and Religious Exemption Request

City and County of San Francisco
Carol Ison
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

COVID-19 VACCINATION MEDICAL AND RELIGIOUS EXEMPTION REQUEST

PROCEDURE

Issued: July 30, 2021

Authority

Employment Rights for People with Disabilities Policy

The Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA) prohibit employment discrimination against qualified applicants and employees on the basis of disability. In accordance with the law, it is the policy of the City and County of San Francisco to provide equal employment opportunities to qualified individuals with disabilities.

Equal Employment Opportunity Policy

Discriminating against, or harassing City and County of San Francisco (City) employees, applicants, or persons providing services to the City by contract, including supervisory and non-supervisory employees, because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful. For the purpose of this policy only, the term "employees" includes unpaid interns and volunteers. Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

General Vaccination Requirements

All City employees are required to report their vaccination status by July 29, 2021.

Consistent with local Public Health Orders and City policy, the City requires employees, and elected and appointed officials, to receive a COVID-19 vaccination to enter the workplace or perform work in the field. This safety-related job requirement is effective September 15, 2021, for employees regularly working onsite in High-Risk Settings; October 13, 2021 for employees who are not permanently stationed or regularly assigned to a High-Risk Setting, but who in the course of their duties may enter or work in those settings even on an intermittent or occasional basis for short periods; and 10 weeks after FDA approval of any one COVID-19 vaccine for all other City employees.

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The local Public Health Order defines High-Risk Settings as certain care or living settings, including many congregate settings, where employees may have contact with vulnerable populations and where the risk of COVID-19 transmission is high. High-Risk Settings include general acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails.

Medical and Religious Exemptions

A medical or religious exempt from the vaccination requirement may be granted if:

For medical reasons (1) the employee has a qualifying disability that prevents them from receiving a COVID-19 vaccination, (2) the employee requests a reasonable accommodation, (3) the employee provides required medical documentation to support an exemption, and (4) an exemption would not pose a direct threat to the health and safety of the employee or others that cannot be mitigated; or

For religious reasons (1) the employee holds a sincere religious belief, practice or observance that is contrary to the practice of vaccination, (2) the employee requests a religious accommodation, (3) the employee provides required documentation or information to support an exemption, and (4) an exemption would not pose a direct threat to the health and safety of the employee or others that cannot be mitigated.

Review and Appeal Rights

Requests for medical and religious exemptions will be processed by the employee's department personnel official, whose determinations are subject to review by the Human Resources Director. Employees may appeal denials of exemption requests to the Human Resources Director, whose determinations are appealable to the Civil Service Commission.

Exempt Employees

Employees working in High-Risk Settings and certain other health care settings with an approved vaccination exemption must follow local and State Public Health Order requirements that mandate:

1. COVID-19 testing at least once a week (or more as required by the State's Public Health Order) using either a nucleic acid (including polymerase chain reaction (PCR)) or antigen test; AND
2. For employees working in acute health care and long-term care settings, at all times while working in an indoor work setting where (1) care is provided to patients or residents, or (2) to which patients or residents have access for any purpose, wear a

respirator approved by the National Institute for Occupational Safety and Health (NIOSH), as required by the State Public Health Order.

3. For employees working in all other High-Risk Settings, at all times while working indoors with others, wear a surgical mask. The City will supply employees in these workplaces with FDA-cleared surgical masks.

All other City employees with approved exemptions must wear an appropriate face covering while working on-site or in the field. Pursuant to California Occupational Health and Safety's (Cal OSHA) Emergency Temporary Standards (ETS). The City will provide employees with N95 masks upon request.

Medical Exemption Procedure

1. Employees should complete and sign an **Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a disability-related accommodation that provides sufficient notice of an employee's purported inability to comply with vaccination requirements due to a medical condition, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.
2. Employees must answer relevant questions regarding the medical condition that prevents getting vaccinated but should not disclose the diagnosis or treatment plan.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a medical exemption from the vaccination requirement, with medical verification of the employee's disability that prevents getting vaccinated to a department personnel official, supervisor or manager.
4. Department personnel officials must acknowledge receipt of an employee request for a medical exemption from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.
5. Department personnel officials must engage employees in the interactive process if the need for a medical exemption from vaccination requirements is not established by the employee's request and supporting medical certificates, or the employee does not submit sufficient medical verification.

6. Department personnel officials should follow the City's Reasonable Accommodation Procedures, and may use the **Health Care Provider Certification Form (COVID-19 Vaccine Exemption)** for requesting information from health care providers in support of a request for exemption from vaccination requirements.

Religious Exemption Procedure

1. Employees should complete and sign an **Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a religious accommodation that provides sufficient notice of an employee's purported inability to comply with vaccination requirements for religious reasons, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.
2. Employees must answer all relevant questions regarding the religious belief, practice or observance that prevents them from getting the COVID-19 vaccination.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a religious exemption from the vaccination requirement, with any relevant statements, documents, or information pertaining to the religious belief, practice or observance that prevents them from getting vaccinated to a department personnel official, supervisor, or manager.
4. Department personnel officials must acknowledge receipt of employee requests for religious exemptions from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.
5. Employees may be required to submit additional information regarding the religious nature or the sincerity of a particular belief, practice or observance. Relevant information may include:
 - (a) letters from a religious leader explaining the nature of the religious belief(s), practice(s) or observance(s) and the need for an exemption from the vaccination;
 - (b) articles from religious scholars that describe the nature of the religious belief(s), practices(s), or observance(s) and the need for an exemption from the vaccination requirement;

- (c) excerpts from religious or sacred texts explaining religious belief(s), practices(s), or observance(s) that prohibit vaccination;
 - (d) written materials describing the religious belief(s), practice(s) or observance(s) that prohibits vaccination;
 - (e) statements, affidavits or other documents from the employee describing the beliefs, practices, or observances, including information regarding when the employee embraced the belief(s), practice(s) or observance(s), as well as when, where and how the employee has adhered to the belief, practice, or observance that prohibits vaccination;
 - (f) statements, affidavits, or other documents from potential witnesses identified by the employee as having knowledge of whether the employee adheres or does not adhere to the belief(s), practice(s) or observance(s) that prohibits vaccination, (e.g., religious leader, family, friend, neighbor, supervisor, or coworker who may have observed the employee's past adherence, or lack thereof, or discussed it with the employee).
6. Department personnel officials will review requests for religious exemptions and determine whether additional information is required. Any request for additional information will be made within five (5) business days of receiving a completed and signed Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption).
 7. Employees who do not submit requested information within five (5) business days of receiving a request for additional information from a department personnel official shall be denied an exemption from the vaccination requirement. Notwithstanding, employees may request an extension of time to submit requested information supporting a request, and department personnel may grant a reasonable extension of the time, not to exceed an additional five (5) business days, for a response.
 8. Department personnel officials will use the **Religious Accommodation Certification Form (COVID-19 Vaccination Exemption)** to request additional information in support of a religious exemption from the vaccination requirement.
 9. Department personnel officials will make a determination and respond to an employee request for religious exemption from the vaccination requirement within seven (7) business days of receiving an accommodation request and any supporting information requested by the department.

10. Department personnel officials shall use the **Accommodation Determination Form (COVID-19 Vaccination Exemption)** to document and communicate final determinations on employee requests for religious exemptions from vaccinations requirements. The reason for any denial must be stated on the form.
11. Copies of approved Accommodation Exemption Determination Forms will be uploaded and reported in People and Pay (SF Employee Portal) along with the employee's "Unvaccinated" status.
12. Employees may appeal final determinations denying a request for religious exemption from vaccination requirements. Appeals must be in writing and sent to the Human Resources Director within 30 days of the dated department decision denying the request.

We Value Your Feedback – Take the SFHSS Well-Being Survey Open Until August 20, 2021

As we navigate the [Safer Return Together](#), many of us are experiencing a mix of emotions as we return to our “new” normal. SFPUC, together with the San Francisco Health Service System (SFHSS) is committed to the safety and well-being of all of our employees and we could use your feedback. Please take time during your workday to complete the [Beyond COVID-19 Well-Being Survey](#). Your feedback will help leadership identify opportunities to bring new and relevant resources to support you as you return to the workplace. The survey will remain **open until 8/20** and should take about **10 minutes** to complete. It is **completely anonymous** and no personal identifying information will be collected.

Thank you in advance for taking time out of your day to complete the 10-minute survey. We are extremely grateful for your honest feedback and thoughtful suggestions. Click [HERE](#) to get started.

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City’s most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).**
- **Send your COVID-19 questions to covidinfo@sfwater.org.**

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ATTACHMENT I



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

COVID-19 Digest #76 (Revised)

August 26, 2021

End of Full-Time Telecommuting/Employee Vaccination Deadline

We'll Cover:

- End of Full-Time Telecommuting
- Employee Vaccination Deadline
- Reminders

NOTE: The information below is the same as the last digest (COVID-19 Digest #75). This email includes accessible links referenced in the DHR memo.

Hello Team!

We recently received updated information from the SF Department of Human Resources (DHR) regarding two City policies and their corresponding deadlines:

- End of full-time telecommuting - November 1st
- Employee vaccination (high-risk sites* sooner) - November 1st

Please review the memorandum from DHR below, and the table of COVID-19 vaccination deadlines. As we get more information, we will be sure to continue to update you.

**High-Risk Sites include locations such as hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails. The SFPUC does not have any work locations that fall under this requirement.*

Stay healthy, calm, and kind.

A handwritten signature in black ink.

Justine Hinderliter
Chief People Officer
Human Resource Services

City and County of San Francisco
Carol Isen
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

MEMORANDUM

TO: Department Heads
FROM: Carol Isen, Human Resources Director
RE: Return to the Workplace
DATE: August 23, 2021

Since the beginning of the Local Health Emergency, we have made the health and wellbeing of our employees and the public our top priority. As a result of the FDA's full approval of the Pfizer vaccine, the City is updating previous guidance about vaccination requirements, full time telecommuting, as well as testing and employee safety.

As the City continues to adjust health and safety guidelines related to the COVID-19 pandemic, all departments are urged to continue develop inclusive, equitable, and efficient workplans to support staff transitioning to more in-person work.

The key updates are outlined below:

1. All Employees Must Be Vaccinated by November 1, High-Risk Sites Sooner

Today's announcement by the U.S. Food and Drug Administration that the Pfizer-BioNTech vaccine has been granted full approval starts the clock for the City's 10-week timeline for all employees to be vaccinated. This requirement is described in more detail in the [City's Vaccination Policy](#). Under the [Safer Return Together Health Order](#), some employees who work in High-Risk settings are required to be vaccinated on a faster timeline as we have shared in previous communications. These timelines are also described in the City Vaccination Policy linked above.

2. Delay end of full-time telecommuting to coincide with November 1

The new return to in-person work date for those City employees is [November 1, 2021](#). The City remains open to in-person services however, we will be delaying full return to the workplace for employees who are not providing in-person services to the public until November 1, 2021. All employees must be available to work onsite if needed for business reasons. In addition, employees who wish to do so, may work onsite but will need to continue to monitor their health, and departments should keep track of employees are working onsite.

3. Vaccinations Available Onsite

To date, nearly 90% of City and County of San Francisco employees have been vaccinated against COVID-19. Getting as many people as possible vaccinated as soon as possible is our best

way out of the pandemic. It is essential that all departments work to encourage and support employees to be vaccinated as soon as possible. Vaccines are available at no cost to all employees, and can be brought onsite to your workplaces. Please reach out to Fiona.Wilson@sfgov.org to schedule an onsite vaccination clinic.

4. Employee Access to COVID Testing

A high-volume testing site for COVID-19 is open at 7th and Brannan Streets in the South of Market neighborhood. The site has capacity to administer 500 tests per day from 9 a.m. to 6 p.m., seven days a week by appointment only. 100 tests per day are reserved for City employees. To make an appointment or to find other testing sites employees can visit sf.gov/gettested. Employees can also schedule a test with their healthcare provider.

5. Workplace Safety

The City and County of San Francisco will continue to maintain certain safety measures within our City facilities. Below is a summary of the key safety protocols that impact most departments:

- **If you are sick, stay home** – The State and the City each provided 80 hours of paid COVID-19-specific sick leave, which is currently available through September 30, 2021. Employees can use any unused hours of these sick leaves for COVID-19 specific reasons, and may use other time off balances when they are sick for non-COVID-19 reasons.
- **Daily health screenings** – The daily health screening requirement remains in place. Departments should remind any employee coming into the workplace that they are required to perform a COVID-19 symptom self-assessment prior to entering the workplace each day by using the [Check your health app](#) or signing the self-attestation form at the entrance to your workplace, or following other procedures established at your department.
- **Face masks required indoors** – Cal/OSHA regulations as well as our local Health Order continue to require all employees wear a mask when in the workplace, regardless of vaccination status, with limited exceptions such as when in a private office with the door closed, members of the public entering City owned or leased facilities are also required to wear face masks regardless of vaccination status.
- **Duty to report COVID cases** – three or more cases in a work location within a rolling 14-day period constitutes an outbreak and must be reported to the Department of Public Health. You may consult the Outbreak Management Guidance for further information: <https://sdhr.org/sites/default/files/documents/COVID-19/Managing-Outbreaks-Multiple-Infections.pdf>
- There are no longer **physical distancing requirements**, except in limited instances. However, employees should not congregate in shared spaces or share food.

Links from the above memo:

City's Vaccination Policy: <https://sfdhr.org/new-vaccine-and-face-covering-policy-city-employees>

Safer Return Together Health Order: <https://www.sfdph.org/dph/alerts/files/C19-07-Safer-Return-Together-Health-Order.pdf>

To schedule an onsite vaccination clinic, email: Fiona.Wilson@sfgov.org

To make an appointment or find COVID-19 testing sites: <https://sf.gov/find-out-about-your-covid-19-testing-options>

SFPUC Covid-19 Self-

Screening: <https://forms.office.com/pages/responsepage.aspx?id=yNZY4W32ckyvbYwuvWRSaUE6Jyfr7VxHnYo0DvED5NFUQzdRSzITQUgzQ1A3NFNVQ0tES09DTIY2QyQIQCN0PWcu>

COVID-19 Vaccination Deadlines

COVID-19 VACCINATION DEADLINES	
Employees who are assigned to or routinely work onsite in High-Risk Settings or other Health Care Facilities	<p>Must receive their final dose of a vaccine regimen no later than September 30, 2021.</p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 2, 2021; Second Shot no later than September 30, 2021 • Pfizer: First Shot no later than September 9, 2021; Second Shot no later than September 30, 2021 • Johnson & Johnson: First Shot no later than September 30, 2021
Employees Intermittently or occasionally working in "High-Risk Settings"	<p>Must be fully vaccinated no later than October 13, 2021.</p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 1, 2021; Second Shot no later than September 29, 2021 • Pfizer: First Shot no later than September 8, 2021; Second Shot no later than September 29, 2021 • Johnson & Johnson: First Shot no later than September 29, 2021
All Other Employees not working in "High-Risk" or other Health Care Settings	<p>Must be fully vaccinated no later than November 1, 2021.</p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 20, 2021; Second Shot no later than October 18, 2021 • Pfizer: First Shot no later than September 27, 2021; Second Shot no later than October 18, 2021 • Johnson & Johnson: First Shot no later than October 18, 2021.

Reminders

- Complete the [Disaster Service Worker \(DSW\) Activation Survey](#). Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- Share this information with colleagues who may not have regular access to email.
- Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).
- Send your COVID-19 questions to covidinfo@sfdwater.org.

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ATTACHMENT J



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

COVID-19 Digest #77

September 22, 2021

COVID-19 Vaccination Events and Vaccine Exemption

We'll Cover:

- COVID-19 Vaccination Events at City Hall on 9/27 & 9/29
- Employee Vaccination Deadlines and Helpful Links
- COVID-19 Vaccine Exemption
- Reminders

Hello Team!

With vaccination deadlines coming up, we have some important and helpful information for you. There are some upcoming vaccination events at City Hall, and if you believe you would like to pursue an exemption (medical or religious), please make sure to get your request in as soon as possible.

As we get more information, we will be sure to continue to update you. For your reference, here's a quick link to the [COVID-19 Digest #76](#) that included the latest memo from DHR with key updates.

Stay healthy, calm, and kind.

A handwritten signature in black ink, appearing to read 'Justine'.

Justine Hinderliter
Chief People Officer
Human Resource Services

COVID-19 Vaccination Events at City Hall on 9/27 & 9/29

There will be two free COVID-19 Vaccination Events at City Hall on 9/27 and 9/29 available for City & County of San Francisco employees. No appointment is required.

Vaccination Pop-up Event For CCSF Employees

Stop by for your **free** COVID-19 vaccine.

Your choice of the Johnson & Johnson or Pfizer vaccine will be available.



WHEN Monday, September 27
8:30 AM - 1:30 PM

WHERE North Light Court,
San Francisco City Hall

BRING A State Issued ID



Visit the "Ask the Doc" table and get your questions about the vaccine answered.



San Francisco
Department of Public Health



CCSF EMPLOYEES UNDER THE HEALTH ORDER

Vaccination Pop-Up

Stop by for your free Johnson & Johnson vaccination shot,
no appointment required.

WHERE North Light Court, SF City Hall
1 Dr Carlton B Goodlett Pl

WHEN Wednesday,
September 29th
8:30 AM - 1:30 PM

BRING A State Issued ID



September 29th
is the final day for
employees who
fall under the SF
Health Order to
receive their J&J
vaccine.

Visit the "Ask the Doc" table
and get your questions about
the vaccine answered.



San Francisco
Department of Public Health



COVID-19 Vaccination Deadlines and Helpful Links

COVID-19 VACCINATION DEADLINES	
<p>Employees who are assigned to or routinely work onsite in High-Risk Settings or other Health Care Facilities</p>	<p>Must receive their FINAL dose of vaccine regimen NO LATER THAN <u>September 30, 2021.</u></p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 2, 2021; Second Shot NO LATER THAN September 30, 2021 • Pfizer: First Shot no later than September 9, 2021; Second Shot NO LATER THAN September 30, 2021 • Johnson & Johnson: First Shot NO LATER THAN September 30, 2021
<p>Employees intermittently or occasionally working in "High-Risk Settings"</p>	<p>Must be FULLY VACCINATED NO LATER THAN <u>October 13, 2021.</u></p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 1, 2021; Second Shot NO LATER THAN September 29, 2021 • Pfizer: First Shot no later than September 8, 2021; Second Shot NO LATER THAN September 29, 2021 • Johnson & Johnson: First Shot NO LATER THAN September 29, 2021
<p>All Other Employees not working in "High-Risk" or other Health Care Settings</p>	<p>Must be FULLY VACCINATED NO LATER THAN <u>November 1, 2021.</u></p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 20, 2021; Second Shot NO LATER THAN October 18, 2021 • Pfizer: First Shot NO LATER THAN September 27, 2021; Second Shot NO LATER THAN October 18, 2021 • Johnson & Johnson: First Shot NO LATER THAN October 18, 2021

**High-risk sites include locations such as hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails. The SFPUC does not have any work locations that fall under this requirement.*

City's Vaccination Policy: <https://sfdhr.org/new-vaccine-and-face-covering-policy-city-employees>

Safer Return Together Health Order: <https://www.sfdph.org/dph/alerts/files/C19-07-Safer-Return-Together-Health-Order.pdf>

To schedule an onsite vaccination clinic, email: Fiona.Wilson@sfgov.org

To make an appointment or find COVID-19 testing sites: <https://sf.gov/find-out-about-your-covid-19-testing-options>

SFPUC Covid-19 Self-

Screening: <https://forms.office.com/pages/responsepage.aspx?id=yNZY4W32ckyvbYwuvWRSaUE6Jyfr7VxHnYo0DvED5NFUQzdRSzITQUqzQ1A3NFNVQ0tES09DTIY2QyQIQCN0PWcu>

Outbreak Management

Guidance: <https://sfdhr.org/sites/default/files/documents/COVID-19/Managing-Outbreaks-Multiple-Infections.pdf>

COVID-19 Vaccination Exemption

An employee who has a qualifying medical condition or holds a sincere religious belief prohibiting them from being vaccinated may apply for a reasonable accommodation to be exempted from the vaccine requirement.

Please contact Hallie Albert, EEO Programs Manager, at halbert@sfgov.org or RA@sfgov.org to begin the interactive process. Hallie will work with you to acquire the necessary information to assess your request.

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).**
- **Send your COVID-19 questions to covidinfo@sfgov.org.**

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[Go to Currents](#)

ATTACHMENT K

From: [COVID-19 Info](#)
To:
Subject: September 27th Vaccination Event
Date: Friday, September 24, 2021 9:31:11 AM



September 24, 2021

Hello,

All city employees must be fully vaccinated no later than November 1, 2021, unless they are otherwise required to be vaccinated sooner. An individual is fully vaccinated once 14-days after a final dose of a vaccine regimen have passed, please see the dates below for vaccine-specific deadlines:



The city is hosting a **free vaccination event on Monday, September 27th from 8:30 am to 1:30 pm at City Hall, 1 Dr. Carlton B. Goodlett Place in the North Light Court.** This event will provide Pfizer and Johnson & Johnson vaccines to all City employees. Appointments are not required.

September 27th is the final day employees can receive the first shot of a two-shot vaccination series. Please speak with your supervisor to attend the event during work hours.



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525 Golden Gate Avenue 3rd Floor
San Francisco, CA | 94102 US

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ATTACHMENT L

From: COVID-19 Info
To: [REDACTED]
Subject: URGENT: Non-Compliance with COVID-19 Vaccination Policy
Date: Monday, September 27, 2021 12:50:22 PM



September 27, 2021

Hello,

The letter below will be sent to your home address via USPS Mail tomorrow. You are receiving this notice because our records indicate that you are not in compliance with the City's COVID-19 Vaccination Policy.

To be fully vaccinated by the November 1, 2021 deadline, 14 days must have passed since you received the final dose of a two-shot vaccine or a dose of a one-shot vaccine.



September 27: If you plan to get a two-shot vaccine, **TODAY is the last day** to get your first dose of the Pfizer vaccine in order to meet the deadline. There is a free vaccination event happening today from 8:30 a.m. to 1:30 p.m. at City Hall, 1 Dr. Carlton Goodlett Place in the North Light Court. The event will provide Pfizer and Johnson & Johnson vaccines to all City employees. Please speak with your supervisor to attend during work hours

September 29: A second Vaccination Pop-Up will be held from 8:30 a.m. to 1:30 p.m. at City Hall, 1 Dr. Carlton Goodlett Place in the North Light Court on September 29. The event will provide Johnson & Johnson vaccines to all City employees.

Additional Resources:

- [CCSF COVID-19 Vaccination Policy](#)
- [COVID-19 Vaccine FAQs](#)

Reporting Your Vaccination Status:

If you need to report your vaccination status and don't know how to upload your information, you can follow the tutorials linked below or email HRSAdmin@sfgov.org.

- [How to submit your COVID-19 vaccine status via the SF Employee Portal video and instructions](#)
- [How to view/update your COVID-19 vaccine status on the SF Employee Portal](#)
- [How to log into the SF Employee Portal for the first time](#)
- [How to clear browser cache](#)

Letter to be mailed:

You are receiving this notice because our records indicate that you have not met the City's COVID-19 vaccination requirements.

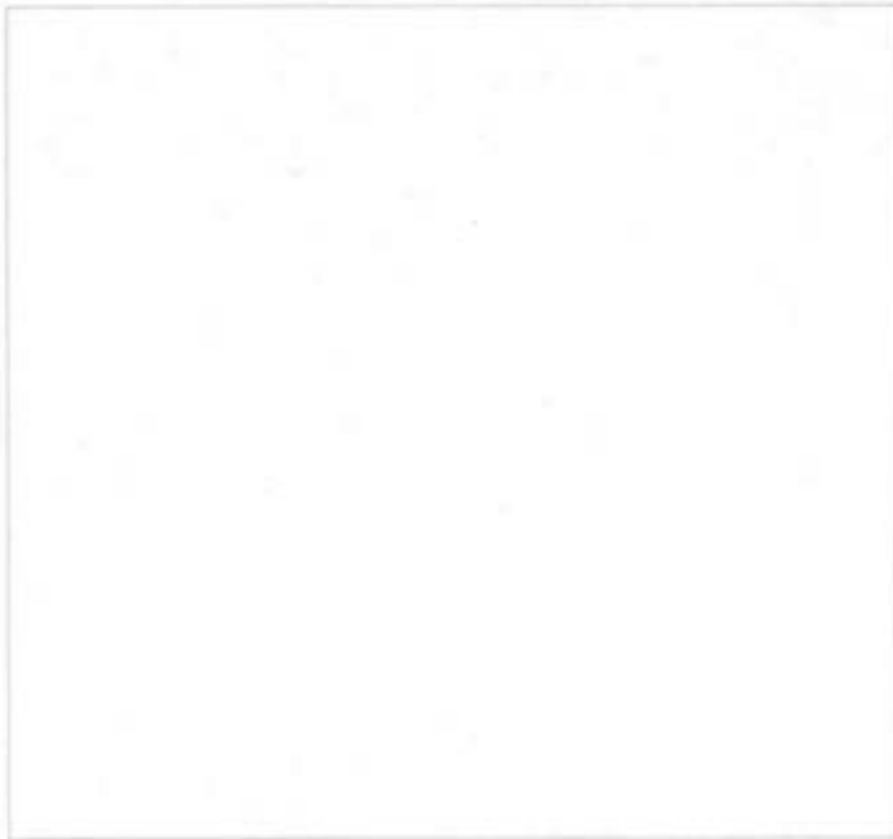
Per the City's COVID-19 Vaccination Policy the deadline for full inoculation is November 1, 2021 for all City employees, so the deadline to receive the final dose is October 18.

To be fully vaccinated, 14 days must have passed since you received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. You will not be in compliance with the City's COVID-19 vaccination requirements and will be subject to separation from your City employment if you do not receive your final dose by the applicable deadline.

Once you receive your vaccine, you should immediately enter your vaccine information and documentation into the City's People and Pay System using the Employee Portal or email HRSAdmin@sfgov.org for assistance with entering this information.

If you have any questions about the City's COVID-19 Vaccination Policy, you can find additional resources at <https://sfdhr.org/covid-19> or you can contact ELR@swater.org.





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525 Golden Gate Avenue 3rd Floor
San Francisco, CA | 94102 US

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ATTACHMENT M



San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

Via U.S. Mail

Human Resource Services

525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102

T 415.554.1670

F 415-554-1682

September 27, 2021

Eric Eliasson
[REDACTED]
[REDACTED]

RE: Vaccination Status

Dear Eric Eliasson:

You are receiving this notice because our records indicate that you have not met the City's COVID-19 vaccination requirements.

Per the City's COVID-19 Vaccination Policy the deadline for full inoculation is November 1, 2021 for all City employees so the deadline to receive the final dose is October 18.

To be fully vaccinated, 14 days must have passed since you received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. You will not be in compliance with the City's COVID-19 vaccination requirements and will be subject to separation from your City employment if you do not receive your final dose by the applicable deadline.

Once you receive your vaccine, you should immediately enter your vaccine information and documentation into the City's People and Pay System using the Employee Portal or email HRAdmin@sfwater.org for assistance with entering this information.

If you have any questions about the City's COVID-19 Vaccination Policy, you can find additional resources at <https://sfdhr.org/covid-19> or you can contact ELR@sfwater.org.

Sincerely,

Rachel Gardunio
Employee & Labor Relations Division Manager

London N. Breed
Mayor

Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



ATTACHMENT N

Conversation with Employee

Hi _____.

I'm contacting you because our records indicate that you have not yet met the City's requirements for vaccination or reporting.

The City's COVID-19 Vaccination policy requires all City employees to be fully vaccinated by November 1st, 2021.

We want to make sure you understand the policy, would you like to have your union rep present for this conversation? If so, we will schedule a time [in the next 2-3 days] that works for everyone.

If employee is ready to proceed without union rep. or once rep is present

If you have not yet reported your vaccination status, I can help you do that right now.

If you are not yet vaccinated, I can also help you schedule an appointment.

This is an important issue; we need to make sure we have a safe workplace. Being fully vaccinated by the November 1st deadline is a condition of continued employment, and we value your contribution and service, so I am here to answer your questions and hopefully assist you with getting vaccinated.

Employees who haven't reported their vaccination status could be suspended or even terminated and no one wants that. The City needs to know your vaccination status, because your status is essential to the City meeting its legal obligations and ensuring all employees are safe.

If you want, you can report your vaccination status to me, right now. And if you are vaccinated we can also confirm that today as well.

Do you want to report your vaccination status?

If employee can immediately prove vaccination status

Great! We can just take a quick photo and make sure the City has a record of it and you'll be all set! Thanks for your time!

[Take a photograph and/or photocopy if status provided. Input into HR database and no further action required]

If employee says they are vaccinated but does not have vaccine card, find status on My Vaccine Record

That's ok, we can use my phone/tablet to look up your status on the State of California database. Let's do that right now. Do you remember when you were vaccinated? [Proceed to access <https://myvaccinerecord.cdph.ca.gov> and find employee record]

If employee is not vaccinated or cannot prove vaccination status

If you have concerns or questions about being vaccinated, I can provide you with the number for the City's 24/7 nurse hotline at 1 (855) 850-2249 or First Responders Call 1 (866) 932-5321.

Please remember that it's essential that you get vaccinated as soon as possible because it is a requirement for all City employees under the Covid-19 Vaccination Policy.

Time is running out. The final dates to receive a COVID-19 vaccination and comply with the City's COVID-19 Vaccination Policy fast approaching.

- 1) Sept 20, 2021 is the last day for a first shot of Moderna.
- 2) Sept 27, 2021 is the last day for a first shot of Pfizer (FDA approved)
- 3) Oct 18, 2021 is the last day to get Johnson & Johnson or receive a second shot of Moderna or Pfizer.

I have to be really clear with you. If you do not receive your final dose by October 18th, you will not meet the requirements for City employment and you will be released from City employment.

The only exceptions to the vaccination requirement are for those employees with:

- (a) a sincerely held religious belief that prevents you from receiving the vaccine; or
- (b) a qualifying medical condition, such as disability, that interferes with your ability to receive the vaccine.

You may request a reasonable accommodation to be exempted from the vaccination requirement. You must submit that request to the department's human resources as soon as possible and by no later than October 18, 2021.

If you have any questions about the health order or City Vaccination Policy, please reach out to your union or feel free to call the Nurse Hotline to speak with a registered nurse who can answer any questions you have about getting vaccinated against COVID-19. *[Leave copy of FAQs with employee]*

Please read and sign this acknowledgment form.

[Staff: Provide employee "COVID-19 Vaccination Discussion Acknowledgement" form to sign. A copy should be given to the employee and retained in employee file. Write "refuse to sign" if employee refuses to sign. "COVID-19 Vaccination Discussion Acknowledgement" form may be discarded if employee later meets the requirements of City's COVID-19 Vaccination Policy.]

COVID-19 Vaccination Discussion Acknowledgement

Date: _____

COVID-19 Vaccination Discussion Acknowledgement

Date: 9-28-2021

I discussed with my supervisor the requirement that all City employees be vaccinated against the Covid-19 virus under the City's COVID-19 Vaccination Policy.

I was advised that I could show that I have met this requirement by providing a copy of my vaccination card, vaccine status in the California COVID-19 electronic database, or a letter from my physician verifying that I have been vaccinated to HRSAdmin@sfgwater.org by September 29, 2021.

I understand that complying with the City's Covid-19 Vaccine Policy is a requirement for my position and a condition of City employment. I understand that failure to comply with the Policy will result in my separation from City employment.

I was also informed that I could apply for an exemption from the vaccine requirement if I have a sincerely held religious belief or a qualifying medical exemption, and that I must apply for the exemption with my department's human resources as soon as possible and not later than October 18, 2021.

___ Check here if employee indicated an interest in applying for an exemption and was provided the forms to apply at: <https://sfdhr.org/vaccination-and-face-covering-policy-city-employees>.

If you are not vaccinated

The final dates to receive a COVID-19 vaccination and comply with the San Francisco Health Order are fast approaching.

- 1) ~~Sept 20, 2021 is the last day for a first shot of Moderna.~~
- 2) ~~Sept 27, 2021 is the last day for a first shot of Pfizer (FDA approved)~~
- 3) Oct 18, 2021 is the last day to get Johnson & Johnson or receive a second shot of Moderna or Pfizer.

Eric Eliasson

Employee Print Name

John O'Connell

Supervisor Print Name

je

*Refused to sign

Employee Signature

John O'Connell

Supervisor Signature

ATTACHMENT O

From: Gardunio, Rachel
Sent: Friday, October 29, 2021 1:47 PM
To: Eliasson, Eric
Cc: Prather, Joel; Cozzone, Francesca
Subject: FW: Determination re Request for Religious Accommodation

Hello,

The City and County of San Francisco issued a COVID-19 Vaccination Policy requiring all City employees to be fully vaccinated as a condition of employment by November 1, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious belief.

You submitted a COVID-19 Vaccination Exemption Request as a reasonable accommodation which has since been denied. City policy now requires you now to be in compliance with the City's COVID-19 vaccination requirements. Specifically, you are required to receive your **first dose of a COVID vaccine immediately** and provide a copy of your vaccination record.

If you do not receive your first dose of a COVID-19 vaccine by Friday, November 5, 2021, you will be subject to separation from City employment.

Do not report to work effective November 1, 2021. Once you have confirmed you are partially vaccinated, you will receive more information from your division about whether you can continue to work remotely or report onsite.

You can update your information by uploading it directly into the City's People and Pay System using the Employee Portal or by emailing your vaccination record to HRAdmin@sfgov.org. We also suggest you email ELR@sfgov.org a copy of your vaccination record.

If you have any questions about the City's COVID-19 Vaccination Policy, you can find additional resources at <https://sfdhr.org/covid-19> or you can contact ELR@sfgov.org.

Sincerely,

Rachel Gardunio
Employee & Labor Relations Division Manager
Cell: (415) 603-8091 | rgardunio@sfgov.org

From: Albert, Hallie B <HALbert@sfgov.org>
Sent: Friday, October 29, 2021 1:40 PM
To: Gardunio, Rachel <RGardunio@sfgov.org>
Subject: FW: Determination re Request for Religious Accommodation

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



From: Albert, Hallie B
Sent: Thursday, October 7, 2021 11:41 AM
To: Eliasson, Eric <EEliasson@sfgwater.org>
Subject: Determination re Request for Religious Accommodation

Dear Eric Eliasson:

The Department has considered the information you supplied in your written request for a religious exemption as well as all follow up email communications. The Department has determined that the information you supplied does not meet the applicable standards under state and federal law, as well as the City's policies and procedures, for a religious exemption to the City's Covid-19 vaccination requirements. Attached is the Department's determination regarding your Covid-19 vaccination exemption request.

For additional information on the City's vaccination policies and this process please visit the Department of Human Resources website:

<https://sfdhr.org/vaccination-and-face-covering-policy-city-employees>

Thank you,

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission

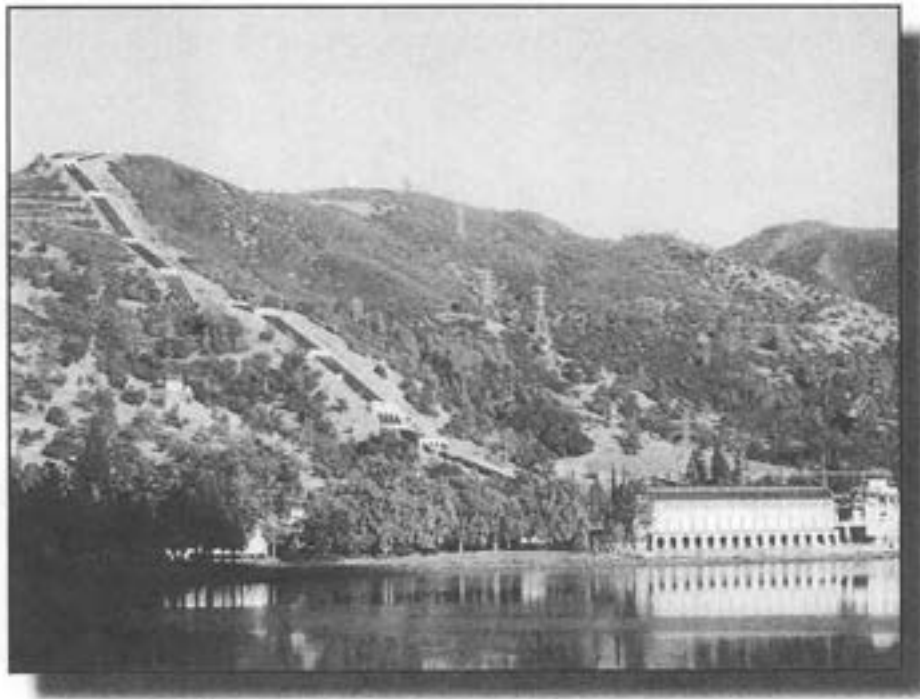


ATTACHMENT P



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

New Employee Orientation Handbook



San Francisco Public Utilities Commission
Human Resource Services

- If a union representative cannot attend a conference at the scheduled date and time, management may allow for reasonable delay. 'Reasonable' means five working days, unless otherwise agreed upon.

11.1.2 Employee Rights and Privileges

Employees have the right to know:

- What is expected of them
- What will happen if they do not meet expectations
- That they will be dealt with uniformly and fairly if they do not meet expectations. There should be no "surprises" in the disciplinary process.
- That they are responsible for notifying their union representative immediately when the department initiates disciplinary action against them. If an official employee conference is scheduled, the employee is responsible for providing the date, time, place, and reason to the union representative. The employee must also give the union representative all necessary documents and information.
- That the disciplinary process and procedures are designed to respect their rights. They may respond to any allegations against them.

Employees within a bargaining unit may be entitled to union representation during an employee conference.

- If a union's MOU specifies that the union represents the employee, but you want a different representative, the union must approve your choice. At the employee conference, present two letters to HRS: one from the union approving your choice and one from you designating the approved person as your representative. Some MOUs allow you to represent yourself at employee conferences.

Non-union employees may always represent themselves at employee conferences or elect to have someone else represent them.

11.2 Definition of Terms

This section defines common terms that apply to disciplinary problems. For more information, or for definitions of terms not listed here, please contact your designated personnel analyst at HRS.

Abandonment of Job or Position: Absence from work without authorized leave for more than 5 consecutive days. This problem is usually handled administratively, rather than as a disciplinary action.

Absence without Leave (AWOL): Absence from the work site during working hours without the supervisor's permission.

Appointing Officer: For disciplinary actions, the General Manager is the Appointing Officer and the authority cannot be delegated.

Discourteous Treatment of Others: Rude or abusive behavior toward coworkers, supervisors, the public, or other individuals in the course of duties.

Dishonesty: Not telling the truth in order to deceive, cheat, or defraud.

Dismissal: Discharging or firing a permanent Civil Service employee.

Excessive Absenteeism: Unreasonable or unacceptable use of sick leave, especially if it interferes with the employee's ability to perform his/her duties. Specific policies regarding excessive use of sick leave specify more than one day per month, 3-4 days per quarter, or more than the earned 13 days per year. Generally speaking, an employee is excessively absent when s/he uses more than the maximum number of earned sick leave days per year without reasonable justification. Sick leave taken in conjunction with days off, paydays, and medical documentation submitted by employees is considered and evaluated on an individual basis.

Excessive Tardiness: When an employee reports to work unacceptably late or is late to work too often.

Failure to Follow Rules and Regulations: When an employee disobeys rules and regulations.

Falsification of Records: Intentional adjustment to or manipulation of City records or documents in order to deceive.

Fighting: Verbally or physically attacking or abusing another person.

Gambling: Gambling means playing for money. Gambling on the premises is forbidden at all times.

Habitual Intemperance: Excessive use of alcohol or drugs that impact the employee's ability to perform duties and responsibilities safely and effectively.

Inattention to Duties: Failure to perform assigned duties at an acceptable level for reasons such as undue carelessness, negligence, or intentional disregard. Failure to report an illegal act related to the activities of the Public Utilities Commission to a supervisor.

Incompetence: Lacking the ability or qualities needed to perform assigned duties at an acceptable level.

Immoral Conduct: Acts conflicting with general principles of right and wrong, whether on or off the job, that directly relate to the employee's ability to perform duties and responsibilities and/or reflect poorly on the organization.

Insubordination: When an employee disobeys authority, refuses to follow a reasonable directive from a duly authorized supervisor or manager, or will not comply with established procedures.

Official Employee Personnel File (OPEF): This is the personnel file kept at HRS, where formal records for each SFPUC employee are kept. Employees may make an appointment to see this file by contacting HRS.

Onsite Personnel File: This file contains the unofficial personnel records that an employee's supervisor keeps at the workplace. Use it to house notes pertaining to an employee's performance, both good and bad, and to house official documents until they are ready to be sent to HRS.

Release from Probation: A non-punitive separation when an applicant does not pass probation.

Sexual Harassment: Unwelcome advances, requests for sexual favors, and other spoken or physical conduct of a sexual nature that impact the employment condition and/or create an intimidating, hostile, or offensive working environment. Acts may be verbal, physical, graphic, or retaliatory in nature.

Substance Abuse: See Habitual Intemperance.

Termination: Discharging, or firing, a temporary employee.

11.2.1.1 Special Circumstances

The City Charter considers the following conduct or performance problems to be most serious, and possible grounds for termination:

- Misappropriation of public funds or property
- Misuse or destruction of public property
- Drug addiction or habitual intemperance
- Mistreatment of persons
- Immorality
- Acts constituting a felony or misdemeanor involving moral turpitude (inherent baseness, depravity, or perversion)
- Acts that present immediate danger to public health and safety



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3155
F 415.554.3161
TTY 415.554.3488

Via U.S. Mail and Email [REDACTED]

December 6, 2021

Eric Eliasson
[REDACTED]
[REDACTED]

Re: Notice of Dismissal

Dear Eric Eliasson:

This letter is to inform you that I have adopted the *Skelly Officer's* Recommendation affirming the "Notice of Proposed Disciplinary Action and Employee Conference/ *Skelly Meeting*" (*Skelly Notice*) issued to you on November 8, 2021 and sustaining the following charges:

- Violation of CCSF COVID-19 Vaccination Policy;
- Failure to meet minimum qualifications/conditions of employment;
- Failure to Follow Rules and Regulations/Failure to Follow Instructions; and
- Acts which present an immediate danger to public health and safety.

You are hereby terminated from your employment as a 7372 Stationary Engineer, Sewage Plant with the San Francisco Public Utilities Commission ("SFPUC"), Wastewater Enterprise, Operations effective at close of business today, December 6, 2021. This release is non-punitive and you are free to seek employment opportunities with the City and County of San Francisco in the future. A copy of the *Skelly Officer's* Recommendation dated November 19, 2021 is enclosed.

If you have not already done so, you must immediately return all City property (SFPUC badges, tools, equipment, and keys). Please mail all City property to your supervisor at 750 Phelps Street, San Francisco, CA 94124. In addition, please email ELR@sfwater.org to coordinate the return of any personal items you may have at the worksite.

You must not report to any SFPUC work location and will be not admitted if you attempt to do so. The SFPUC will pay out all remaining leave balances and issue your final paycheck within six to eight weeks of this letter.

- London N. Breed**
Mayor
- Anson Moran**
President
- Newsha Ajami**
Vice President
- Sophie Maxwell**
Commissioner
- Tim Paulson**
Commissioner
- Ed Harrington**
Commissioner
- Dennis J. Herrera**
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



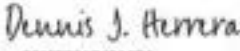
Eliasson, Eric - Notice of Dismissal

December 6, 2021

Page 2 of 2

Should you have any questions, please contact Michael Ho, Acting Employee & Labor Relations Manager, at mcho@sfgwater.org.

Sincerely,

DocuSigned by:

8619F30AC63A4DA
Dennis J. Herrera
General Manager, SFPUC

Encl.: *Skelly* Officer Recommendation
Separation Report
Notice of Separation
Notice of Future Employment Restrictions

cc: Greg Norby, Assistant General Manager, Wastewater Enterprise
George Engel, Division Manager, Operations
Michael Cerles for Carol Isen, Department of Human Resources
SFPUC Payroll Division, Human Resource Services
SFPUC Employee Life Cycle Division, Human Resource Services
Official Employee Personnel File – Eliasson, Eric

MEMORANDUM

DATE: November 19, 2021

TO: Rachel Gardunio, Acting Chief People Officer, Human Resource Services (“HRS”)

FROM: Lynn Fong, Engineering Manager, City Distribution Division *Lynn S. N. Fong*

SUBJECT: *Skelly* Officer Report and Recommendations Regarding the Proposed Dismissal of Eric Eliasson

The San Francisco Public Utilities Commission (“SFPUC” or “Department”) has proposed that Eric Eliasson, 7372 Sanitary Engineer be released from their Permanent Civil Service (“PCS”) position based on the following:

- Violation of CCSF COVID-19 Vaccination Policy;
- Failure to meet minimum qualifications/conditions of employment;
- Failure to Follow Rules and Regulations/Failure to Follow Instructions;
- Insubordination; and
- Acts which present an immediate danger to public health and safety.

A *Skelly* meeting was held on Thursday, November 18, 2021 to review the proposed employment action against Eric Eliasson; the following persons were present at this meeting:

- Lynn Fong, *Skelly* Officer
- Eric Eliasson, Wastewater Enterprise, SFPUC
- Malocca Hawkins, Employee and Labor Relations, HRS
- Michael Ho, Employee and Labor Relations, HRS

Background and Basis for Proposed Employment Action

On June 23, 2021, the City issued the COVID-19 Vaccination Policy (“Vaccination Policy”) which required that all employees, as a condition of employment, be fully vaccinated and report that vaccination status to the City no later than 10 weeks after the Federal Food & Drug Administration (FDA) gave final approval to at least one COVID-19 vaccine. On August 23, 2021, the FDA gave final approval of the Pfizer-BioNTech (Comirnaty) vaccine for the

London N. Breed
Mayor

Anson Moran
President

Newsha Ajami
Vice President

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Michael Carlin
Acting
General Manager

prevention of COVID-19 disease in individuals 16 years of age and older.

On August 25, 2021, the City sent Eric Eliasson a notice via email and US Mail that the Pfizer-BioNTech (Comirnaty) vaccine had been granted full FDA approval for the prevention of COVID-19 disease in individuals 16 years of age and older. This notice also informed Eric Eliasson that all City employees must be fully vaccinated and provide documentation of full vaccination in People and Pay no later than November 1, 2021 unless they receive an approved exemption from the COVID-19 vaccination requirement.

On September 28, 2021, the SFPUC sent Eric Eliasson a notice via U.S. Mail that they were identified as an employee who has not received a COVID-19 vaccination as required by the Vaccination Policy and reminded Eric Eliasson that they were required to be fully vaccinated by November 1, 2021. The notice also informed Eric Eliasson that if they were not fully vaccinated by November 1 and were not approved a religious or medical exemption, Eric Eliasson would be released from their PCS position for violation of the City and County of San Francisco COVID-19 Vaccination Policy.

To date, the SFPUC does not have a record of Eric Eliasson's full vaccination status or of any approved medical or religious exemptions.

Employee Response to the Charge

Eric Eliasson's response to the charges are as follows:

- 1.) Violation of CCSF COVID-19 Vaccination Policy.
 - a. Policy is immoral, and
 - b. The City has not provided scientific evidence that would reflect how the employee would be of harm to other employees. Furthermore, the policy is "full of opinion" and short on scientific facts.
 - i. There is no scientific evidence for the claim, "Vaccination is the most effective way to prevent transmissions and limit COVID-19 cases and deaths" and the vaccines do not prevent employees from catching the disease.
 - ii. There is no scientific evidence for the claim, "Unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace".
 - c. Employees can work past November 1, 2021 because employees who are not fully vaccinated and are permitted in the workplace after November 1, 2021 must continue to wear a mask.
- 2.) Failure to meet minimum qualifications/conditions of employment.
 - a. This is baseless because had the religious exemption been approved, there would be no further charges.
- 3.) Failure to follow Rules and Regulations/Failure to Follow Instructions.
 - a. I work in an environment mostly void of standards. There would be very few employees working front line in the Wastewater treatment plants because the City has offered no documentation that demonstrates a history of my failure to follow rules and regulations.

- 4.) Insubordination.
 - a. I am lawfully allowed to not follow directives that I believe are unsafe.
- 5.) Acts which present an immediate danger to the public health and safety.
 - a. How am I an immediate danger to public health and safety that give evidence of this charge. Vaccines do not stop you from getting infected or from spreading the disease.

Findings and Recommendation

Eric Eliasson's reasons for not following the COVID-19 Vaccination policy and meeting the vaccination deadline of November 1, 2021 are not persuasive for the following reasons:

- 1.) The CCSF vaccination policies are in alignment with Federal guidelines from the FDA and CDC; therefore, arguments of a lack of scientific fact is not applicable.
- 2.) The statement, "Employees can work past November 1, 2021 because employees who are not fully vaccinated and are permitted in the workplace after November 1, 2021 must continue to wear a mask" is not consistent with the Skelly Notice: Employees who are not fully vaccinated by November 1, 2021 may be subject to release from employment and is separate from the CCSF masking policies.
- 3.) All employees are subject to conditions of employment, including current CCSF vaccination policies. Therefore, charges of failure to meet minimum conditions of employment as well as insubordination are reasonable.
- 4.) The statement that, "vaccines do not stop you from getting infected or spreading the disease" is not consistent with FDA and CDC guidelines.

The health and wellbeing of City employees and the public we serve are top priorities during our emergency response to COVID-19. Eric Eliasson's failure to comply with the vaccination requirement endangers the health and safety of the City's workforce and the public we serve. The City repeatedly notified Eric Eliasson of this requirement and the consequences of failing to comply.

Eric Eliasson has failed to provide documentation of their full vaccination status or demonstrate that they are exempt from the City's COVID-19 Vaccination Policy.

As a result, I sustain the charges against Eric Eliasson and recommend that he be released from his PCS position as proposed by the SFPUC.



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

INSTRUCTIONS: Please complete the Separation Report to:

1. Document internal departmental processes. Please do not send to DHR.
2. Document that the employee separation is not a complete separation from City service, Separation Report must be completed by the sending department and submitted to the receiving department to be attached to the AP ESR.
3. To process a layoff. Please send to the DHR layoff coordinator.
4. To administer a settlement agreement involving the separation of the employee-submit documentation to your Client Services Representative. (Reference TER_RZA)*

Date of Request: 12/06/2021

Department Contact: Susan Nguyen Email: snguyen@sfgwater.org Phone: (415) 554-1670

SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Eliasson, Eric Employee I.D. [REDACTED]

Job Code: 7372 Job Title: Stationary Engineer

Position Number: 01112772 Hourly Rate: \$56.1875 Step: 1 Effective Date: 12/07/2021

Empl. Class: PCS Work Schedule: Full-Time

Is the employee serving a probationary period at the time of the separation? Yes No

Is this a complete separation from City and County Service? Yes No

If no, continuing in: Department Code: (Select One) Status: _____ Job Code: _____ Effective Date: _____

Is employee granted leave pursuant to Civil Service Rule 120.31? Yes No

If no, is employee a transfer? No Yes, type of Transfer: (Select One)

SECTION II: SEPARATION INFORMATION

Resignation

Satisfactory Services (TER_RSS)

Unsatisfactory Services (TER_RUS)
(Form DHR 1-13 must be on file)

By the appointee: I hereby freely and voluntarily resign from the above position. I request approval of this resignation as of the effective date with the full understanding that once approved, I may acquire another position in this class only as provided in the rules of the Civil Service Commission (see employee copy and CSC Rules 114&119).

Employee Signature Date

Lay-off

Involuntary Leave (PCS_LIL) Elective Involuntary Leave (PCS_EIL)

Involuntary Lay-off (PCS_LIO) Voluntary Lay-off (PCS_LVO)

(PV & EX Only): (Select One)

Reason for lay-off: (Select One)

Employee acknowledges receipt of the DHR information leaflet.

Employee Signature Date

SEPARATION REPORT

DEPARTMENT USE ONLY

Termination

Settlement Agreement (TER_RZA)
*(Separation Report and Settlement Agreement must be forwarded to Client Services Rep.)

Release from appointment:

Release from probation:

Dismissal:

Terminated for cause (TFC) (TPV,NCS, & Exempts only)

Automatic Resignation (ARS)

Never Reported to Work (DSH)

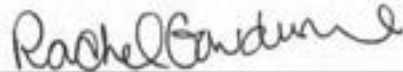
Death of an employee (DEA)

Other (Specify): _____

Retirement:

DEPARTMENT CERTIFICATION

The Appointing Officer/Authorized Designee named below hereby certifies that the information provided on this Separation Report is accurate, complete, and in compliance with applicable CCSF rules and policies.



Appointing Officer/Authorized Designee Signature

554-1670

Telephone

Name/Title: Rachel Gardunio, Acting Chief People Office, HRS

Department Number: 40 Department Name: SFPUC

Personnel File Forwarded? Yes No

Forwarded to:
Department: _____ Contact: _____

DHR USE ONLY

Action Pending? Yes No

Analyst Name _____ Telephone _____

SR Ref Number: _____ Holdover Canvass: _____

Reference Number used for layoff actions: _____

NOTICE OF SEPARATION FROM EMPLOYMENT

Eric Eliasson
 NAME OF EMPLOYEE
 ADDRESS
 CITY
 STATE ZIP

12/6/2021
 MAILING DATE
SFPUC-Wastewater Enterprise
 DEPARTMENT/DIVISION
Permanent Civil Service
 TYPE OF APPOINTMENT:
Dismissal
 TYPE OF SEPARATION

This notice is to inform you that you are separated from your employment in **Class 7372 Stationary Engineer, Sewage Plant** effective close of business **December 6, 2021** for the reasons outlined in the attached document(s).

The following checked item applies:

<input type="checkbox"/> A.	You may request a hearing before the Civil Service Commission on your future employability with the civil service system of the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission <u>CANNOT</u> reverse the department's decision to terminate your employment.
<input type="checkbox"/> B.	As a <u>promotive probationary</u> employee (promotive status is determined by the examination announcement), you may appeal your termination to the Civil Service Commission, as provided in Civil Service Commission Rule 17, Section 17.14. The Civil Service Commission may either sustain or reverse the decision of the department to terminate your employment. They may return you to a position in the class from which promoted or return you to a list of eligibles, with conditions on future employment. They may approve, remove, modify or impose additional restrictions on your future employability, to that recommended by the Department. This provision does not apply to the uniformed ranks of the Police or Fire Departments.

You may request a hearing for review of any restrictions on your future employability (when box A above is checked) or file an appeal of your termination (when Box B above is checked) with the Civil Service Commission within twenty (20) calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness, Suite 720, San Francisco, CA 94102 by 12/26/2021. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

The items checked below are the recommendations made by the department on your future employability for positions covered by the San Francisco civil service system:

<input checked="" type="checkbox"/> No restrictions on future employability.	<input type="checkbox"/> Cancel any current examination and eligibility status.
<input type="checkbox"/> Accept the resignation as certified.	<input type="checkbox"/> No future employment with this department.
<input type="checkbox"/> Dismiss from City and County service.	<input type="checkbox"/> Return name to the eligible list from which appointed to this position.
<input type="checkbox"/> Approve the separation.	<input type="checkbox"/> No future employment with the City and County of San Francisco.
<input type="checkbox"/> Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of (# OF YEARS) work experience outside the City and County service.	
<input type="checkbox"/> (Applicable to promotive probationary terminations only.) Reinstatement to a position in the class from which promoted: Class (CLASS), Title (TITLE).	
<input type="checkbox"/> Other (specify):	

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6

SEE REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:
 Rank: 2 List # 56515
 DSW: [REDACTED]
 Employee Organization Stationary Engineers, Local 39

METHOD OF SERVICE:
 Certified Mail: Mailed:
 Certified Mail #: _____
 Emailed:
 Attachment(s)
 DHR 1-13e

Rachel Gardunio
 AUTHORIZED SIGNATURE
Rachel Gardunio
 NAME
Acting Chief People Officer, SFPUC
 TITLE

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as the official notice of the separation to the former employee, the Civil Service Commission, and the Department of Human Resources.
2. A former promotive probationary employee who has terminated may file an appeal of the termination with the Civil Service Commission.
3. Any other separated employee may request a hearing before the Civil Service Commission only for review of any recommended restrictions on their future employability with the City and County of San Francisco.
4. Such appeals or requests for hearing must be in writing and received from the employee or the employee's representative within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
5. An employee who requests a hearing within the time limits is entitled to:
 - a) Representation by an attorney or authorized representative of her/his own choice.
 - b) Notification of date, time and place of hearing at a reasonable time in advance.
 - c) Inspection by the employee's attorney or authorized representative of those records and materials in the Civil Service Commission which relate to the separation.
6. The decision of the Civil Service Commission is final and not subject to reconsideration.
7. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.



NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS

Eric Eliasson
 Employee Name

 Street Address

 City State Zip

12/6/2021
 Mailing Date
 SFPUC-Wastewater Enterprise
 Department/Division
 Permanent Civil Service
 Type of Appointment

This notice is to inform you that a future employment restriction is being imposed along with your separation action, or with the action of automatic resignation, reported to the Department of Human Resources separating you from your position in Class 7372, Title Stationary Engineer, Sewage Plant, effective 12/7/2021, for the reasons outlined in the attached document(s).

The items checked below are the restrictions made by the department on your future employability for positions covered by the San Francisco civil service system:

No Restrictions on Employment
 Permanent Restriction
 Conditional Restriction

Citywide Department(s): _____
 DOT/SAPP Job Code(s): _____
 Cancel Current Examination & Eligibility Status

Conditional restrictions may be lifted by proving you have satisfactorily met the following requirements:

Requirement Type	Description:	Level of Measurement:	Measurement Value:
CER: Certification			
EXP: Work Experience			
LIC: Licensure			
SAP: Substance Abuse Program			
Other:			

In addition to the noted conditional restrictions, you are also restricted from specific attributes of a job class and/or department until you satisfactorily prove you meet the requirements to lift the restriction(s) as noted below:

Future Employment Restrictions	Description:	Level of Measurement:	Measurement Value:
001: Vehicle/Heavy Machinery			
002: Vulnerable Populations			
003: Face to Face Contact w/Public			
004: Contact w/Animals			
005: Signing/Approving City Docs			
006: Financial Instruments			
007: Confidential/Privileged Information			
008: IT Infrastructure			
009: Means of Entry to Living Spaces			
010: Pharmaceutical/Drug Inventory			
011: CDC Defined Toxins			
012: Weapons/Explosives			
013: City Property Valued > \$100			

You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by 12/26/2021. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action to confirm the restriction(s) in effect on the date of separation (Note: Future Employment Restriction(s) effective immediately).

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6. (SEE BELOW)

List #: <u>056515</u>	Rank #: <u>2</u>	<input type="checkbox"/> Pending	<input checked="" type="checkbox"/> Final	Status of Action
DSW: <u>[REDACTED]</u>		<i>Rachel Gardunio</i>		
Emp Organization: <u>Prof & Tech Eng, Local 21</u>		SIGNATURE		
METHOD OF SERVICE:		Rachel Gardunio		
<input checked="" type="checkbox"/> Email		NAME		
<input checked="" type="checkbox"/> U.S. Mail		Acting Chief People Officer, SFPUC		
		TITLE		

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as an official notice of future employment restrictions imposed with the Notice of Automatic Resignation from Employment to the former employee or with a Separation Action that is subject to the provisions of a collective bargaining agreement, to the Civil Service Commission, and the Department of Human Resources.
2. A separated employee may request a hearing before the Civil Service Commission only for review of any restrictions on their future employability with the City and County of San Francisco.
3. Such appeals or requests for hearing must be in writing and received from the employee or the employee's representative by the date specified on this notice, or within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
4. An employee who requests a hearing within the time limits is entitled to:
 - a. Representation by an attorney or authorized representative of the employee's own choice.
 - b. Notification of date, time, and place of hearing at a reasonable time in advance.
 - c. Inspection by the employee's attorney or authorized representative of those records and materials on file with the Civil Service Commission which relate to the restrictions on future employability.
5. Any interested party may request that the hearing be continued or postponed.
6. The decision of the Civil Service Commission is final and not subject to reconsideration.
7. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.



Via E-mail

February 3, 2022

Stan Eichenberger
Stationary Engineers, Local 39
337 Valencia St.
San Francisco, CA 94103
seichenberger@local39.org

**RE: Eric Eliason (Termination) Grievance
ERD Reference No. 40-22-4138**

Dear Stan Eichenberger,

The Employee Relations Division (ERD) is in receipt of your letter dated January 21, 2022, moving the above-referenced matter to Step III of the grievance procedure.

Statement of Grievance

Stationary Engineers, Local 39 (Local 39 or Union) appeals the San Francisco Public Utilities Commission's (PUC or Department) decision to terminate 7372 Stationary Engineer, Sewage Plant employee Eric Eliason (Grievant). The Department's decision to terminate Grievant was based on:

- 1) Violation of the Covid-19 Vaccination Policy;
- 2) Failure to meet minimum qualification of employment;
- 3) Failure to follow rules and regulations/failure to follow instructions; and
- 4) Acts which present an immediate danger to public health and safety.

The Union contends that the Department fired Grievant without just cause. As a remedy, the Union requests that the Department reinstate Grievant and make Grievant whole.

Discussion

The Union's claims are without merit. On June 23, 2021, the City and County of San Francisco issued the COVID-19 Vaccination Policy, which required all City employees, as a condition of employment, report their vaccination status by July 29, 2021, and be fully vaccinated no later than ten (10) weeks after the Federal Food & Drug Administration (FDA) gave final approval to at least one COVID-19 vaccine.

On August 23, 2021 the FDA approved the Pfizer-BioNTech COVID-19 vaccine for individuals sixteen (16) years of age or older. On August 25, 2021, Human Resources Director Carol Isen sent a memo to all employees not already in compliance with the City's Vaccination Policy informing them of the FDA's decision. This memo stated that "All employees must be vaccinated and provide documentation of vaccination in People and Pay no later than November 1, 2021."

Eric Eliason (Termination) Grievance
ERD Reference No. 40-22-4138
February 3, 2022
Page 2

Between July 2021 and October 29, 2021 labor unions, including Local 39, met and conferred with the City about perceived impacts of the Vaccination Policy and discussed proposals to mitigate any impacts. During these discussions, the parties discussed vaccine exemptions for medical reasons and sincerely held religious beliefs, altering timelines for employees who are partially vaccinated by the deadline, citywide vaccination efforts, and other related topics.

Between August 2021 and October 29, 2021, the Department emailed all members covered under the Local 39 MOU who were not in compliance with the Vaccination Policy that they needed to become vaccinated or face discipline, up to and including termination. These communications also provided information about the vaccine, where to receive it, and how to apply for a medical or religious exemptions.

7372 Stationary Engineer, Sewage Plant employees who were not fully vaccinated (two weeks after receiving the first dose of a one-dose regimen or the second dose of a two-dose regimen) and did not have a medical or religious exemption were not allowed onsite after the November 1, 2021 deadline. Employees not in compliance with the Vaccination Policy no longer met the minimum qualifications of their positions and failed to follow City policies. Therefore, there is no MOU violation.

Conclusion

Based on the foregoing reasons, ERD respectfully denies the Union's grievance.

Under the MOU, the Union has thirty (30) calendar days from the date of the ERD response in which to file a written appeal to arbitrate. Please be advised that the City reserves all rights it may have regarding this matter, including but not limited to, procedural issues and arbitrability. The City Attorney's Office will review the file and make the final determination of these issues. In the event the Union does not move this matter to arbitration within the contract timeline, ERD will consider the matter closed.

Sincerely,



Andy Soluk
Employee Relations Representative

cc: Rachel Gardunio, PUC
Michael Ho, PUC
Ardis Graham, DHR
Jonathan Wright, DHR

EXHIBIT J

Job Description for 7372 Stationary Engineer job classification



7372-Stationary Eng, Sewage Plant

SF | Careers > 7372-Stationary Eng, Sewage Plant

Know the class code?

Class codes are four characters long.

Search

Search by keyword:

Use a keyword to search for a class.

Search within title Search within job descriptions

Search

Compensation set id:

Stationary Eng, Sewage Plant

Job classification

Class	7372
Title	Stationary Eng, Sewage Plant
Overtime eligibility	Covered (Non-Z) - Nonexempt
Labor agreement	Stationary Engineers, Local 39
Effective date	February 11, 2014

Current compensation plan

Effective: Jul 01, 2023

See [Historic and future compensation information](#) for this class

Step:	Step 1
Rate /hr:	\$60.9125
Rate /biweekly:	\$4,873.00
Rate /year:	\$126,698

Job description

CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF HUMAN RESOURCES

Title: Stationary Engineer, Sewage Plant

Job Code: 7372

INTRODUCTION

Under general supervision, during an assigned shift, is responsible for operating and maintaining a wide variety of complex machinery and equipment in a sewage disposal plant or pumping station, following established plant operations, methods and procedures; maintaining and preparing routine plant operations records and reports; and performs related duties as assigned.

DISTINGUISHING FEATURES

Job code 7372 is a journey-level position in the Stationary Engineer series at the sewage plant, performing duties following established rules and/or procedures. This job code is distinguished from job code 7373 Senior Stationary Engineer in that the latter is required to supervise a work crew during an assigned shift, and personally participates in major or minor repairs of plant machinery and equipment.

SUPERVISION EXERCISED

May serve as acting supervisor during an assigned shift, in an assigned area of a sewage treatment plant.

MAJOR, IMPORTANT, AND ESSENTIAL DUTIES

According to Civil Service Commission Rule 109, the duties specified below are representative of the range of duties assigned to this job code/class and are not intended to be an inclusive list.

1. Makes regular visual, audio, olfactory and tactile inspections and/or manual tests of all plant machinery and equipment, including auxiliary equipment, in an assigned area or pumping station, maintaining logs and records of required maintenance, completed maintenance, equipment and work order history by taking periodic readings of gauges and meters to ensure that sewage plant is working safely, efficiently and properly; and to provide an accurate record of maintenance, preventive maintenance, equipment, and work order history.
2. Performs a variety of manual tasks requiring the handling of equipment exposed to raw sewage; collects and performs simple assessments of raw sewage and chemical samples on prescribed schedule at specific locations by making chemical and physical assessments to assess the efficiency of the treatment processes and to ensure compliance with the NPDES Permit (National Pollution Discharge Elimination System, Permit).
3. Operates, inspects, maintains, overhauls and makes major and minor repairs to wide variety of pumping, heating, ventilating, process machinery and equipment in a wastewater treatment plant or pumping station, including pumps, bar racks, grit collectors, conveyors and washers, chlorinators, evaporators and storage tanks, sludge collectors, drive units, deodorizing equipment and a wide variety of metering and recording devices to assure the safety and efficiency of equipment and facilities; includes lubricating and greasing machinery and equipment; cleaning and maintaining machinery, equipment and facility to ensure safety and equipment reliability.
4. Inspects sewage pipe lines, tanks and gates to check for the condition of equipment, for infiltration and blockage of debris and build-up of mineral deposits, etc., by draining tanks, by monitoring pressure and flow indicators and by visual inspection to determine any problem areas to ensure proper operation.
5. Operates, inspects and maintains solids treatment and flocculating chemical systems by monitoring and adjusting flow indicators or controllers, by visual inspection and by analysis of

samples to ensure optimum treatment.

6. Operates, inspects and maintains disinfection and dechlorination systems by performing tests and analyzing sample to determine proper chemical dosages to ensure that effluent or final discharge meets Regional and State pollution control requirement.

7. May assist in training and in supervising work of apprentices or other trainees by oral instruction and hands-on demonstration in the operation and maintenance of sewage treatment processes to ensure competent performance of required skills by apprentices and other trainees.

IMPORTANT AND ESSENTIAL KNOWLEDGES, SKILLS, AND ABILITIES

Knowledge of: The operation, maintenance and repair of low pressure boilers, heat exchangers, hot water boilers, fans and blowers, heating and cooling coils and control valves, electric motors, non-electric prime movers such as turbines and internal combustion engines, various pumps and compressors, various equipment control devices, switches, circuit breakers, motors, and a variety of mechanical and electrical devices; shop practices and safety requirements; sewage treatment processes.

Ability to: Analyze, maintain and repair a variety of mechanical and electrical equipment; make repairs to plant machinery and equipment, and as necessary, maintain simple plant operating records; and communicate clearly and precisely and comprehend directions, both verbally and in writing.

Skills: Requires skill in the use of hand tools as needed in the maintenance and repair of equipment.

Positions located at the San Francisco Airport require technical knowledge and skill to conduct bacteriological and chemical tests of various stages of the sewage treatment processes.

MINIMUM QUALIFICATIONS

These minimum qualifications establish the education, training, experience, special skills and/or license(s) which are required for employment in the classification. Please note, additional qualifications (i.e., special conditions) may apply to a particular position and will be stated on the exam/job announcement.

1. Four years of verifiable journey level Stationary Engineer, Plant Operator and/or Plant Mechanic experience in the operation, maintenance, and repair of a variety of mechanical and electrical pumping, heating, air-conditioning, ventilating, and related plant machinery of wastewater treatment plant; government establishment; hospital; industrial, production, or commercial building; OR
2. Completion of a recognized four-year stationary engineer Apprenticeship Program; OR
3. Graduation from a recognized four-year Maritime Academy with a degree in Engineering or technology; OR
4. Possession of at least a 3rd Assistant Marine Engineer's License of any unrestricted horsepower (experience as an Oiler or Firetender will not be accepted as qualifying); OR
5. Possession of a FAA Airframe or Power Plant Certificate and four years verifiable experience in an Airframe or Powerplant mechanic or maintenance technician capacity that utilizes the certificate; AND
6. Possession of a valid driver's license.

LICENSE AND CERTIFICATION

Grade I or higher California Wastewater Treatment Plant Operator Certificate, or Grade I or higher California Water Environment Mechanical Technology Certificate.

PROMOTIVE LINES

7373 Senior Stationary Engineer, Sewage Plant

ORIGINATION DATE: 4/7/75,

AMENDED DATE: 10/22/99, 2/11/2014

REASON FOR AMENDMENT To accurately reflect the current tasks, knowledge, skills and abilities defined in the most recent job analysis conducted for this job code.

BUSINESS UNIT(S): COMMN, SFUSD, SFCCD, SFMTA

Standard information

Disaster service work

All City and County of San Francisco employees are designated Disaster Service Workers through state and local law (California Government Code Section 3100-3109). Employment with the City requires the affirmation of a loyalty oath to this effect. Employees are required to complete all Disaster Service Worker-related training as assigned, and to return to work as ordered in the event of an emergency.

Historic and future compensation

Effective (Sched)	Step 1
Jul 01, 2023 (X)	\$60.9125
Jul 01, 2022 (W)	\$59.4250
Jan 08, 2022 (V)	\$56.4625
Jul 01, 2021 (U)	\$56.1875
Dec 26, 2020 (T)	\$54.2750

Human Resources

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EXHIBIT K

Email from Rachel Gardunio to Eric Eliasson regarding
compliance with vaccination requirement, dated
October 29, 2021

Dunson, Marvin (HRD)

From: Gardunio, Rachel
Sent: Friday, October 29, 2021 1:47 PM
To: Eliasson, Eric
Cc: Prather, Joel; Cozzone, Francesca
Subject: FW: Determination re Request for Religious Accommodation

Hello,

The City and County of San Francisco issued a COVID-19 Vaccination Policy requiring all City employees to be fully vaccinated as a condition of employment by November 1, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious belief.

You submitted a COVID-19 Vaccination Exemption Request as a reasonable accommodation which has since been denied. City policy now requires you now to be in compliance with the City's COVID-19 vaccination requirements. Specifically, you are required to receive your **first dose of a COVID vaccine immediately** and provide a copy of your vaccination record.

If you do not receive your first dose of a COVID-19 vaccine by Friday, November 5, 2021, you will be subject to separation from City employment.

Do not report to work effective November 1, 2021. Once you have confirmed you are partially vaccinated, you will receive more information from your division about whether you can continue to work remotely or report onsite.

You can update your information by uploading it directly into the City's People and Pay System using the Employee Portal or by emailing your vaccination record to HRAdmin@sfgov.org. We also suggest you email ELR@sfgov.org a copy of your vaccination record.

If you have any questions about the City's COVID-19 Vaccination Policy, you can find additional resources at <https://sfdhr.org/covid-19> or you can contact ELR@sfgov.org.

Sincerely,

Rachel Gardunio
Employee & Labor Relations Division Manager
Cell: (415) 603-8091 | rgardunio@sfgov.org

From: Albert, Hallie B <HALbert@sfgov.org>
Sent: Friday, October 29, 2021 1:40 PM
To: Gardunio, Rachel <RGardunio@sfgov.org>
Subject: FW: Determination re Request for Religious Accommodation

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

[San Francisco Water, Power and Sewer](#) | Services of the San Francisco Public Utilities Commission



From: Albert, Hallie B
Sent: Thursday, October 7, 2021 11:41 AM
To: Eliasson, Eric <EEliasson@sfgwater.org>
Subject: Determination re Request for Religious Accommodation

Dear Eric Eliasson:

The Department has considered the information you supplied in your written request for a religious exemption as well as all follow up email communications. The Department has determined that the information you supplied does not meet the applicable standards under state and federal law, as well as the City's policies and procedures, for a religious exemption to the City's Covid-19 vaccination requirements. Attached is the Department's determination regarding your Covid-19 vaccination exemption request.

For additional information on the City's vaccination policies and this process please visit the Department of Human Resources website:

<https://sfdhr.org/vaccination-and-face-covering-policy-city-employees>

Thank you,

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

[San Francisco Water, Power and Sewer](#) | Services of the San Francisco Public Utilities Commission



EXHIBIT L

Notice to Eric Eliasson of Proposed Disciplinary Action and
Skelly Meeting and Placement on Paid Administrative Leave,
dated November 8, 2021

Via USPS Mail and Email [REDACTED]

November 8, 2021

Eric Eliasson
[REDACTED]

Re: Notice of Proposed Disciplinary Action and Employee Conference/ Skelly Meeting (Skelly Notice) and Placement on Paid Administrative Leave

Dear Eric Eliasson,

This letter serves as notice that the San Francisco Public Utilities Commission ("SFPUC" or "Department"), Operations ("Division") is recommending that you be dismissed from your Permanent Civil Service Class 7372 Stationary Engineer, Sewage Plant position.

Employee Conference/Skelly Meeting

The Department will schedule an Employee Conference/Skelly Meeting where you will have an opportunity to respond to the charges and the proposed discipline. You are entitled to include a representative of your choice in the video conference/Skelly meeting. **It is your responsibility to contact your representative and provide them with a copy of your Employee Conference/Skelly Notice.**

We are offering this Skelly meeting in a remote format to comply with local and state health orders. These public health orders require any work that can be done remotely to be done remotely to limit the spread of COVID-19 and provide for the health, safety and welfare of the public. Conducting the Skelly meeting remotely does not meaningfully affect or limit your right to respond to the Skelly Notice because it provides the same opportunity for live and visual presentation and response directly to the Skelly hearing officer. You or your representative may submit any documents you wish considered to the Skelly officer by e-mail in advance or during the Skelly meeting.

You are not required to attend the remote Skelly Meeting. You may submit a written response and any relevant written materials for the Department to consider before making a final decision. If you choose this option, you must submit your written materials to me by e-mail at gnorby@sfgwater.org by 5:00 p.m., the day before your Skelly meeting is scheduled to take place. If you do not attend the video conference or submit a written response, the Department will make a decision on the proposed disciplinary action based on the enclosed information and materials.

Paid Administrative Leave

Effective immediately, the SFPUC is placing you on paid administrative leave under San Francisco Administrative Code Section 16.17 (1), which permits such leave

London N. Breed
Mayor

Anson Moran
President

Newsha Ajami
Vice President

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Dennis J. Herrera
General Manager

pending investigation relating to an employee’s conduct when the Department determines that the employee should be placed on leave “to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public interest or to the operation of the City.” (Attachment A.)

The paid administrative leave may continue for a period of up to 30 calendar days. During this period of paid administrative leave, you must remain ready and available to answer any phone calls or report to work within one hour, Monday to Friday between 8:00 a.m. and 5:00 p.m.

While on paid administrative leave, you will receive the compensation you would have earned if you had worked during the same period, without the inclusion of overtime earnings or special pay. **You must not report to any SFPUC work location until notified otherwise.**

You are directed to immediately relinquish all keys, access cards, identification badges, electronic devices, and other City and County of San Francisco and/or SFPUC property in your possession to George Engel, Operations Manager.

The charges are as follows:

- Violation of CCSF COVID-19 Vaccination Policy;
- Failure to meet minimum qualifications/conditions of employment;
- Failure to Follow Rules and Regulations/Failure to Follow Instructions;
- Insubordination; and
- Acts which present an immediate danger to public health and safety.

The proposed discipline is based on the following:

The City and County of San Francisco’s City’s COVID-19 Vaccination Policy (“Vaccination Policy”) required you to be fully vaccinated by November 1, 2021. On September 28, 2021, the SFPUC sent you a notice via US Mail that you were identified as an employee who has not received a COVID-19 vaccination as required by the Vaccination Policy and reminded you that you were required to be fully vaccinated by November 1, 2021. The notice also informed you that if you were not fully vaccinated by November 1 and were not approved a religious or medical exemption, you would be released from your PCS Class 7372 Stationary Engineer, Sewage Plant position for violation of the City and County of San Francisco COVID-19 Vaccination Policy.

The health and wellbeing of City employees and the public we serve are top priorities during our emergency response to COVID-19. Your failure to comply with the vaccination requirement endangers the health and safety of the City’s workforce, including yourself, and the public we serve. The City repeatedly notified you of this requirement, and your failure to comply is insubordination. Therefore, the SFPUC is recommending that you be dismissed from your PCS Class 7372 Stationary Engineer, Sewage Plant position.

The facts presented below support the aforementioned charges.

I. Factual Findings

A. COVID-19 Vaccination Policy

The City and County of San Francisco issued the COVID-19 Vaccination Policy on June 23, 2021 with an effective date of June 28. The Vaccination Policy included the following two requirements:

1. All City employees were required to report their vaccination status to the City by July 29, 2021.
2. All City employees (who do not work in high-risk settings) “must be fully vaccinated as a condition of employment within ten weeks after the Federal Drug Administration (“FDA”) provides final approval to at least one COVID-19 vaccine, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious beliefs.

The Vaccination Policy also states:

Once the vaccination deadline is reached the vaccination and reporting requirements are conditions of City employment and a minimum qualification for all City employees.

Failure to comply with this Policy may result in a disciplinary action, or non-disciplinary action from employment for failure to meet the minimum qualifications of the job.

(Attachment B.)

On August 6, 2021, the Vaccination Policy was amended and amongst other things, extended the reporting deadline to August 12, 2021.

Following FDA approval of the Pfizer-BioNTech vaccine for the prevention of COVID-19 on August 23, 2021, the Vaccination Policy was amended on September 8 to list the vaccination deadline for all City employees (who do not work in high-risk settings) as November 1, 2021. (Attachment B.)

B. HRS COVID-19 Digests Regarding COVID-19 Vaccination Policy

As part of its COVID-19 response, the SFPUC’s Human Resource Services (“HRS”) began sending out HRS COVID-19 Digests via email to all SFPUC staff to communicate key information about COVID-19.

Between June 24 to September 22, SFPUC HRS sent out eight all staff HRS COVID-19 Digests informing employees of the requirements of the COVID-19 Vaccination Policy.

- a. HRS COVID-19 Digest #69 – New Vaccine and Face Covering Policy for City Employees

On June 24, 2021, SFPUC HRS informed employees of the City’s new COVID-19 Vaccination Policy that would become effective June 28, 2021, and that it employees to (1) report their vaccination status by July 29, 2021; and (2) be fully vaccinated no later than 10 weeks after the

Food & Drug Administration (“FDA”) gives final approval to at least one COVID-19 vaccine by forwarding a memo from Carol Isen, Department of Human Resources (“DHR”) Director and a copy of the Vaccination Policy. (Attachment C.)

- b. HRS COVID-19 Digest #70 – Submit Your COVID-19 Vaccine Status via the SF Employee Portal

On June 29, 2021, SFPUC HRS informed employees that the portal to submit their vaccination status was live and reminded employees that the deadline to submit was July 29, 2021. The Digest included detailed instructions on how to access the vaccination portal and submit vaccine status. (Attachment D.)

- c. HRS COVID-19 Digest #72 – Vaccine Status Reporting

On July 13, 2021, SFPUC HRS forwarded a memo from Carol Isen, DHR Director and a copy of DHR’s New Vaccination and Face Covering Policy FAQ for CCSF Employees where employees were again reminded to report their vaccination status by July 29, 2021 and be fully vaccinated by November 1, 2021. (Attachment E.)

- d. HRS COVID-19 Digest #73 – Vaccination Reporting Reminder

On July 16, 2021, SFPUC HRS again reminded employees to report their vaccination status by July 29, 2021. (Attachment F.)

- e. HRS COVID-19 Digest #74 – COVID-19 Vaccination Status Reporting Requirement and SFPUC Vaccination Event

On July 22, 2021, SFPUC HRS again reminded employees to report their vaccination status by July 29, 2021. The Digest also announced a COVID-19 Vaccination Pop-up event at the Southeast Treatment Plant

The event provided Johnson & Johnson and Pfizer COVID-19 vaccines, and also hosted an “Ask the Doc Table” where employees could get their questions about the vaccine answered by a medical professional. (Attachment G.)

- f. HRS COVID-19 Digest #75 – Vaccine Status Reporting – Extended Deadline and COVID-19 Vaccination Medical and Religious Exemption Request

On August 12, 2021, SFPUC HRS forwarded a memo from DHR and a copy of DHR’s COVID-19 Vaccination Medical and Religious Exemption Request procedures. The SFPUC again reminded employees of the requirements to record their vaccination status by July 29, 2021, and be fully vaccinated no later than 10 weeks after the FDA gives final approval to at least one COVID-19 vaccine. The SFPUC provided employees with details about how to request a medical or religious exemption to the COVID-19 vaccination requirement. (Attachment H.)

- g. HRS COVID-19 Digest #76 – Employee Vaccination Deadline

On August 26, 2021, SFPUC HRS informed employees that full-time telecommuting would end on November 1, 2021, and reminded employees of the requirement to be fully vaccinated against COVID-19. HRS also forward a memo from Carol Isen, DHR

All Other Employees not working in "High- Risk" or other Health Care Settings	Must be fully vaccinated no later than November 1, 2021 . <ul style="list-style-type: none"> • Moderna: First Shot <i>no later than</i> September 20, 2021; Second Shot <i>no later than</i> October 18, 2021 • Pfizer: First Shot <i>no later than</i> September 27, 2021; Second Shot <i>no later than</i> October 18, 2021 Johnson & Johnson: First Shot <i>no later than</i> October 18, 2021.
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(Attachment I.)

h. HRS COVID-19 Digest #77 – COVID-19 Vaccination Events and Vaccine Exemption

On September 22, 2021, SFPUC HRS sent a COVID-19 Digest with the following information: (1) Vaccination Pop-Up Event for CCSF Employees at City Hall on September 27 and 29, 2021; (2) Reminders about the vaccination deadlines, including the chart of vaccination chart of COVID-19 Vaccination Deadlines listing the deadlines for each of the three COVID-19 vaccinations; and (3) Reminders that employees who have a qualifying medical condition or hold a sincere religious belief prohibiting them from being vaccinated may apply for an exemption to the vaccine requirement.

(Attachment J.)

C. Emails to Non-Compliant Employees

On September 24, 2021, the SFPUC reminded all employees who were non-compliant with the CCSF COVID-19 Vaccination Policy of the vaccination deadlines and the Vaccination Pop-Event at City Hall for CCSF Employees on September 27, 2021.

(Attachment K.)

On September 27, 2021, HRS sent all employees, including you, who were non-compliant with the CCSF COVID-19 Vaccination Policy an email entitled, "URGENT: Non-Compliance with COVID-19 Vaccination Policy." You were reminded that to be considered fully vaccinated by the November 1, 2021 deadline, 14 days must have passed since you received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. Additional resources were linked to the email, including the COVID-19 Vaccination Policy; COVID-19 Vaccine FAQs; and tutorials on how to use the SFPUC Employee Portal to upload vaccination status. (Attachment L.)

D. Notice of Non-Compliance with COVID-19 Vaccination Policy

In addition to emailing the notice of non-compliance with the COVID-19 Vaccination Policy, HRS also mailed you a hard copy of the notice to your address on file on September 28, 2021. The SFPUC again reminded you about the requirement to be fully vaccinated by November 1, 2021, and that if you do not comply, "you will be subject to separation from your City employment if you do not receive your final dose by the applicable deadline." (Attachment M.)

E. 1:1 Discussions Regarding Your Vaccination Status

On September 28, 2021, in an effort to ensure that you understood the requirements of the COVID-19 Vaccination Policy and the severe consequences for non-compliance after November 1, John O’Connell, Chief Stationary Engineer, Sewage Plant, spoke with you because City records indicated that you had not yet met the City’s requirement for vaccination and/or reporting using talking points provided by DHR. (Attachment M.) You were again reminded that City policy requires all employees to be fully vaccinated by November 1, 2021. O’Connell also offered to assist you with reporting your vaccination status or scheduling a vaccination appointment; explained the importance of getting vaccinated because of the need to have a safe workplace; and provided contact information for resources where you could ask questions about COVID-19 vaccines. They also explained that exceptions to the vaccine requirement are available for those with a qualifying medical condition that interferes with someone’s ability to receive the vaccine or a sincerely held religious belief that prevents the person from receiving the vaccine, and explained that if you wanted to request an exemption, you should do so as soon as possible. In addition, they explained that “if you do not receive your final dose by October 18th, you will not meet the requirements for City employment and you will be released from City employment.”

You were asked to sign a COVID-19 Vaccination Discussion Acknowledgement form to confirm that this discussion took place. You refused to sign the form. (Attachment N.)

F. COVID-19 Vaccination Exemption Request

You submitted a COVID-19 Vaccination Exemption Request as a reasonable accommodation, and your request was denied. On October 29, 2021, Rachel Gardunio, Employee & Labor Relations Manager, emailed you stating that City policy now requires you be in compliance with the City’s COVID-19 vaccination requirements and informed you that you were required to receive your first dose of a COVID vaccine immediately and provide a copy of your vaccination record. (Attachment O.)

To date, you have failed to receive your first dose of a COVID vaccine and provide documentation of your vaccination record.

II. Applicable Rules and Regulations

A. CCSF COVID-19 Vaccination Policy

The City’s COVID-19 Vaccination Policy required all City employees to report their vaccination status to the City by August 12, 2021, and all City employees (who do not work in high-risk settings) to be fully vaccinated as a condition of employment within ten weeks after the FDA provides final approval to at least one COVID-19 vaccine unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction, or for sincerely-held religious beliefs.

Once the November 1, 2021 vaccination deadline is reached,) the vaccination and reporting requirements are conditions of City employment and a minimum

qualification for all City employees. The policy informs employees that failure to comply with the Vaccination Policy, and meet the minimum qualifications of the position, may result in a disciplinary action, or non-disciplinary action from employment.

(Attachment B.)

B. SFPUC New Employee Orientation Handbook

Section 11.2 of the *SFPUC New Employee Orientation Handbook* defines misconduct as, among other things:

- Failure to Follow Rules and Regulations/Failure to Follow Instructions: When an employee disobeys rules and regulations.
- Inattention to Duties: Failure to perform assigned duties at an acceptable level for reasons such as undue carelessness, negligence, or intentional disregard.
- Insubordination: When an employee disobeys authority, refuses to follow a reasonable directive from a duly authorized supervisor or manager, or will not comply with established procedure.

(Attachment P.)

The *SFPUC New Employee Orientation Handbook* also sets forth “Special Circumstances” at Section 11.2.1.1, which are those actions that, “[t]he City Charter considers ... to be most serious, and possible grounds for termination.” Included amongst the acts of misconduct that are considered “special circumstances” are:

- Acts that present immediate danger to public health and safety.

(Attachment P.)

III. Disciplinary Charges

- A.** Violation of CCSF COVID-19 Vaccination Policy; Failure to Follow Rules and Regulations/Failure to Follow Instructions; Insubordination; Inattention to Duty; and Acts which present an immediate danger to public health and safety.

While the SFPUC and the City value your contribution and service to the SFPUC and its ratepayers, the City has an obligation to provide a safe and health workplace to protect its employees and the public as it reopens services and returns more employees to the worksite, and vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Unvaccinated employees are at a greater risk of contracting and spreading COVID-19 within the workplace and City facilities, and to the public that depends on City Services.

On June 23, 2021, the City adopted the COVID-19 Vaccination Policy which made reporting vaccination status and getting fully vaccinated by November 1, 2021, a condition of City employment and a minimum qualification for all City employees, including you. The Vaccination Policy stated that failure to comply may result in

disciplinary action, or non-disciplinary separation from employment for failure to meet the minimum qualifications.

Despite repeated communications from the SFPUC about the requirements of the Vaccination Policy and the potential consequences, including dismissal from your City employment, you have failed to comply with the policy. The SFPUC and City have provided multiple opportunities for you to get vaccinated and, if needed, direct your questions to qualified medical professionals. Unfortunately, you have declined to be vaccinated. Because your failure to comply with the vaccination requirement endangers the health and safety of the City’s workforce, including yourself, and the public we serve, the SFPUC has no choice but to dismiss you from your position.

IV. Conclusion

The above charges, independently and collectively, support this recommendation of dismissal. Enclosed with this letter are the materials upon which the charges and proposed dismissal are based:

Attachment A.	San Francisco Administrative Code Sec. 16.17 Paid Administrative Leave
Attachment B.	CCSF COVID-19 Vaccination Policy
Attachment C.	HRS COVID-19 Digest #69 – New Vaccination and Face Covering Policy for City Employees
Attachment D.	HRS COVID-19 Digest #70 – Submit Your COVID-19 Vaccine Status via the SF Employee Portal
Attachment E.	HRS COVID-19 Digest #72 – Vaccine Status Reporting
Attachment F.	HRS COVID-19 Digest #73 – Vaccination Reporting Reminder
Attachment G.	HRS COVID-19 Digest #74 – COVID-19 Vaccination Status Reporting Requirement
Attachment H.	HRS COVID-19 Digest #75 – Vaccine Status Reporting – Extended Deadline and COVID-19 Vaccination Medical and Religious Exemption Request
Attachment I.	HRS COVID-19 Digest #76 – Employee Vaccination Deadline
Attachment J.	HRS COVID-19 Digest #77 – COVID-19 Vaccination Events and Vaccine Exemption
Attachment K.	September 27 th Vaccination Event email
Attachment L.	URGENT: Non-Compliance with COVID-19 Vaccination Policy email
Attachment M.	September 28, 2021 Vaccination Status Letter
Attachment N.	Conversation with Employee and COVID-19 Vaccination Discussion Acknowledgement
Attachment O.	ACTION NEEDED – COVID-19 Vaccination Policy
Attachment P.	SFPUC New Employee Orientation Handbook

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Norby".

Greg Norby
Assistant General Manager, Wastewater Enterprise

cc: George Engel, Wastewater Enterprise, Division Manager
Michael Ho, Acting Employee & Labor Relations Manager, HRS
Official Employee Personnel File – Eliasson, Eric

ATTACHMENT A

SEC. 16.17. PAID ADMINISTRATIVE LEAVE.

(a) Appointing Officers, as defined in Administrative Code Section 2A.30, in the City and County of San Francisco are authorized, but not required, to place any City employee in their department on paid administrative leave under the following circumstances:

(1) When the City has initiated an investigation relating to an employee's conduct, and the Appointing Officer determines that the employee should be placed on leave during some or all of the investigation in order to protect the legitimate interests of the City, including but not limited to, potential interference with the effectiveness of the investigation, or potential harm to employees, to the public interest or to the operation of the City, for a period of time beginning not earlier than the start of the investigation and ending not later than the date the investigation is completed, subject to a maximum of thirty (30) calendar days;

(2) When the City requires an employee to submit to drug and/or alcohol testing pursuant to the terms of a City or departmental policy, a Memorandum of Understanding between the City and a recognized employee organization, or local, state or federal law, for the period of time between the date the City directs the employee to submit to such testing until the employee refuses such testing or the testing is completed and the City is advised of the results of the testing, subject to a maximum of thirty (30) calendar days;

(3) When the City medically removes an employee pursuant to standards set forth by the California Occupational Safety and Health Administration in Title 8 of the California Code of Regulations;

(4) When the City requires an employee to undergo a fitness for duty examination pursuant to Civil Service Rules 116, 216, 316, 416, or any similar successor rules, for up to the period of time from the date the City directs the employee to undergo a fitness for duty examination until: (i) the date the examination is completed and the City is notified by the examining physician whether the employee is fit for duty; or (ii) the date the employee refuses examination. Paid administrative leave under this subsection is subject to a maximum of thirty (30) calendar days. In the event that the examining physician does not notify the City that the employee is fit for duty on the day of the examination, the Appointing Officer shall place the employee on compulsory sick leave pursuant to the Civil Service Rules starting on the business day following the examination. Should the examining physician thereafter declare the employee fit for duty, the City shall restore any sick leave deducted between the date of the examination and the date the City is so notified or, in the event the employee has no accrued sick leave, any lost compensation for the same period.

(b) While an employee is on paid administrative leave the employee shall receive the compensation he or she would have earned if the employee had worked during the same period, without the inclusion of overtime earnings or special pay.

(c) The Appointing Officer shall have the discretion to remove an employee from paid administrative leave at any time during the period of paid administrative leave.

(d) Subject to the prior written approval of the Director of the Department of Human Resources, the Appointing Officer may extend paid administrative leave one (1) time consistent with this Section for no more than an additional thirty (30) calendar days. For Service Critical Employees employed by the Municipal Transportation Agency, the Director of the Municipal Transportation Agency may extend paid administrative leave one (1) time consistent with this Section for no more than an additional thirty (30) calendar days. Under no circumstances may an employee be on paid administrative leave for more than sixty (60) calendar days relating to the same incident.

(e) The City's ability to place employees on paid administrative leave under this section is in addition to, not in lieu of, its right to place employees on unpaid administrative leave under Charter Section A8.341, or any similar successor Charter Section. The City may elect to place an employee on paid or unpaid administrative leave as permitted under this Section or under Charter Section A8.341. Further, the City may place an employee on paid administrative leave either before or after the employee is placed on unpaid administrative leave.

(f) Nothing herein shall limit or prohibit compliance with the regulations of the California Occupational Safety and Health Administration in Title 8 of the California Code of Regulations.

(Added by Ord. [174-11](#), File No. 110622, App. 9/12/2011, Eff. 10/12/2011)

ARTICLE III:

[RESERVED]

ATTACHMENT B



COVID-19 Vaccination Policy

Issued: 6/23/2021

Amended 8/6/2021

Amended 9/8/2021

Amended 10/27/2021

10/27/2021 Revision: *This revision updates the vaccination policy for city employees who are required to be fully vaccinated against COVID-19 by November 1, 2021. The revision does **not** apply to city employees who had an earlier deadline for vaccination (e.g., September 30 or October 13, 2021).*

This revision modifies the policy to allow departments discretion to allow, as necessary for continuity of critical City operations, employees who can demonstrate that they have received at least their first dose of a COVID-19 vaccine regimen to continue work after November 1 subject to certain requirements and restrictions. All partially vaccinated employees must document that they are fully vaccinated by no later than December 6, 2021.

PURPOSE STATEMENT

The City and County of San Francisco (City) must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as it reopens services and returns more employees to workplaces.

According to the federal Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the San Francisco County Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated employees, interns, fellows, and volunteers are at greater risk of contracting and spreading COVID-19 within the workplace and City facilities, and to the public that depends on City services.

To best protect its employees and others in City facilities, and fulfill its obligations to the public, all employees must, as a condition of employment: (1) report their vaccination status to the City; and (2) be fully vaccinated and report that vaccination status to the City no later than either the applicable deadline under the San Francisco Health Order, if it applies, or 10 weeks after the Federal Food & Drug Administration (FDA) giving final approval to at least one COVID-19 vaccine (November 1, 2021).

LEGAL REQUIREMENTS

On June 17, 2021, Governor Newsom issued Executive Order No. N-09-21, which implements new California Division of Occupational Safety and Health (Cal/OSHA) rules, effective June 17, 2021. These rules require employers to take specific measures to protect employees from COVID-19, including enforcing masking and quarantine requirements, and offering COVID-19 testing and time off, for employees who are unvaccinated or for whom the employer does not have documentation verifying

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they are fully vaccinated. The Cal/OSHA rules require employers to verify and document that an employee is fully vaccinated before allowing that employee to discontinue masking indoors. For unvaccinated employees or employees for whom the City does not have documentation verifying fully vaccinated status, the City must enforce masking, provide COVID-19 testing following a close contact in the workplace or anytime they have COVID-19 symptoms, and exclude these employees from the workplace for 10 days after a close contact. Upon request, the City also must provide non-vaccinated employees with respirators (N95 masks) and provide education about using that type of mask.

On July 26, 2021 CDPH issued an Order ([CDPH Vaccination Status Order](#)) that workers in high-risk and other healthcare settings must report their vaccination status no later than August 23, 2021. The CDPH Vaccination Status Order also requires routine testing and more rigorous masking for unvaccinated or only partially vaccinated personnel working in these settings.

On August 24, 2021, the San Francisco Health Officer updated the [SF Health Order](#) requiring all employers to determine the vaccination status of employees who routinely work onsite in high-risk settings by no later than September 30, 2021 and precluding unvaccinated employees from entering those facilities after that date, and precluding unvaccinated employees who may occasionally or intermittently enter those settings from entering those facilities after October 13, 2021. This order further requires employees (among others) to remain masked in the workplace, effectively superseding the Cal/OSHA COVID-19 Temporary Emergency Standard which allows vaccinated employees who had documented that status to remove their masks.

On August 2, 2021 DHR issued a revised policy Face Coverings at Work Policy that can be found here: <https://sfdhr.org/sites/default/files/documents/COVID-19/Face-Covering-Requirements-at-Work.pdf>

On August 5, 2021, CDPH issued a new Order ([Health Care Worker Vaccine Requirement](#)) mandating all workers who provide services or work in identified health care facilities to receive their final dose of a vaccine regimen *no later than September 30, 2021*. The only exemptions to the Health Care Worker Vaccine Requirement are for workers who have a documented and [approved exemption](#) from vaccination on the basis of a sincerely-held religious belief or due to a qualifying medical condition or restriction.

STATEMENT OF POLICY

Definition of "Employees" Under This Policy

For purposes of this policy only, the term "employees" includes all full, part-time, and as-needed City employees regardless of appointment type, volunteers, interns, and City fellows (such as San Francisco Fellows, McCarthy Fellows, Fish Fellows, and Willie Brown Fellows).

Requirement to Report Vaccination Status

To protect the City's workforce and the public that it serves, all City employees were required to report their vaccination status to the City by July 29, 2021 (with a subsequent extension to August 12, 2021), by providing the following information:

- Whether the employee is vaccinated (yes or no)
- For employees who are vaccinated or partly vaccinated:

- The type of vaccine obtained (Moderna, Pfizer, or Johnson & Johnson, or other vaccine received in approved clinical trials)
- Date of first dose vaccine;
- Date of second vaccine for a 2-dose vaccine;
- Declaration under penalty of perjury that they have been fully vaccinated, and
- Upload documentation verifying proof of vaccination status. Proof of vaccination can include a copy of the CDC COVID-19 Vaccination Record Card, documentation of vaccine from the employee's healthcare provider, or documentation issued by the State of California by going to: <https://myvaccinerecord.cdph.ca.gov/>

To be fully vaccinated, 14 days must have passed since an employee received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. All unvaccinated employees must continue to comply with masking, testing, and other safety requirements until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy. Employees who previously reported that they were unvaccinated must update their status once they are fully vaccinated.

Failure to comply with the reporting requirement may result in discipline, or non-disciplinary separation from employment with the City for failure to meet the minimum qualifications of the job.

How to Report Vaccination Status

Volunteers, interns, and City fellows must verify that they are fully vaccinated to the Departmental Personnel Officer or Human Resources professional by showing a copy of their CDC COVID-19 Vaccination Record Card, documentation from the individual's healthcare provider, or documentation issued by the State of California as described above. The department must retain documentation that the individual's vaccination status has been verified **but must not retain copies of the individual's vaccination record.**

All other employees must report their vaccination information and upload documentation verifying that status into the City's People & Pay system using the Employee Portal or by hand using the COVID-19 Vaccination Status Form. Only City employees authorized to access employee personnel information will have access to the medical portion of the file. The City will share information about an employee's vaccination status only on a need-to-know basis, including to the employee's department, managers, and supervisors for the purpose of enforcing masking, quarantining in the event of a close contact, and other safety requirements.

Vaccination Requirements for Employees

1. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees routinely assigned to or working onsite in high-risk settings must receive their final dose of a vaccine regimen no later than September 30, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who are routinely assigned to or working onsite in high-risk settings. Those employees who fail to meet the vaccination and reporting requirements under

this Policy will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.

2. To comply with the CDPH Health Care Worker Requirement and ensure delivery of City services, City policy requires that all City employees who are not otherwise covered by the SF Health Order, but who provide services or work in the health care facilities identified in the state's order, must receive their final dose of a vaccine regimen no later than September 30, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious-beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees provide services or work in the health care facilities identified in the state's order. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and unable to perform an essential function of their job, and therefore will not meet the minimum requirements to perform their job.

3. To comply with the SF Health Order and ensure delivery of City services, City policy requires that all City employees who in the course of their duties may enter or work in high-risk settings even on an intermittent or occasional basis or for short periods of time must be fully vaccinated — no later than October 13, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious beliefs. Any employee who is requesting or has an approved exemption must still report their vaccination status to the City by the August 12, 2021 extended deadline. The vaccination and reporting requirements are conditions of City employment and a minimum qualification for employees who in the course of their duties may enter or work in high-risk settings even on an intermittent or occasional basis or for short periods of time. Those employees who fail to meet the vaccination and reporting requirements under this Policy will be unable to enter the facilities and therefore unable to perform an essential function of their job and will not meet the minimum requirements to perform their job.

4. Volunteers, interns, and City fellows must be fully vaccinated – and must have reported that status and providing documentation verifying that status to the Departmental Human Resources personnel – as a condition of serving as a City volunteer, intern or fellow. Those already working and who do not fall under the SF Health Order must be fully vaccinated no later than October 13, 2021. Failure to comply with this policy will result in suspension of the internship, fellowship, or volunteer opportunity until such time as the individual provides verification that they are fully vaccinated.

5. All other City employees must be fully vaccinated as a condition of employment within ten weeks after the FDA provides final approval to at least one COVID-19 vaccine (November 1, 2021). Employees who are not fully vaccinated by November 1, 2021 may not enter the workplace after that date. To maintain continuity of City operations, limited exceptions may be allowed for employees who demonstrate that they are partially vaccinated.

Office Environments

Departments have discretion, but are not required, to allow employees who work in office environments to work remotely provided the employees have received at least one dose of a COVID-19 vaccine regimen by November 1, 2021 and reported and documented that status to the City consistent with this Policy *and* the Department receives approval from the City Human Resources Director.

This is allowable for a maximum of up to three days (or 24 hours) per week. The remaining two days (or 16 hours), which are intended to be spent in person in the workplace, employees may use their accrued vacation or other non-sick leave time to cover those work hours that unvaccinated or partially vaccinated employees are restricted from the workplace due to not being fully vaccinated as required by City Policy. Employees who are partially vaccinated and have received written approval to work remotely after November 1, 2021 must report and document that they are fully vaccinated no later than **December 6, 2021**.

Non-office Environments

Departments have discretion, but are not required, to allow employees to enter the workplace after November 1 provided, the employees have received at least one dose of a COVID-19 vaccine regimen by November 1, 2021 and reported and documented that status to the City consistent with this Policy. Employees who are permitted in the workplace after November 1, 2021 must report and document that they are fully vaccinated no later than **December 6, 2021**.

Employees who are not fully vaccinated against COVID-19 and who are permitted in the workplace after November 1, 2021 must continue to wear a well-fitted mask at all times while at the workplace. Departments are strongly encouraged to require employees who are not yet fully vaccinated after November 1, 2021 to test at least once weekly and provide proof of a negative COVID-19 test result until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy.

Failure to comply with this Policy may result in a disciplinary action, or non-disciplinary separation from employment for failure to meet the minimum qualifications of the job.

Requesting an Exemption from the Vaccination Requirement

Employees with a medical condition or other medical restriction that affects their eligibility for a vaccine, as verified by their medical provider, or those with a sincerely held religious belief that prohibits them from receiving a vaccine, may request a reasonable accommodation to be excused from this vaccination requirement but must still report their status by the August 12, 2021 extended deadline. The City will review requests for accommodation on a case-by-case basis and engage in an interactive process with employees who submit such requests. For some positions where fully vaccinated status is required to enter the facility where the employee works, an accommodation may require transfer to an alternate vacant position, if available, in another classification for which the employee meets the minimum qualifications. Requests for Reasonable Accommodation forms and procedures can be found here: <https://sfdhr.org/new-vaccine-and-face-covering-policy-city-employees>

COVID-19 VACCINATION COMPLIANCE DEADLINES ADDENDUM TO VACCINATION POLICY AMENDED AUGUST 5, 2021

Below are the vaccination status reporting deadlines for City employees.

COVID-19 VACCINATION STATUS REPORTING DEADLINES	
July 29, 2021	Reporting Deadline
August 12, 2021	Grace Period - Final day to report vaccination status

Below are the vaccination deadlines for City employees. City employees working in high-risk settings are subject to non-disciplinary release if not vaccinated by the deadlines referenced below for failure to meet the minimum qualifications of their jobs.

COVID-19 VACCINATION DEADLINES BY EMPLOYEE TYPE	
<p>Employees who are assigned to or routinely work onsite in High-Risk Settings or other Health Care Facilities</p>	<p>Must receive their final dose of a vaccine regimen <i>no later than September 30, 2021.</i></p> <ul style="list-style-type: none"> • Moderna: First shot <i>no later than September 2, 2021</i>; Second shot <i>no later than September 30, 2021.</i> • Pfizer: First shot <i>no later than September 9, 2021</i>; Second shot <i>no later than September 30, 2021.</i> • Johnson & Johnson: First shot <i>no later than September 30, 2021</i>
<p>Employees intermittently or occasionally working in "High-Risk Settings"</p>	<p>Must be fully vaccinated <i>no later than October 13, 2021.</i></p> <ul style="list-style-type: none"> • Moderna: First Shot <i>no later than September 1, 2021</i>; Second Shot <i>no later than September 29, 2021</i> • Pfizer: First Shot <i>no later than September 8, 2021</i>; Second Shot <i>no later than September 29, 2021</i> • Johnson & Johnson: First Shot <i>no later than September 29, 2021</i>
<p>All other employees not working in "High-Risk" or other health care settings</p>	<p>Must be fully vaccinated <i>no later than November 1, 2021.</i></p> <ul style="list-style-type: none"> • Moderna: First shot <i>no later than September 20, 2021</i>; Second shot <i>no later than October 18, 2021.</i> • Pfizer: First shot <i>no later than September 27, 2021</i>; Second shot <i>no later than October 18, 2021.</i> <p>Johnson & Johnson: First shot <i>no later than October 18, 2021.</i></p> <p>For continuity of City operations limited exceptions may be made for partially vaccinated employees. Such employees must report and document they are fully vaccinated no later than December 6, 2021.</p> <p><i>Office environments:</i> Departments have discretion to allow employees to work remotely, if they are not fully vaccinated, but have received at least the first dose of a COVID-19 vaccine series. Written approval required</p> <p><i>Non-office environments:</i> Departments have discretion to allow employees at the worksite after November 1, 2021 if they are not fully vaccinated but have received at least the first dose of a COVID-19 vaccine series. Masking required.</p>

ATTACHMENT C



HRS COVID-19 Digest #69

June 24, 2021

New Vaccine and Face Covering Policy for City Employees

We'll Cover:

- Message from the Department of Human Resources (DHR)
- New Vaccine Policy for City Employees
- New Face Covering Policy for City Employees
- Reminders

Today's digest is a message from the Department of Human Resources (DHR) on the [New Vaccine](#) and [Face Covering](#) Policy for City Employees. **Please be prepared to report your vaccination status to the City no later than July 29, 2021** (review the policies for exemptions), and if you are fully vaccinated, provide documentation to verify the status. Stay tuned for more guidance on uploading your verification to the Employee Portal.

Derek Kim
Deputy People Officer
Human Resource Services



Dear City employee-

According to the federal Centers for Disease Control (CDC), the California Department of Public Health, and the San Francisco County Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths.

This email is to provide you with information about the new vaccination related requirements for all City employees, which require all employees to:

1. report their vaccination status to the City no later than July 29, 2021, and if they are fully vaccinated, to provide documentation to verify that status; and
2. be fully vaccinated and report that vaccination status to the City no later than 10 weeks after the Federal Food & Drug Administration (FDA) gives final approval to at least one COVID-19 vaccine.

The policy will be effective as of Monday, June 28, 2021. All employees will have 30 days (until July 29, 2021) to report their vaccination status including documentation verifying that status, using the City's People and Pay system through a link that will be found on the Employee Portal. All employees must provide the name of vaccine, date(s) of vaccination, and upload documentation into the system. This information will remain protected under existing City standard procedures for keeping any protected information in your employee file confidential.

If you need assistance uploading your verification to the Employee Portal or have other related questions, please reach out to your department human resource representative.

As always, thank you for all you are doing to support the residents of the City and County of San Francisco.

Sincerely,
Carol Isen
Human Resources
Director
Resources

Department of Human

New Vaccine Policy for City Employees

City and County of San Francisco
Carol Isen
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

COVID-19 Vaccination Policy
Issued June 23, 2021
Effective June 28, 2021

PURPOSE STATEMENT

The City and County of San Francisco (City) must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as it reopens services and returns more employees to workplaces.

According to the federal Centers for Disease Control (CDC), the California Department of Public Health, and the San Francisco County Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths.

On June 17, 2021, Governor Newsom issued Executive Order No. N-09-21, which implements new State Division of Occupational Safety and Health (Cal/OSHA) rules, effective June 17, 2021. These rules require employers to take specific measures to protect employees from COVID-19, including enforcing masking and quarantine requirements, and offering COVID-19 testing and time off, for employees who are unvaccinated or for whom the employer does not have documentation verifying they are fully vaccinated. Unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace and to the public that depends on City services.

To best protect its employees and fulfill its obligations to the public, effective June 28, 2021, the City's policy is to require that all employees must, as a condition of employment: (1) report their vaccination status to the City; and (2) be fully vaccinated and report that vaccination status to the City no later than 10 weeks after the Federal Food & Drug Administration (FDA) gives final approval to at least one COVID-19 vaccine.

LEGAL REQUIREMENTS

Cal/OSHA's COVID-19 Temporary Emergency Standard, revised June 17, 2021 and effective June 17, 2021 by Governor Newsom's Executive Order No. N-09-21, requires employers to verify and document that an employee is fully vaccinated before allowing that employee to discontinue masking indoors (except at certain worksites where a face covering remains required even for fully-vaccinated employees). For unvaccinated employees or employees for whom the City does not have documentation verifying fully vaccinated status, the City must enforce masking, provide COVID-19 testing for employees following a close contact in the workplace or anytime they have COVID-19 symptoms, and exclude these employees from the workplace for at least

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10 days after a close contact. Upon request, the City also must provide non-vaccinated employees with respirators (N95 masks) and provide education about using that type of mask.

STATEMENT OF POLICY

To protect the City's workforce and the public that it serves, all City employees must report their vaccination status to the City. The City will use this information to enforce the Cal/OSHA masking, testing, quarantine and other requirements and compliance with this Policy.

In addition, except as otherwise provided below, all City employees must be fully vaccinated no later than 10 weeks after the FDA gives final approval to at least one COVID-19 vaccine. Employees with a medical condition or other medical restriction that affects their eligibility for a vaccine, as verified by their medical provider, or those with a sincerely held religious belief that prohibits them from receiving a vaccine, may request a reasonable accommodation to be excused from this vaccination requirement. The City will review requests for accommodation on a case-by-case basis consistent with existing procedures for reasonable accommodation requests. Employees who previously reported that they were unvaccinated must update their status once they are fully vaccinated.

Failure to comply with this policy may result in discipline up to and including termination of employment.

Process for Reporting Vaccination Status

All City employees must report their vaccination status into People and Pay using the COVID-19 Vaccination Status Form no later than July 29, 2021, with the following information:

- The type of vaccine obtained (Moderna, Pfizer, or Johnson & Johnson);
- Date of first dose of vaccine;
- Date of second dose of vaccine for a 2-dose vaccine;
- Declaration under penalty of perjury that they have been fully vaccinated; and
- Uploaded documentation verifying proof of vaccination status. Proof of vaccination can include a copy of the CDC Covid-19 Vaccination Record Card, documentation of vaccine from the employee's healthcare provider, or documentation issued by the State of California by going to: <https://myvaccinerecord.cdph.ca.gov/>

To be fully vaccinated, 14 days must have passed since an employee received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. Employees who are not fully vaccinated but partially vaccinated as of July 29, 2021 shall provide that information. All unvaccinated employees must continue to comply with masking, testing, and other safety requirements until they are fully vaccinated and have reported and documented that status to the City consistent with this Policy.

Unless excused through an approved reasonable accommodation request, all employees must comply with the requirement to be fully vaccinated and submit documentation of that status no later than 10 weeks after the FDA gives final approval to at least one COVID-19 vaccine.

POLICY IMPLEMENTATION

Employees must report their vaccination information and upload documentation verifying that status into the City's People & Pay system using the Employee Portal. Only City employees authorized to access employee personnel information will have access to the medical portion of the file. The City will share information about an employee's vaccination status only on a need-to-know basis, including to the employee's department, managers, and supervisors for the purpose of enforcing masking and safety requirements.

The first date that a fully vaccinated employee who has provided verification and documentation of that status to the City is allowed to unmask at indoor work sites is July 6, 2021. Thereafter, Departments will receive updated information on a weekly basis. Fully vaccinated employees may not remove masks at work until their department has been provided with the information necessary to confirm their status and enforce these requirements.

New Face Covering Policy for City Employees

City and County of San Francisco
Carol Isen
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

Face Covering Requirements At Work COVID-19 Prevention Revised June 23, 2021

Revision Note: This Face Covering Requirements at Work policy (Policy) supersedes the Face Covering Requirements at Work policy issued June 5, 2020 and amended August 3, 2020. The revision complies with Governor Newsom's Executive Order No. N-09-21, which implements new State Division of Occupational Safety and Health (Cal/OSHA) rules effective June 17, 2021.

The changes in this Policy specify the face covering requirements for employees based on vaccination status, as reported and documented by employees pursuant to the Vaccine Policy issued June 23, 2021.

POLICY

This Policy applies to all City employees, except employees whose work is governed by the safety requirements in the Cal/OSHA Aerosol Transmissible Disease Standard (ATD Standard). The ATD Standard generally applies to workplaces where employees have an elevated risk of contracting disease, such as healthcare settings where patients are present, including hospitals, medical clinics, skilled nursing facilities, home health care, long-term healthcare facilities, medical transport, and paramedic response. If employees have questions about whether this Policy or the ATD Standard applies to them, they should ask their supervisor or departmental Human Resources personnel.

All employees subject to this Policy must comply with its requirements. Generally, employees are not required to wear face coverings when working outdoors. Employees who have submitted documentation to the City verifying that they are fully vaccinated are not required to wear face coverings indoors or outdoors, except as otherwise described in this Policy. Employees who have not submitted documentation verifying fully vaccinated status must wear a face covering indoors, except as otherwise described in this Policy.

The first date that a fully vaccinated employee who has provided documentation of that status to the City is allowed to unmask at indoor work sites is July 6, 2021. Thereafter, Departments will receive updated information on a weekly basis. Fully vaccinated employees may not remove masks at work until their department has been provided with the information necessary to confirm their status and enforce these requirements.

Departments must enforce face covering requirements for employees who have not submitted documentation to the City verifying that they are fully vaccinated. Upon request, departments must also provide employees who are not documented as fully vaccinated and who are working indoors or in vehicles with more than one person with respirators (N95 mask) for voluntary use (although these employees must wear some face covering, even if they elect not to wear a respirator). Departments must provide face coverings to any employee regardless of vaccination status.

These safety rules are essential to protect the health of City employees and the public. All employees subject to this Policy must comply with them. If an employee is unable to comply with this face covering requirement

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based on a qualifying disability or medical restrictions or because of a sincerely held religious belief, they may request an accommodation by contacting their departmental Human Resources representative.

Employees shall be sent home and may use sick leave, if available, during the interactive reasonable accommodation process, unless the department determines telecommuting is available and appropriate.

An employee who fails to comply with these face covering requirements will receive one direct notice of the requirement and will be given an immediate opportunity to comply with the requirement. If the employee does not immediately comply, the employee will be sent home on vacation or accrued leave, other than sick leave. If the employee does not comply with the requirement a second time, the City will proceed with discipline up to and including separation from employment. There is no tolerance for employees who will not adhere to these reasonable and necessary safety requirements.

Vaccination Status Defined

For purposes of this Policy and City employment, an employee is considered fully vaccinated when they have submitted documentation to the City verifying that it has been at least 14-days since their final dose of a COVID-19 vaccine, consistent with the City's Vaccination Policy. Employees who have not submitted proof of vaccination are considered unvaccinated.

Face Coverings Defined

A face covering means a surgical mask, a medical procedure mask, a voluntarily worn respirator, or a cloth covering that is two-layers, without holes, and that fits closely around and covers the nose, mouth, and surrounding areas of the lower face. Face coverings may not have a one-way valve (an "exhaust valve"), typically a small plastic square or disc on the front or side of the face covering, that is designed to allow easy exhaling.

Bandanas, scarves, turtlenecks, ski masks, balaclavas, plastic face shields, or single-layer fabric coverings are not acceptable.

Unvaccinated employees who have a medical exemption from wearing a face covering due to a medical condition or disability may wear an effective non-restrictive alternative, such as a face shield with a drape on the bottom, if their condition or disability permits it.

Face Covering Requirements

All employees, including fully vaccinated employees, must continue to wear face coverings at work in the following locations as required by State and Federal law:

- On public transit (airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares) and in transportation hubs (airport, bus terminal, marina, train station, seaport or other port, subway station, or any other area that provides transportation);
- Indoors at K-12 schools, childcare and other youth settings;
- Healthcare settings (including long-term care facilities);
- State and local correctional facilities and detention centers; and
- Homeless shelters, emergency shelters, and cooling centers.

In addition, in certain circumstances such as an outbreak, all employees regardless of vaccination status may be required to wear a face covering, regardless of whether working indoors or outdoors.

Face Covering Requirements
June 23, 2021

In certain circumstances, departments may determine that additional Personal Protective Equipment is necessary during high-risk activities or to comply with other governmental requirements. Any additional requirements must be included in the department's COVID-19 Prevention Plan required by Cal/OSHA.

Except as provided above and beginning July 6, 2021, **fully vaccinated** employees are not required to wear a face covering indoors if they have submitted the required documentation to the City. Employees who provide documentation after that will be allowed to remove face coverings in indoor workspaces on the Monday following the receipt of the necessary information to ensure that the departments may enforce the safety requirements.

Employees who are **unvaccinated** (including those who have not submitted documentation verifying their fully vaccinated status) must also continue to wear a face covering as follows:

- **Indoors:** Unvaccinated employees must wear a face covering indoors with the following exceptions:
 - When eating and drinking while maintaining 6-foot distancing;
 - When working alone in a private office so long as the employee can put on the face covering quickly if someone enters; and
 - When the employee's department determines that wearing a face covering while working would create a safety risk to the employee.
- **Vehicles:** Unvaccinated employees must wear a face covering when in a vehicle with another person.

Employees who are vehicle operators of a bus or public transit vehicle must continue to wear face coverings at all times, even if fully vaccinated.

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#)** (must be connected to network) or our [remote workspace](#) (no connection required).
- **Send your COVID-19 questions to covidinfo@sfwater.org.**

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To provide customers with high-quality, efficient, and reliable services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

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[Go to Currents](#)

ATTACHMENT D



HRS COVID-19 Digest #70

June 29, 2021

Submit Your COVID-19 Vaccine Status via the SF Employee Portal

We'll Cover:

- Submit Your COVID-19 Vaccine Status via the SF Employee Portal
- Changes to Employee Mask Requirements Starting July 6th
- Reminders

As a follow-up to last week's digest on the [New Vaccine and Face Covering Policy for City Employees](#), the Vaccination Portal is now live for employees to submit their vaccination status. You can access it by logging into the Employee Portal through the Employee Gateway where a new section has been added titled "HR INFORMATION (NEW)". See below for detailed instructions on accessing the Vaccination Portal and submitting your COVID-19 vaccine status. As a reminder, **please report your vaccination status to the City no later than July 29, 2021** (review the policies for exemptions), and if you are fully vaccinated, provide documentation to verify the status. Lastly, included is a statement from the Department of Human Resources (DHR) on **changes to the employee mask requirement starting July 6, 2021**. As always, send your questions to covidinfo@sfgwater.org.

A handwritten signature in black ink that reads "Derek Kim".

Derek Kim
Deputy People Officer
Human Resource Services

Submit your COVID-19 Vaccine status via the SF Employee Portal



SF EMPLOYEE PORTAL

- [Click here](#) or scroll down for instructions on how to submit your COVID-19 vaccine status via the Employee Portal
- [How to log into the SF Employee Portal for the first time](#)
- [How to clear browser cache](#)
- [COVID-19 Vaccination Policy](#) (effective 6/28/21)
- [COVID-19 Vaccine FAQs for CCSF Employees](#)

Step 1: Go to the **SF Employee Gateway** <https://sfgov.org/sfc/employee-gateway>
Step 2: Click the **SF Employee Portal** tile and log in. [If you have issues logging in click here to review an article to assist you.](#)

Welcome to the SF Employee Gateway

Select Language
Powered by Google Translate

Citywide Enterprise Applications

SF Employee Portal Employee Login

SF Data Support SF Employee Portal

MyApps Portal CA Apps and Systemic Email

STAY CONNECTED

f t y

Step 3: Once you arrive on the Portal main page, from the **MY LINKS** tab, Click the **EMPLOYEE LINKS** tab.



Step 4: On the Employee Links tab find HR Information (NEW).



Step 5: If this is your first time entering your Vaccine Status, click **"Add Vaccine Status"** and proceed to Step 6. If you need to update your Vaccine Status, click here to see the "Update/View Vaccine Status" article.



Step 6: A pop-up box will appear with three tabs. Please review the **Instructions** tab before you begin.



Step 7: Click on the **Form** tab to enter the required information. (Required information listed below for reference)



On the Form tab you will be required to input the following information:

1. Are you vaccinated?
2. Vaccine name
3. Date of first vaccination
Only enter the second date if you received the vaccine that required two doses.
4. Date of second vaccination

Step 8: Once you have entered your information, click the **Save** button before going to the next step. If you do not save your entry, the system will not allow you to upload your vaccine documentation. **Do not** click the submit button before uploading your vaccine documentation.

Instructions **Form** Attachments

COVID-19 Vaccination Status

Status: Initial

Please complete the form by indicating the name of vaccine received and the date(s) of your vaccination. If you had Johnson single-dose vaccine, please place the date of your vaccination in the "Date of First Vaccination".

Are you vaccinated?

Vaccine Name:

Date of First Vaccination:

Only enter the second date if you received the vaccine that required two doses.

Date of Second Vaccination:

Please submit the documentation of your COVID-19 vaccination. This can be an image of your vaccination card, a photo of your physician, or documentation issued by the State of California by going to <http://myvaccineservices.cdph.ca.gov>.

To upload an attachment, first click the save button below.

After the form is saved, click on the Attachments tab above. Navigate to the upload button and search for your document. The document should also be included in the description field. Once you have uploaded your document, return to the form to complete.

Save

Step 9: Click the **Attachments** tab to upload your vaccine documentation.

Instructions Form **Attachments**

Step 10: Click the **Attach** button to select the vaccination documentation you have saved to your computer/phone.

Instructions Form **Attachments**

COVID-19 Vaccination Status

Attached File	Open
1	Open

Add your attachments

Search:

Description:

Attach

Step 11: Click the **Choose File** button to locate the vaccination documentation you have saved to your computer/phone and click the **Upload** button.



Your file will appear below once attached. You may also add a Description.



Step 12: Click the **Form** tab to finalize your submission. On the **Form** tab, click the **Submit** button for completion.

The screenshot shows a web form titled "COVID_19_Vaccination_Status". At the top, there are three tabs: "Institutions", "Form" (which is selected and highlighted), and "Attachments". Below the tabs, the form ID "Seq Nbr 53" is visible on the left, and the title "COVID_19_Vaccination_Status" is centered. On the right side, there are two buttons: "Preview/Approve" and "Submit".

The main content area contains the following text and form fields:

Please complete the form by indicating the name of vaccine received and the date(s) of your vaccination. If you have Johnson single-dose vaccine, please place the date of your vaccination in the 'Date of First Vaccination'.

Are you vaccinated?

Vaccine Name:

Date of First Vaccination:

Only enter the second date if you received the vaccine that required two doses.

Date of Second Vaccination:

Please submit the documentation of your COVID-19 vaccination. This can be an image of your vaccination card, a your physician, or documentation issued by the State of California by going to: myvaccinerecord.cdph.ca.gov.

To upload an attachment, first click the save button below.

After the form is saved, click on the Attachments tab above. Navigate to the upload button and search for your doc. should also name your document in the description field. Once you have uploaded your document, return to the completed report.

Please review the [COVID-19 Vaccine and Face Coverings Policy](#) memos and [Frequently Asked Questions](#), attached to the [How to Submit your COVID-19 Vaccine status via the SF Employee Portal Solution Article](#), published by the Department of Human Resources. Please send any questions to covidinfo@sfgov.org.

Changes to Employee Mask Requirements Starting July 6th



"Starting on July 6, 2021, employees who are fully vaccinated and have reported this to the City will be able to go unmasked in most settings unless masking is otherwise required by local, state, or federal regulation. Employees who are unvaccinated or not fully vaccinated or who have not reported their vaccination status to the City must continue to wear a mask consistent with the [City's Face Covering Policy](#). Employees may continue to wear a mask at the worksite even if they are vaccinated. Employees who wear masks should not be assumed to be unvaccinated. For example, the City must comply with federal, state and local regulations requiring masking regardless of vaccination status in various settings, including transportation hubs, correctional facilities, shelters, congregate settings and health care settings."

Employees should only be allowed to remove their masks after the SFPUC HRS department provides a weekly report of which employees are allowed to be unmasked in the workplace (except where a mask is required regardless of vaccination status); not on a rolling basis, and not as soon as they have reported their status and uploaded their documentation. Please send any questions to covidinfo@sfwater.org.

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our remote workspace (no connection required).**
- **Send your COVID-19 questions to covidinfo@sfwater.org.**

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ATTACHMENT E



HRS COVID-19 Digest #72

July 13, 2021

Vaccine Status Reporting

We'll Cover:

- Vaccine Status Reporting
- Vaccination and Face Covering Policy Frequently Asked Questions (FAQ) for City and County of San Francisco (CCSF) Employees
- Reminders

Please see the message below from the [Department of Human Resources \(DHR\)](#) on vaccine status reporting and the vaccination and face covering policy frequently asked questions for City and County of San Francisco employees.

As a reminder, **report your vaccination status in the Vaccination Portal no later than July 29, 2021** (review the policies for exemptions), and if you are fully vaccinated, provide documentation to verify the status. Send your questions to covidinfo@sfgwater.org.

Here are some resources for uploading and reporting your COVID-19 vaccine status:

- [Instructions on how to submit your COVID-19 vaccine status via the Employee Portal](#)
- [COVID-19 Vaccination Policy](#)
- [How to log into the SF Employee Portal for the first time](#)
- [How to clear browser cache \(troubleshooting SF Employee Portal\)](#)

Derek Kim
Deputy People Officer
Human Resource Services

Vaccine Status Reporting



Thank you to all City employees who have reported their COVID-19 vaccine status either through the SF Employee Portal or with the assistance of human resources professionals.

Employees who have not yet had an opportunity to report their vaccination status are encouraged to do so as soon as possible and **no later than July 29, 2021**, per [City policy](#). Please see the attached [New Vaccination and Face Covering Policy Frequently Asked Questions \(FAQ\) for City and County of San Francisco \(CCSF\) Employees](#), for more information about the COVID-19 vaccines and vaccination reporting. Additionally, please see the list of links to online resources below or consult with your department's human resources professionals for further assistance.

It is not a violation of the Health Insurance Portability and Accountability Act ("HIPAA") to report vaccination status to the City. Vaccine status is confidential employee information and will be collected and stored in the same manner as all other confidential employee data in the City's SF People & Pay system. Vaccine status will be used only to ensure the City is meeting its obligations under Cal/OSHA guidelines which permit fully vaccinated employees to remove their face coverings at work.

To get vaccinated visit <https://sf.gov/get-vaccinated-against-covid-19>. Scheduled appointments and drop-in slots are available. Paid leave is also available for employees receiving their vaccination, [read more here](#).

Thank you for your cooperation and your hard work on behalf of the residents of the City and County of San Francisco.

Sincerely,

Carol Isen
Human Resources Director
Department of Human Resources

**Vaccination and Face Covering Policy Frequently Asked
Questions (FAQ) for City and County of San Francisco (CCSF)
Employees**



New Vaccination and Face Covering Policy FAQ for CCSF Employees Created July 12, 2021

To protect the health and safety of all City employees and the public, the City has implemented a new Vaccination Policy. The policy requires that all City employees:

1. Report their vaccination status, including verification documents, by July 29, 2021.
2. Be fully vaccinated and report that vaccination status to the City no later than 10 weeks after the Federal Food & Drug Administration (FDA) gives final approval to at least one COVID-19 vaccine. Per the July 8, 2021 [Health Order](#), City employees working in high-risk settings are required to be fully vaccinated by September 15th, 2021, regardless of whether the FDA has given final approval to a vaccine by that date.

ABOUT THE VACCINE

Is the COVID-19 vaccine safe?

Yes. COVID-19 vaccines have been thoroughly tested and are safe and effective. Before being authorized for use, all COVID-19 vaccines were tested in clinical trials involving tens of thousands of people of [different ages, races, and ethnicities](#) to make sure they meet all health and safety standards. Millions of people in the United States have now received COVID-19 vaccines and helped to slow the spread of the pandemic.

All 3 vaccines authorized and recommended in the United States offer very strong protection against COVID-19, especially against hospitalization and death:

- [Pfizer-BioNTech](#)
- [Moderna](#)
- [Johnson & Johnson / Janssen](#)

How do I get the COVID-19 Vaccine?

The City has created a webpage for people who live or work in San Francisco to find vaccination sites in San Francisco. Employees can schedule an appointment online at: <https://sf.gov/eetvaccinated>.

The City has also set up a call center to provide assistance over the phone. The number is (628) 652-2700. Appointments are widely available throughout the City and many sites also offer drop-in availability.

To learn more about vaccination locations in other counties, visit <https://www.vaccines.gov/> or text your zip code to 438829 or call 1-800-232-0233 to find vaccine locations near you. Many local options available. Type COVID vaccine near me into a smart phone to see nearby options.

VACCINATION REPORTING

How do I upload my vaccination status?

All employees must report their vaccination status into People and Pay using the COVID-19 Vaccination Status Form no later than July 29, 2021.

[Click here](#) for detailed instructions on how to submit your COVID-19 Vaccine status via the SF Employee Portal.

I don't have my vaccine card, where can I get a copy?

Employees can access their digital vaccine card here: [Digital COVID-19 Vaccine Record \(ca.gov\)](#).

Vaccination and Face Covering Policy FAQs
July 12, 2021

[Click here](#) for detailed vaccination reporting instructions for People and Pay.

I don't have computer access, how do I report my vaccination status?

Department human resource analysts can help employees without computer access input their vaccination status using a paper form. Speak with your department human resource professional for more information.

I am only partially vaccinated when should I record my status?

Employees have until July 29 to record their vaccine history and status. They will record the most updated information they have, even if their series is not complete.

If I am not vaccinated do I still need to report my status in People & Pay?

Yes, all employees must report, vaccinated or not, by July 29, 2021. Unvaccinated employees must continue to wear a mask indoors in the workplace.

Who will have access to view my reported vaccination status?

Department human resource professionals who are allowed to see confidential information in People and Pay will have access to employee vaccination status.

Is my vaccination status HIPAA protected?

Vaccination status is protected health information (PHI). The City will keep information about employee vaccination status confidential and it will be kept secure in the same manner as other confidential PHI that the City gathers and stores about its employees. Although vaccination information may be PHI, it is not a violation of the Health Insurance Portability and Accountability Act (HIPAA) for an employer to ask its employees to reveal their vaccination status or to ask employees to provide documentation showing their vaccination status. HIPAA's privacy rules only apply to HIPAA-covered entities, such as healthcare providers and health plans.

If an employer asks an employee to provide proof that they have been vaccinated in order to allow that individual to work without wearing a facemask or to protect the health and safety of their coworkers and the public, that is not a HIPAA violation. Reporting your own vaccination status to the City is also not a violation of the HIPAA.

The City and County of San Francisco uses PeopleSoft, one of the most secure and widely-used human resources database tools in the world, to collect and store confidential employee data. DHR takes employee privacy very seriously. Vaccination reporting data will only be seen by a small number of Human Resources professionals.

VACCINATION REQUIREMENT

Read the full Employee Vaccination Policy [here](#).

What does it mean to be fully vaccinated?

For purposes of the Vaccination Policy and City employment, an employee is considered fully vaccinated when they have submitted documentation to the City verifying that it has been at least 14-days since their final dose of a COVID-19 vaccine, consistent with the City's Vaccination Policy. Employees who have not submitted proof of vaccination are considered unvaccinated.

When will the vaccination requirement take effect?

For most City employees the requirement to become vaccinated is not effective until 10 weeks after the FDA gives final approval to at least one COVID-19 vaccine. The vaccines have been approved under the [Emergency Use Authorization \(EUA\)](#). Any of the vaccines that have been approved under the EUA would fulfill the vaccination requirement, not only the one(s) that ultimately receive full approval. Employees who test negative or test positive for COVID-19 antibodies are still required to receive the vaccine.

One South Van Ness Avenue, 4th Floor • San Francisco, CA 94103-5413 • (415) 557-4800

Per the [Health Order No.C19-07y](#) ordered July 8, 2021, City employees working in high-risk settings are required to be fully vaccinated, with limited exemptions, by September 15th. "High-Risk Settings" means certain care or living settings, including many congregate settings, where employees have contact with vulnerable populations and where the risk of COVID-19 transmission is higher. "High-Risk Settings" are defined by the health order as general acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails.

What are the exceptions to the vaccination requirement?

Reasons for not getting vaccinated are 1) a sincerely held religious belief that prevents the employee from receiving the vaccine, or 2) a qualifying medical reason, such as a disability, that interferes with the employee's ability to receive the vaccine.

Employees with a medical condition or other medical restriction that affects their ability to receive a vaccine, as verified by their medical provider, or those with a sincerely held religious belief that prohibits them from receiving a vaccine, may request a reasonable accommodation to be excused from this vaccination requirement. Those employees who work in high-risk settings (as defined in [Health Order No.C19-07y](#)) and who receive an exemption will be required to wear a well-fitted mask indoors in the workplace and undergo at least weekly surveillance testing. This is a requirement of the Health Order, and the City must comply with that order like other San Francisco employers.

The City will review requests for accommodation on a case-by-case basis consistent with existing procedures for reasonable accommodation. Except for employees working in high-risk settings defined above, vaccination exemptions will not be considered or approved until the FDA approves at least one vaccination.

WORKPLACE SAFETY

Read the full Face Covering Requirements at Work COVID-19 Prevention Policy [here](#).

If there is a mix of vaccinated and unvaccinated employees in an office space, does everyone need to wear a mask?

Employees who have not completed the form or uploaded documentation onto the employee portal will be required to wear a mask.

Can I still wear a mask even if I am vaccinated?

Certainly. You are welcome to continue with facial covering if it provides a level of person confidence and safety, though it is not required.

What qualifies as a face covering?

A face covering means a surgical mask, a medical procedure mask, a voluntarily worn respirator, or a cloth covering that is two-layers, without holes, and that fits closely around and covers the nose, mouth, and surrounding areas of the lower face. Face coverings may not have a one-way valve. Bandanas, scarves, turtlenecks, ski masks, balaclavas, plastic face shields, or single-layer fabric coverings are not acceptable.

Can individual offices require members of the public to wear a mask to receive services?

As of Tuesday, July 6, face coverings are no longer required for fully vaccinated visitors entering City Hall and other City facilities, except for certain limited settings such as healthcare, long-term care, public transit, correctional and shelter facilities. [Read the full City Administrator memo here.](#)

How will supervisors know who needs to be masked?

Employees will use the self-service function in people and pay to record their status. A roster of employees who are able to unmask indoors will be distributed weekly.

ADDITIONAL RESOURCES

- **Safety of COVID-19 Vaccines:** <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/safety-of-vaccines.html>
- **State's COVID webpage:** <https://covid19.ca.gov/vaccines/>
- **City's COVID webpage:** <https://sf.gov/covid-19-vaccine-san-francisco/>
- **Employee Assistance Program:** <https://sfhss.org/eap>

Reminders

- **Complete the Disaster Service Worker (DSW) Activation Survey.** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on Currents or our remote workspace (no connection required).**
- **Send your COVID-19 questions to covidinfo@sfwater.org.**

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[Go to Currents](#)

ATTACHMENT F



COVID-19 Digest #73
July 16, 2021

Vaccination Reporting Reminder

We'll Cover:

- Vaccination Reporting Reminder
- Reminders

If you haven't done so already, please report your COVID-19 vaccination status in the Vaccination Portal no later than **July 29, 2021** (review the policies for exemptions), and if you are fully vaccinated, provide documentation to verify the status. Review Digest [#70](#) and [#72](#) for more information on submitting your status.

Please see the vaccination reporting reminder below from the Department of Human Resources (DHR) and continue to send any questions to covidinfo@sfgov.org.

A handwritten signature in cursive script, appearing to read "Derek Kim".

Derek Kim
Deputy People Officer
Human Resource Services

Vaccination Reporting Reminder



All City employees must report their vaccination status to the City no later than **July 29, 2021**, and if they are fully vaccinated, to provide documentation to verify that status. The City's Vaccination policy may be found here: <https://sfdhr.org/sites/default/files/documents/COVID-19/COVID-19-Vaccination-Policy.pdf>

As we approach the July 29th deadline for all employees to report their vaccination status, DHR encourages you to reach out to your employees who have not yet reported. DHR has created an FAQ for employees to help answer any questions they may have. The FAQ may be found here: <https://sfdhr.org/sites/default/files/documents/COVID-19/Vaccination-and-Face-Covering-Policy-FAQs-for-Employees.pdf>

Some employees may not have access to or may have experienced difficulties in accessing the Employee Portal in Self Service. Below are links to resources to assist you and your employees in accessing the Employee Portal:

- [How to submit your COVID-19 vaccine status via the SF Employee Portal video and instructions](#)
- [How to view/update your COVID-19 vaccine status on the SF Employee Portal](#)
- [How to log into the SF Employee Portal for the first time](#)
- [How to clear browser cache](#)

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).**
- **Send your COVID-19 questions to covidinfo@sflower.org.**

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ATTACHMENT G



COVID-19 Digest #74
July 22, 2021

COVID-19 Vaccination Status Reporting Requirement / New Self-Screening for All Onsite Employees / COVID-19 Cases @ SEP & SFPUC Vaccination Event

We'll Cover:

- COVID-19 Vaccination Status Reporting Requirement
- New Self-Screening for All Onsite Employees
- COVID-19 Cases @ SEP & SFPUC Vaccination Event
- Reminders

Colleagues,

We have much to share with you regarding the COVID-19 vaccination status reporting requirement, a new health screening process, and an SFPUC Vaccination Pop-Up event. Please review the digest for details.

Thank you all for your dedication to the health and wellbeing of yourselves, your colleagues, and your community.

A handwritten signature in black ink, appearing to read "Derek Kim".

Derek Kim
Deputy People Officer
Human Resource Services

COVID-19 Vaccination Status Reporting Requirement
Due: July 29, 2021

Thank you to those who have reported their COVID-19 vaccination status. Employees who have not yet had an opportunity to report their vaccination status **must do so by Thursday, July 29th per [City policy](#)**.

We understand that you may have questions regarding the CCSF vaccination policy or the vaccine itself, [click here for Vaccination Policy frequently asked questions](#). We are actively working with City partners to address employee concerns around the vaccination requirement.

The July 29th deadline is a **reporting deadline**, not a deadline for vaccination completion. Our department's vaccination status data will inform these discussions and is necessary to comply with Cal/OSHA workplace safety requirements. Whether you are fully vaccinated, partially vaccinated, or not vaccinated, understanding the vaccination status of our workplace is incredibly important to keeping each other as well as the public we serve safe.

If you are having difficulty uploading your vaccination status, please [click here for detailed instructions](#) or you can also send your question to covidinfo@sfgov.org.

To make vaccination status reporting easier and more convenient, HRS staff is available to enter and upload vaccination status information for you.

If you:

- do not have access, or have limited access, to a computer/internet
- have experienced difficulties entering and uploading the vaccination information

You can work with your bureau/enterprise DPLs who will collect your documents and HRS staff will enter and upload the vaccination status for you.

New Self-Screening for All Onsite Employees Starting Monday July 26

For the past 18 months, we have all been doing our part to reduce the spread of COVID-19 by submitting daily health screenings whenever we work onsite. Those screenings will continue, but are going to be simplified.

Starting July 26, all onsite employees will now need to complete their daily health screenings online prior to or upon arriving at the worksite. The new health screening form will be found here: www.sfpuc.link/screen. Make sure to bookmark this link for quick reference – **the link will be live as of Monday, July 26.**

This easy-to-use form is very similar to the form we used at the beginning of the COVID-19 emergency, prior to developing the app. It can be completed from any computer or smartphone, anywhere. Just like with the onsite screening, you will be required to complete this screening every day before you can go onsite. And just like with the current system, you and your supervisor will receive an email to your sfgov.org email addresses immediately after you complete the screening letting you and them know if you passed the screening. Supervisors will also continue to have direct and instant visibility into their staff's screening status via the Manager's Health Screening Dashboard, which now does double duty as a verification of both health screening status and mask/no mask status.

If you do not have internet access at home or a smartphone, you may screen onsite using the iPads that were previously used by health screeners, or at a computer onsite. As each facility has different set-ups for this, if you need to screen onsite, please speak with your supervisor. Rick Nelson (RANelson@sfgov.org), Health Screening Program Manager, is also available to assist you with this, and if you have any questions or concerns regarding the health screening.

COVID-19 Cases @ SEP & SFPUC Vaccination Event

Due to 4 positive COVID-19 cases within a 14 day period, the SEP facility is in COVID outbreak status under Cal/OSHA guidelines through Friday, July 23rd (unless there's another positive case on site, in which case it extends another two weeks). All staff at the SEP are currently required to wear face coverings when indoors and out and to follow social distancing to the fullest extent possible. They should also wear face coverings fulltime even when visiting other locations. Contractors have also been directed to wear face coverings in SFPUC-controlled areas onsite and asked to wear face coverings fulltime through the end of the outbreak.

All employees are being offered the opportunity to get tested on SFPUC-time once per week until the outbreak ends.

Also, the SFPUC is hosting a COVID-19 vaccination event at the Southeast Treatment Facility! This event will be held on Tuesday, July 27th and is open to ALL SFPUC staff. The event features:

- The ability to get vaccinated with the Johnson & Johnson or Pfizer COVID-19 vaccine (your choice!) by staff from DPH.
- Dr. Fiona Wilson, DHR's supervising physician, who will be available to answer all of your COVID-19 vaccination-related questions.
- Staff from DHR who can assist in entering COVID-19 vaccination status into the DHR reporting system.

Covid-19 Vaccination Pop-up for PUC Employees

Stop by for your **free** COVID-19 vaccine.

Your choice of the Johnson & Johnson or Pfizer vaccine will be available.

WHEN Tuesday, July 27th
6:30 AM to 12:30 PM

WHERE 750 Phelps Street,
Building #850

BRING A State issued ID



- Visit the "Ask the Doc" table and get your questions about the vaccine answered.
- Staff will be on-site to help you upload your vaccination information.

*Appointments will be needed.



Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).**
- **Send your COVID-19 questions to covidinfo@swater.org.**

SFPUC Mission

To provide customers with high-quality, efficient, and reliable services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

SFPUC Core Values

Service | Excellence | Stewardship | Diversity | Safety | Inclusiveness

[Go to Currents](#)

ATTACHMENT H



COVID-19 Digest #75

August 4, 2021

Updated COVID-19 Safety Protocol for City Facilities and Operations/ Vaccine Status Reporting - Extended Deadline/ COVID-19 Vaccination Medical and Religious Exemption Request/ Well-Being Survey

We'll Cover:

- Updated COVID-19 Safety Protocol for City Facilities and Operations
- Vaccine Status Reporting - Extended Deadline
- COVID-19 Vaccination Medical and Religious Exemption Request
- Well-Being Survey
- Reminders

Colleagues,

Please see the memo below from Mayor London N. Breed and City Administrator Carmen Chu regarding the Updated COVID-19 Safety Protocol for City Facilities and Operations. In addition, the Department of Human Resources (DHR) has extended the deadline for vaccine status reporting and provided the procedure for COVID-19 Vaccination Medical and Religious Exemption Request. Lastly, the San Francisco Health Service System (SFHSS) would like your feedback via a quick and anonymous well-being survey.

Please continue to send any questions to covidinfo@sfgov.org.

Thank you all for your continued dedication to the health and well-being of yourselves, your colleagues, and your community.

A handwritten signature in black ink, appearing to read "Derek Kim".

Derek Kim
Deputy People Officer
Human Resource Services

Updated COVID-19 Safety Protocol for City Facilities and Operations

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

TO: Department Heads
FROM: Mayor London N. Breed and City Administrator Carmen Chu
RE: Updated COVID-19 Safety Protocol for City Facilities and Operations
DATE: August 2, 2021

With the surge in cases and increase in hospitalizations due to the highly transmissible Delta variant, and due to recent changes in CDC and CDPH recommendations around masking, San Francisco's Health Officer has updated the *Encouraging COVID-19 Vaccine Coverage and Reducing Disease Risks (Safer Return Together)* health order adding an indoor universal masking requirement ([Health Order](#)).

The updated order requires that all individuals, vaccinated and unvaccinated, wear a mask in indoor public settings at all times except for the limited circumstances described as part of the Health Order's Appendix A: Face Covering Requirements. This means that all individuals entering a City facility are required to wear a well-fitted mask consistent with DPH's mask guidance ([Mask Guidance](#)), though there are some settings like acute care hospitals where an N95, respirator or surgical mask is required under state or local rules.

The purpose of this memo is to provide specific guidance for our facilities and operations related to the updated order. To the extent allowed by state or federal rules requiring face coverings for unvaccinated people, wearing a well-fitted mask is not required in the following situations:

Indoors While Alone. A person does not need to wear a Well-Fitted Mask when they are alone in a City facility or in a completely enclosed space such as an office, and other people are not likely to be in the same space. If another person enters the enclosed space, both people must wear a Well-Fitted Mask for the duration of the interaction. Individuals must wear Well-Fitted Masks whenever they are in semi-enclosed spaces such as cubicles and common areas, such as firehouses, lobbies, and elevators. A Well-Fitted Mask must be worn if the person is in an indoor public space where others are routinely present.

Active Eating and Drinking. People may remove their Well-Fitted Mask while actively eating or drinking. People are urged to be seated at a table or positioned at a stationary counter or place while eating or drinking. While office breakrooms and other eating areas may remain open, the following guidelines must be followed:

- o As a condition for employees to remove their masks and eat or drink in breakrooms, the breakroom must use at least one of the three DPH-approved ventilation strategies: 1) all available windows and doors accessible to fresh

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

outdoor air are kept open as long as air quality and weather conditions permit; 2) fully operational HVAC system; or 3) appropriately sized portable air cleaners in each room.

- Employees should be notified that they are advised against eating indoors in a breakroom or other common area to the greatest extent possible. Where feasible, departments should provide an outdoor area where employees can eat their meals. If employees must eat indoors, encourage employees to eat away from others, including at their own desks or workspaces.
- Departments should stagger and schedule breaks for their employees and the use of break rooms or other similar indoor spaces to avoid crowding and help limit socializing.
- Departments should post the "Take a Break Safely" sign in any break room, cafeteria, or similar indoor space. The sign is available online ([Take a Break Safely](#)).

Motor Vehicles. A person does not need to wear a Well-Fitted Mask when in a City vehicle if alone and the vehicle is not regularly used by other individuals. But a Well-Fitted Mask is required when more than one person is in the vehicle or if the vehicle is regularly used by others. People are strongly encouraged to roll down the vehicle's windows for ventilation when there is more than one occupant in a vehicle.

Showering, Personal Hygiene, or Sleeping. People may remove their Well-Fitted Mask only while showering or actively engaging in personal hygiene that requires removal of the Well-Fitted Mask, including at a gym or other facility. People may remove their Well-Fitted Mask while sleeping in indoor public settings (e.g., firehouses).

Gyms and Recreational Sports. Participants in indoor recreational sports, gyms, and yoga studios may not remove their Well-Fitted Masks except while actively engaged in water-based sports (swimming, swim lessons, diving, water polo) and other sports where masks create imminent risk to health (e.g., wrestling, judo).

The Real Estate Division will be updating signage at entrances of all City buildings it manages to reflect the new universal masking requirement. Departments can find updated face covering signage online as part of the Outreach Toolkit ([COVID-19 Toolkit](#)).

We know that vaccinating as many people as possible, as soon as possible, is our best defense against COVID-19, the delta variant, and the harm it can do to our communities. We must continue working together to ensure that as many eligible people as possible get vaccinated. For more information on COVID-19 vaccines, visit [Get Vaccinated](#).

Links from the above memo:

- [Heath Order](#)
- [Mask Guidance](#)
- [Take a Break Safely](#)
- [COVID-19 Toolkit](#)
- [Get Vaccinated](#)

COVID-19 Vaccination Status Reporting Requirement Deadline Extended: August 12, 2021



Employees who have not yet reported their vaccination status to the City have been provided a 2-week grace period (**until August 12, 2021**) to do so. If this applies to you, please be sure to complete it by the extended deadline.

If you are having difficulty uploading your vaccination status, please [click here for detailed instructions](#) or you can also send your question to covidinfo@sfgov.org.

To make vaccination status reporting easier and more convenient, HRS staff is available to enter and upload vaccination status information for you.

If you:

- do not have access, or have limited access, to a computer/internet
- have experienced difficulties entering and uploading the vaccination information

You can work with your bureau/enterprise DPLs who will collect your documents and HRS staff will enter and upload the vaccination status for you.

For more information, see our last digest - [COVID-19 Digest #74](#).

COVID-19 Vaccination Medical and Religious Exemption Request

City and County of San Francisco
Carol Ison
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

COVID-19 VACCINATION MEDICAL AND RELIGIOUS EXEMPTION REQUEST

PROCEDURE

Issued: July 30, 2021

Authority

Employment Rights for People with Disabilities Policy

The Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA) prohibit employment discrimination against qualified applicants and employees on the basis of disability. In accordance with the law, it is the policy of the City and County of San Francisco to provide equal employment opportunities to qualified individuals with disabilities.

Equal Employment Opportunity Policy

Discriminating against, or harassing City and County of San Francisco (City) employees, applicants, or persons providing services to the City by contract, including supervisory and non-supervisory employees, because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful. For the purpose of this policy only, the term "employees" includes unpaid interns and volunteers. Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

General Vaccination Requirements

All City employees are required to report their vaccination status by July 29, 2021.

Consistent with local Public Health Orders and City policy, the City requires employees, and elected and appointed officials, to receive a COVID-19 vaccination to enter the workplace or perform work in the field. This safety-related job requirement is effective September 15, 2021, for employees regularly working onsite in High-Risk Settings; October 13, 2021 for employees who are not permanently stationed or regularly assigned to a High-Risk Setting, but who in the course of their duties may enter or work in those settings even on an intermittent or occasional basis for short periods; and 10 weeks after FDA approval of any one COVID-19 vaccine for all other City employees.

One South Van Ness Avenue, 4th Floor • San Francisco, CA 94103-5413 • (415) 557-4800

The local Public Health Order defines High-Risk Settings as certain care or living settings, including many congregate settings, where employees may have contact with vulnerable populations and where the risk of COVID-19 transmission is high. High-Risk Settings include general acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails.

Medical and Religious Exemptions

A medical or religious exempt from the vaccination requirement may be granted if:

For medical reasons (1) the employee has a qualifying disability that prevents them from receiving a COVID-19 vaccination, (2) the employee requests a reasonable accommodation, (3) the employee provides required medical documentation to support an exemption, and (4) an exemption would not pose a direct threat to the health and safety of the employee or others that cannot be mitigated; or

For religious reasons (1) the employee holds a sincere religious belief, practice or observance that is contrary to the practice of vaccination, (2) the employee requests a religious accommodation, (3) the employee provides required documentation or information to support an exemption, and (4) an exemption would not pose a direct threat to the health and safety of the employee or others that cannot be mitigated.

Review and Appeal Rights

Requests for medical and religious exemptions will be processed by the employee's department personnel official, whose determinations are subject to review by the Human Resources Director. Employees may appeal denials of exemption requests to the Human Resources Director, whose determinations are appealable to the Civil Service Commission.

Exempt Employees

Employees working in High-Risk Settings and certain other health care settings with an approved vaccination exemption must follow local and State Public Health Order requirements that mandate:

1. COVID-19 testing at least once a week (or more as required by the State's Public Health Order) using either a nucleic acid (including polymerase chain reaction (PCR)) or antigen test; AND
2. For employees working in acute health care and long-term care settings, at all times while working in an indoor work setting where (1) care is provided to patients or residents, or (2) to which patients or residents have access for any purpose, wear a

respirator approved by the National Institute for Occupational Safety and Health (NIOSH), as required by the State Public Health Order.

3. For employees working in all other High-Risk Settings, at all times while working indoors with others, wear a surgical mask. The City will supply employees in these workplaces with FDA-cleared surgical masks.

All other City employees with approved exemptions must wear an appropriate face covering while working on-site or in the field. Pursuant to California Occupational Health and Safety's (Cal OSHA) Emergency Temporary Standards (ETS). The City will provide employees with N95 masks upon request.

Medical Exemption Procedure

1. Employees should complete and sign an **Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a disability-related accommodation that provides sufficient notice of an employee's purported inability to comply with vaccination requirements due to a medical condition, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.
2. Employees must answer relevant questions regarding the medical condition that prevents getting vaccinated but should not disclose the diagnosis or treatment plan.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a medical exemption from the vaccination requirement, with medical verification of the employee's disability that prevents getting vaccinated to a department personnel official, supervisor or manager.
4. Department personnel officials must acknowledge receipt of an employee request for a medical exemption from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.
5. Department personnel officials must engage employees in the interactive process if the need for a medical exemption from vaccination requirements is not established by the employee's request and supporting medical certificates, or the employee does not submit sufficient medical verification.

6. Department personnel officials should follow the City's Reasonable Accommodation Procedures, and may use the **Health Care Provider Certification Form (COVID-19 Vaccine Exemption)** for requesting information from health care providers in support of a request for exemption from vaccination requirements.

Religious Exemption Procedure

1. Employees should complete and sign an **Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a religious accommodation that provides sufficient notice of an employee's purported inability to comply with vaccination requirements for religious reasons, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.
2. Employees must answer all relevant questions regarding the religious belief, practice or observance that prevents them from getting the COVID-19 vaccination.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a religious exemption from the vaccination requirement, with any relevant statements, documents, or information pertaining to the religious belief, practice or observance that prevents them from getting vaccinated to a department personnel official, supervisor, or manager.
4. Department personnel officials must acknowledge receipt of employee requests for religious exemptions from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.
5. Employees may be required to submit additional information regarding the religious nature or the sincerity of a particular belief, practice or observance. Relevant information may include:
 - (a) letters from a religious leader explaining the nature of the religious belief(s), practice(s) or observance(s) and the need for an exemption from the vaccination;
 - (b) articles from religious scholars that describe the nature of the religious belief(s), practices(s), or observance(s) and the need for an exemption from the vaccination requirement;

- (c) excerpts from religious or sacred texts explaining religious belief(s), practices(s), or observance(s) that prohibit vaccination;
 - (d) written materials describing the religious belief(s), practice(s) or observance(s) that prohibits vaccination;
 - (e) statements, affidavits or other documents from the employee describing the beliefs, practices, or observances, including information regarding when the employee embraced the belief(s), practice(s) or observance(s), as well as when, where and how the employee has adhered to the belief, practice, or observance that prohibits vaccination;
 - (f) statements, affidavits, or other documents from potential witnesses identified by the employee as having knowledge of whether the employee adheres or does not adhere to the belief(s), practice(s) or observance(s) that prohibits vaccination, (e.g., religious leader, family, friend, neighbor, supervisor, or coworker who may have observed the employee's past adherence, or lack thereof, or discussed it with the employee).
6. Department personnel officials will review requests for religious exemptions and determine whether additional information is required. Any request for additional information will be made within five (5) business days of receiving a completed and signed Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption).
 7. Employees who do not submit requested information within five (5) business days of receiving a request for additional information from a department personnel official shall be denied an exemption from the vaccination requirement. Notwithstanding, employees may request an extension of time to submit requested information supporting a request, and department personnel may grant a reasonable extension of the time, not to exceed an additional five (5) business days, for a response.
 8. Department personnel officials will use the **Religious Accommodation Certification Form (COVID-19 Vaccination Exemption)** to request additional information in support of a religious exemption from the vaccination requirement.
 9. Department personnel officials will make a determination and respond to an employee request for religious exemption from the vaccination requirement within seven (7) business days of receiving an accommodation request and any supporting information requested by the department.

10. Department personnel officials shall use the **Accommodation Determination Form (COVID-19 Vaccination Exemption)** to document and communicate final determinations on employee requests for religious exemptions from vaccinations requirements. The reason for any denial must be stated on the form.
11. Copies of approved Accommodation Exemption Determination Forms will be uploaded and reported in People and Pay (SF Employee Portal) along with the employee's "Unvaccinated" status.
12. Employees may appeal final determinations denying a request for religious exemption from vaccination requirements. Appeals must be in writing and sent to the Human Resources Director within 30 days of the dated department decision denying the request.

We Value Your Feedback – Take the SFHSS Well-Being Survey Open Until August 20, 2021

As we navigate the [Safer Return Together](#), many of us are experiencing a mix of emotions as we return to our “new” normal. SFPUC, together with the San Francisco Health Service System (SFHSS) is committed to the safety and well-being of all of our employees and we could use your feedback. Please take time during your workday to complete the [Beyond COVID-19 Well-Being Survey](#). Your feedback will help leadership identify opportunities to bring new and relevant resources to support you as you return to the workplace. The survey will remain **open until 8/20** and should take about **10 minutes** to complete. It is **completely anonymous** and no personal identifying information will be collected.

Thank you in advance for taking time out of your day to complete the 10-minute survey. We are extremely grateful for your honest feedback and thoughtful suggestions. Click [HERE](#) to get started.

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City’s most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).**
- **Send your COVID-19 questions to covidinfo@sfwater.org.**

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SFPUC Core Values

Service | Excellence | Stewardship | Diversity | Safety | Inclusiveness

[Go to Currents](#)

ATTACHMENT I



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

COVID-19 Digest #76 (Revised)

August 26, 2021

End of Full-Time Telecommuting/Employee Vaccination Deadline

We'll Cover:

- End of Full-Time Telecommuting
- Employee Vaccination Deadline
- Reminders

NOTE: The information below is the same as the last digest (COVID-19 Digest #75). This email includes accessible links referenced in the DHR memo.

Hello Team!

We recently received updated information from the SF Department of Human Resources (DHR) regarding two City policies and their corresponding deadlines:

- End of full-time telecommuting - November 1st
- Employee vaccination (high-risk sites* sooner) - November 1st

Please review the memorandum from DHR below, and the table of COVID-19 vaccination deadlines. As we get more information, we will be sure to continue to update you.

**High-Risk Sites include locations such as hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails. The SFPUC does not have any work locations that fall under this requirement.*

Stay healthy, calm, and kind.

A handwritten signature in black ink.

Justine Hinderliter
Chief People Officer
Human Resource Services

City and County of San Francisco
Carol Isen
Human Resources Director



Department of Human Resources
Connecting People with Purpose
www.sfdhr.org

MEMORANDUM

TO: Department Heads
FROM: Carol Isen, Human Resources Director
RE: Return to the Workplace
DATE: August 23, 2021

Since the beginning of the Local Health Emergency, we have made the health and wellbeing of our employees and the public our top priority. As a result of the FDA's full approval of the Pfizer vaccine, the City is updating previous guidance about vaccination requirements, full time telecommuting, as well as testing and employee safety.

As the City continues to adjust health and safety guidelines related to the COVID-19 pandemic, all departments are urged to continue develop inclusive, equitable, and efficient workplans to support staff transitioning to more in-person work.

The key updates are outlined below:

1. All Employees Must Be Vaccinated by November 1, High-Risk Sites Sooner

Today's announcement by the U.S. Food and Drug Administration that the Pfizer-BioNTech vaccine has been granted full approval starts the clock for the City's 10-week timeline for all employees to be vaccinated. This requirement is described in more detail in the [City's Vaccination Policy](#). Under the [Safer Return Together Health Order](#), some employees who work in High-Risk settings are required to be vaccinated on a faster timeline as we have shared in previous communications. These timelines are also described in the City Vaccination Policy linked above.

2. Delay end of full-time telecommuting to coincide with November 1

The new return to in-person work date for those City employees is [November 1, 2021](#). The City remains open to in-person services however, we will be delaying full return to the workplace for employees who are not providing in-person services to the public until November 1, 2021. All employees must be available to work onsite if needed for business reasons. In addition, employees who wish to do so, may work onsite but will need to continue to monitor their health, and departments should keep track of employees are working onsite.

3. Vaccinations Available Onsite

To date, nearly 90% of City and County of San Francisco employees have been vaccinated against COVID-19. Getting as many people as possible vaccinated as soon as possible is our best

way out of the pandemic. It is essential that all departments work to encourage and support employees to be vaccinated as soon as possible. Vaccines are available at no cost to all employees, and can be brought onsite to your workplaces. Please reach out to Fiona.Wilson@sfgov.org to schedule an onsite vaccination clinic.

4. Employee Access to COVID Testing

A high-volume testing site for COVID-19 is open at 7th and Brannan Streets in the South of Market neighborhood. The site has capacity to administer 500 tests per day from 9 a.m. to 6 p.m., seven days a week by appointment only. 100 tests per day are reserved for City employees. To make an appointment or to find other testing sites employees can visit sf.gov/gettested. Employees can also schedule a test with their healthcare provider.

5. Workplace Safety

The City and County of San Francisco will continue to maintain certain safety measures within our City facilities. Below is a summary of the key safety protocols that impact most departments:

- **If you are sick, stay home** – The State and the City each provided 80 hours of paid COVID-19-specific sick leave, which is currently available through September 30, 2021. Employees can use any unused hours of these sick leaves for COVID-19 specific reasons, and may use other time off balances when they are sick for non-COVID-19 reasons.
- **Daily health screenings** – The daily health screening requirement remains in place. Departments should remind any employee coming into the workplace that they are required to perform a COVID-19 symptom self-assessment prior to entering the workplace each day by using the [Check your health app](#) or signing the self-attestation form at the entrance to your workplace, or following other procedures established at your department.
- **Face masks required indoors** – Cal/OSHA regulations as well as our local Health Order continue to require all employees wear a mask when in the workplace, regardless of vaccination status, with limited exceptions such as when in a private office with the door closed, members of the public entering City owned or leased facilities are also required to wear face masks regardless of vaccination status.
- **Duty to report COVID cases** – three or more cases in a work location within a rolling 14-day period constitutes an outbreak and must be reported to the Department of Public Health. You may consult the Outbreak Management Guidance for further information: <https://sfdhr.org/sites/default/files/documents/COVID-19/Managing-Outbreaks-Multiple-Infections.pdf>
- There are no longer **physical distancing requirements**, except in limited instances. However, employees should not congregate in shared spaces or share food.

Links from the above memo:

City's Vaccination Policy: <https://sfdhr.org/new-vaccine-and-face-covering-policy-city-employees>

Safer Return Together Health Order: <https://www.sfdph.org/dph/alerts/files/C19-07-Safer-Return-Together-Health-Order.pdf>

To schedule an onsite vaccination clinic, email: Fiona.Wilson@sfgov.org

To make an appointment or find COVID-19 testing sites: <https://sf.gov/find-out-about-your-covid-19-testing-options>

SFPUC Covid-19 Self-

Screening: <https://forms.office.com/pages/responsepage.aspx?id=yNZY4W32ckyvbYwuvWRSaUE6Jyfr7VxHnYo0DvED5NFUQzdRSzITQUgzQ1A3NFNVQ0tES09DTIY2QyQIQCN0PWcu>

COVID-19 Vaccination Deadlines

COVID-19 VACCINATION DEADLINES	
Employees who are assigned to or routinely work onsite in High-Risk Settings or other Health Care Facilities	<p>Must receive their final dose of a vaccine regimen no later than September 30, 2021.</p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 2, 2021; Second Shot no later than September 30, 2021 • Pfizer: First Shot no later than September 9, 2021; Second Shot no later than September 30, 2021 • Johnson & Johnson: First Shot no later than September 30, 2021
Employees Intermittently or occasionally working in "High-Risk Settings"	<p>Must be fully vaccinated no later than October 13, 2021.</p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 1, 2021; Second Shot no later than September 29, 2021 • Pfizer: First Shot no later than September 8, 2021; Second Shot no later than September 29, 2021 • Johnson & Johnson: First Shot no later than September 29, 2021
All Other Employees not working in "High-Risk" or other Health Care Settings	<p>Must be fully vaccinated no later than November 1, 2021.</p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 20, 2021; Second Shot no later than October 18, 2021 • Pfizer: First Shot no later than September 27, 2021; Second Shot no later than October 18, 2021 • Johnson & Johnson: First Shot no later than October 18, 2021.

Reminders

- Complete the [Disaster Service Worker \(DSW\) Activation Survey](#). Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- Share this information with colleagues who may not have regular access to email.
- Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).
- Send your COVID-19 questions to covidinfo@sfdwater.org.

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Service | Excellence | Stewardship | Diversity | Safety | Inclusiveness

[Go to Currents](#)

ATTACHMENT J



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

COVID-19 Digest #77

September 22, 2021

COVID-19 Vaccination Events and Vaccine Exemption

We'll Cover:

- COVID-19 Vaccination Events at City Hall on 9/27 & 9/29
- Employee Vaccination Deadlines and Helpful Links
- COVID-19 Vaccine Exemption
- Reminders

Hello Team!

With vaccination deadlines coming up, we have some important and helpful information for you. There are some upcoming vaccination events at City Hall, and if you believe you would like to pursue an exemption (medical or religious), please make sure to get your request in as soon as possible.

As we get more information, we will be sure to continue to update you. For your reference, here's a quick link to the [COVID-19 Digest #76](#) that included the latest memo from DHR with key updates.

Stay healthy, calm, and kind.

A handwritten signature in black ink, appearing to read 'Justine'.

Justine Hinderliter
Chief People Officer
Human Resource Services

COVID-19 Vaccination Events at City Hall on 9/27 & 9/29

There will be two free COVID-19 Vaccination Events at City Hall on 9/27 and 9/29 available for City & County of San Francisco employees. No appointment is required.

Vaccination Pop-up Event For CCSF Employees

Stop by for your **free** COVID-19 vaccine.

Your choice of the Johnson & Johnson or Pfizer vaccine will be available.



WHEN Monday, September 27
8:30 AM - 1:30 PM

WHERE North Light Court,
San Francisco City Hall

BRING A State Issued ID



Visit the "Ask the Doc" table and get your questions about the vaccine answered.



San Francisco
Department of Public Health



CCSF EMPLOYEES UNDER THE HEALTH ORDER

Vaccination Pop-Up

Stop by for your free Johnson & Johnson vaccination shot,
no appointment required.

WHERE North Light Court, SF City Hall
1 Dr Carlton B Goodlett Pl

WHEN Wednesday,
September 29th
8:30 AM - 1:30 PM

BRING A State Issued ID



September 29th
is the final day for
employees who
fall under the SF
Health Order to
receive their J&J
vaccine.

Visit the "Ask the Doc" table
and get your questions about
the vaccine answered.



San Francisco
Department of Public Health



COVID-19 Vaccination Deadlines and Helpful Links

COVID-19 VACCINATION DEADLINES	
<p>Employees who are assigned to or routinely work onsite in High-Risk Settings or other Health Care Facilities</p>	<p>Must receive their FINAL dose of vaccine regimen NO LATER THAN <u>September 30, 2021.</u></p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 2, 2021; Second Shot NO LATER THAN September 30, 2021 • Pfizer: First Shot no later than September 9, 2021; Second Shot NO LATER THAN September 30, 2021 • Johnson & Johnson: First Shot NO LATER THAN September 30, 2021
<p>Employees intermittently or occasionally working in "High-Risk Settings"</p>	<p>Must be FULLY VACCINATED NO LATER THAN <u>October 13, 2021.</u></p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 1, 2021; Second Shot NO LATER THAN September 29, 2021 • Pfizer: First Shot no later than September 8, 2021; Second Shot NO LATER THAN September 29, 2021 • Johnson & Johnson: First Shot NO LATER THAN September 29, 2021
<p>All Other Employees not working in "High-Risk" or other Health Care Settings</p>	<p>Must be FULLY VACCINATED NO LATER THAN <u>November 1, 2021.</u></p> <ul style="list-style-type: none"> • Moderna: First Shot no later than September 20, 2021; Second Shot NO LATER THAN October 18, 2021 • Pfizer: First Shot NO LATER THAN September 27, 2021; Second Shot NO LATER THAN October 18, 2021 • Johnson & Johnson: First Shot NO LATER THAN October 18, 2021

**High-risk sites include locations such as hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails. The SFPUC does not have any work locations that fall under this requirement.*

City's Vaccination Policy: <https://sfdhr.org/new-vaccine-and-face-covering-policy-city-employees>

Safer Return Together Health Order: <https://www.sfdph.org/dph/alerts/files/C19-07-Safer-Return-Together-Health-Order.pdf>

To schedule an onsite vaccination clinic, email: Fiona.Wilson@sfgov.org

To make an appointment or find COVID-19 testing sites: <https://sf.gov/find-out-about-your-covid-19-testing-options>

SFPUC Covid-19 Self-

Screening: <https://forms.office.com/pages/responsepage.aspx?id=yNZY4W32ckyvbYwuvWRSaUE6Jyfr7VxHnYo0DvED5NFUQzdRSzITQUqzQ1A3NFNVQ0tES09DTIY2QyQIQCN0PWcu>

Outbreak Management

Guidance: <https://sfdhr.org/sites/default/files/documents/COVID-19/Managing-Outbreaks-Multiple-Infections.pdf>

COVID-19 Vaccination Exemption

An employee who has a qualifying medical condition or holds a sincere religious belief prohibiting them from being vaccinated may apply for a reasonable accommodation to be exempted from the vaccine requirement.

Please contact Hallie Albert, EEO Programs Manager, at halbert@sfgov.org or RA@sfgov.org to begin the interactive process. Hallie will work with you to acquire the necessary information to assess your request.

Reminders

- **Complete the [Disaster Service Worker \(DSW\) Activation Survey](#).** Some of our City's most vulnerable populations need your help, let us know if you are able to support.
- **Share this information with colleagues who may not have regular access to email.**
- **Stay up-to-date on the latest COVID-19 information on [Currents](#) or our [remote workspace](#) (no connection required).**
- **Send your COVID-19 questions to covidinfo@sfgov.org.**

SFPUC Mission

To provide customers with high-quality, efficient, and reliable services in a manner that values environmental and community interests and sustains the resources entrusted to our care.

SFPUC Core Values

Service | Excellence | Stewardship | Diversity | Safety | Inclusiveness

[Go to Currents](#)

ATTACHMENT K

From: [COVID-19 Info](#)
To:
Subject: September 27th Vaccination Event
Date: Friday, September 24, 2021 9:31:11 AM



September 24, 2021

Hello,

All city employees must be fully vaccinated no later than November 1, 2021, unless they are otherwise required to be vaccinated sooner. An individual is fully vaccinated once 14-days after a final dose of a vaccine regimen have passed, please see the dates below for vaccine-specific deadlines:



The city is hosting a **free vaccination event on Monday, September 27th from 8:30 am to 1:30 pm at City Hall, 1 Dr. Carlton B. Goodlett Place in the North Light Court.** This event will provide Pfizer and Johnson & Johnson vaccines to all City employees. Appointments are not required.

September 27th is the final day employees can receive the first shot of a two-shot vaccination series. Please speak with your supervisor to attend the event during work hours.



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Share this email:



525 Golden Gate Avenue 3rd Floor
San Francisco, CA | 94102 US

This email was sent to ngantunio@sfpwater.org.
To continue receiving our emails, add us to your address book.

ATTACHMENT L

From: COVID-19 Info
To: [REDACTED]
Subject: URGENT: Non-Compliance with COVID-19 Vaccination Policy
Date: Monday, September 27, 2021 12:50:22 PM



September 27, 2021

Hello,

The letter below will be sent to your home address via USPS Mail tomorrow. You are receiving this notice because our records indicate that you are not in compliance with the City's COVID-19 Vaccination Policy.

To be fully vaccinated by the November 1, 2021 deadline, 14 days must have passed since you received the final dose of a two-shot vaccine or a dose of a one-shot vaccine.



September 27: If you plan to get a two-shot vaccine, **TODAY is the last day** to get your first dose of the Pfizer vaccine in order to meet the deadline. There is a free vaccination event happening today from 8:30 a.m. to 1:30 p.m. at City Hall, 1 Dr. Carlton Goodlett Place in the North Light Court. The event will provide Pfizer and Johnson & Johnson vaccines to all City employees. Please speak with your supervisor to attend during work hours

September 29: A second Vaccination Pop-Up will be held from 8:30 a.m. to 1:30 p.m. at City Hall, 1 Dr. Carlton Goodlett Place in the North Light Court on September 29. The event will provide Johnson & Johnson vaccines to all City employees.

Additional Resources:

- [CCSF COVID-19 Vaccination Policy](#)
- [COVID-19 Vaccine FAQs](#)

Reporting Your Vaccination Status:

If you need to report your vaccination status and don't know how to upload your information, you can follow the tutorials linked below or email HRSAdmin@sfgov.org.

- [How to submit your COVID-19 vaccine status via the SF Employee Portal video and instructions](#)
- [How to view/update your COVID-19 vaccine status on the SF Employee Portal](#)
- [How to log into the SF Employee Portal for the first time](#)
- [How to clear browser cache](#)

Letter to be mailed:

You are receiving this notice because our records indicate that you have not met the City's COVID-19 vaccination requirements.

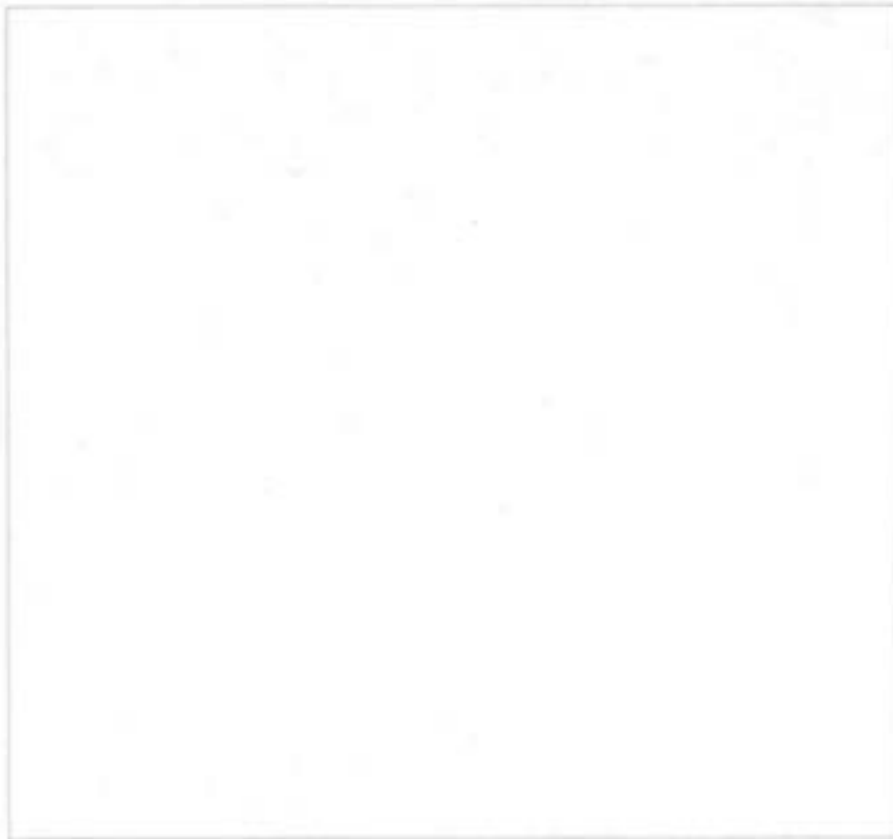
Per the City's COVID-19 Vaccination Policy the deadline for full inoculation is November 1, 2021 for all City employees, so the deadline to receive the final dose is October 18.

To be fully vaccinated, 14 days must have passed since you received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. You will not be in compliance with the City's COVID-19 vaccination requirements and will be subject to separation from your City employment if you do not receive your final dose by the applicable deadline.

Once you receive your vaccine, you should immediately enter your vaccine information and documentation into the City's People and Pay System using the Employee Portal or email HRSAdmin@sfgov.org for assistance with entering this information.

If you have any questions about the City's COVID-19 Vaccination Policy, you can find additional resources at <https://sfdhr.org/covid-19> or you can contact ELR@sfgov.org.





SFPUC Mission

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SFPUC Core Values

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Share this email:



525 Golden Gate Avenue 3rd Floor
San Francisco, CA 94102 US

This email was sent to rgant@sfpu.org
To continue receiving our emails, add us to your address book.

ATTACHMENT M



San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

Via U.S. Mail

Human Resource Services

525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102

T 415.554.1670

F 415-554-1682

September 27, 2021

Eric Eliasson
[REDACTED]
[REDACTED]

RE: Vaccination Status

Dear Eric Eliasson:

You are receiving this notice because our records indicate that you have not met the City's COVID-19 vaccination requirements.

Per the City's COVID-19 Vaccination Policy the deadline for full inoculation is November 1, 2021 for all City employees so the deadline to receive the final dose is October 18.

To be fully vaccinated, 14 days must have passed since you received the final dose of a two-shot vaccine or a dose of a one-shot vaccine. You will not be in compliance with the City's COVID-19 vaccination requirements and will be subject to separation from your City employment if you do not receive your final dose by the applicable deadline.

Once you receive your vaccine, you should immediately enter your vaccine information and documentation into the City's People and Pay System using the Employee Portal or email HRAdmin@sfwater.org for assistance with entering this information.

If you have any questions about the City's COVID-19 Vaccination Policy, you can find additional resources at <https://sfdhr.org/covid-19> or you can contact ELR@sfwater.org.

Sincerely,

Rachel Gardunio
Employee & Labor Relations Division Manager

London N. Breed
Mayor

Sophie Maxwell
President

Anson Moran
Vice President

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Newsha Ajami
Commissioner

Michael Carlin
Acting
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



ATTACHMENT N

Conversation with Employee

Hi _____.

I'm contacting you because our records indicate that you have not yet met the City's requirements for vaccination or reporting.

The City's COVID-19 Vaccination policy requires all City employees to be fully vaccinated by November 1st, 2021.

We want to make sure you understand the policy, would you like to have your union rep present for this conversation? If so, we will schedule a time [in the next 2-3 days] that works for everyone.

If employee is ready to proceed without union rep. or once rep is present

If you have not yet reported your vaccination status, I can help you do that right now.

If you are not yet vaccinated, I can also help you schedule an appointment.

This is an important issue; we need to make sure we have a safe workplace. Being fully vaccinated by the November 1st deadline is a condition of continued employment, and we value your contribution and service, so I am here to answer your questions and hopefully assist you with getting vaccinated.

Employees who haven't reported their vaccination status could be suspended or even terminated and no one wants that. The City needs to know your vaccination status, because your status is essential to the City meeting its legal obligations and ensuring all employees are safe.

If you want, you can report your vaccination status to me, right now. And if you are vaccinated we can also confirm that today as well.

Do you want to report your vaccination status?

If employee can immediately prove vaccination status

Great! We can just take a quick photo and make sure the City has a record of it and you'll be all set! Thanks for your time!

[Take a photograph and/or photocopy if status provided. Input into HR database and no further action required]

If employee says they are vaccinated but does not have vaccine card, find status on My Vaccine Record

That's ok, we can use my phone/tablet to look up your status on the State of California database. Let's do that right now. Do you remember when you were vaccinated? [Proceed to access <https://myvaccinerecord.cdph.ca.gov> and find employee record]

If employee is not vaccinated or cannot prove vaccination status

If you have concerns or questions about being vaccinated, I can provide you with the number for the City's 24/7 nurse hotline at 1 (855) 850-2249 or First Responders Call 1 (866) 932-5321.

Please remember that it's essential that you get vaccinated as soon as possible because it is a requirement for all City employees under the Covid-19 Vaccination Policy.

Time is running out. The final dates to receive a COVID-19 vaccination and comply with the City's COVID-19 Vaccination Policy fast approaching.

- 1) Sept 20, 2021 is the last day for a first shot of Moderna.
- 2) Sept 27, 2021 is the last day for a first shot of Pfizer (FDA approved)
- 3) Oct 18, 2021 is the last day to get Johnson & Johnson or receive a second shot of Moderna or Pfizer.

I have to be really clear with you. If you do not receive your final dose by October 18th, you will not meet the requirements for City employment and you will be released from City employment.

The only exceptions to the vaccination requirement are for those employees with:

- (a) a sincerely held religious belief that prevents you from receiving the vaccine; or
- (b) a qualifying medical condition, such as disability, that interferes with your ability to receive the vaccine.

You may request a reasonable accommodation to be exempted from the vaccination requirement. You must submit that request to the department's human resources as soon as possible and by no later than October 18, 2021.

If you have any questions about the health order or City Vaccination Policy, please reach out to your union or feel free to call the Nurse Hotline to speak with a registered nurse who can answer any questions you have about getting vaccinated against COVID-19. *[Leave copy of FAQs with employee]*

Please read and sign this acknowledgment form.

[Staff: Provide employee "COVID-19 Vaccination Discussion Acknowledgement" form to sign. A copy should be given to the employee and retained in employee file. Write "refuse to sign" if employee refuses to sign. "COVID-19 Vaccination Discussion Acknowledgement" form may be discarded if employee later meets the requirements of City's COVID-19 Vaccination Policy.]

COVID-19 Vaccination Discussion Acknowledgement

Date: _____

COVID-19 Vaccination Discussion Acknowledgement

Date: 9-28-2021

I discussed with my supervisor the requirement that all City employees be vaccinated against the Covid-19 virus under the City's COVID-19 Vaccination Policy.

I was advised that I could show that I have met this requirement by providing a copy of my vaccination card, vaccine status in the California COVID-19 electronic database, or a letter from my physician verifying that I have been vaccinated to HRSAdmin@sfgwater.org by September 29, 2021.

I understand that complying with the City's Covid-19 Vaccine Policy is a requirement for my position and a condition of City employment. I understand that failure to comply with the Policy will result in my separation from City employment.

I was also informed that I could apply for an exemption from the vaccine requirement if I have a sincerely held religious belief or a qualifying medical exemption, and that I must apply for the exemption with my department's human resources as soon as possible and not later than October 18, 2021.

___ Check here if employee indicated an interest in applying for an exemption and was provided the forms to apply at: <https://sfdhr.org/vaccination-and-face-covering-policy-city-employees>.

If you are not vaccinated

The final dates to receive a COVID-19 vaccination and comply with the San Francisco Health Order are fast approaching.

- 1) ~~Sept 20, 2021 is the last day for a first shot of Moderna.~~
- 2) ~~Sept 27, 2021 is the last day for a first shot of Pfizer (FDA approved)~~
- 3) Oct 18, 2021 is the last day to get Johnson & Johnson or receive a second shot of Moderna or Pfizer.

Eric Eliasson

Employee Print Name

John O'Connell

Supervisor Print Name

je

*Refused to sign

Employee Signature

John O'Connell

Supervisor Signature

ATTACHMENT O

From: Gardunio, Rachel
Sent: Friday, October 29, 2021 1:47 PM
To: Eliasson, Eric
Cc: Prather, Joel; Cozzone, Francesca
Subject: FW: Determination re Request for Religious Accommodation

Hello,

The City and County of San Francisco issued a COVID-19 Vaccination Policy requiring all City employees to be fully vaccinated as a condition of employment by November 1, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious belief.

You submitted a COVID-19 Vaccination Exemption Request as a reasonable accommodation which has since been denied. City policy now requires you now to be in compliance with the City's COVID-19 vaccination requirements. Specifically, you are required to receive your **first dose of a COVID vaccine immediately** and provide a copy of your vaccination record.

If you do not receive your first dose of a COVID-19 vaccine by Friday, November 5, 2021, you will be subject to separation from City employment.

Do not report to work effective November 1, 2021. Once you have confirmed you are partially vaccinated, you will receive more information from your division about whether you can continue to work remotely or report onsite.

You can update your information by uploading it directly into the City's People and Pay System using the Employee Portal or by emailing your vaccination record to HRAdmin@sfgov.org. We also suggest you email ELR@sfgov.org a copy of your vaccination record.

If you have any questions about the City's COVID-19 Vaccination Policy, you can find additional resources at <https://sfdhr.org/covid-19> or you can contact ELR@sfgov.org.

Sincerely,

Rachel Gardunio
Employee & Labor Relations Division Manager
Cell: (415) 603-8091 | rgardunio@sfgov.org

From: Albert, Hallie B <HALbert@sfgov.org>
Sent: Friday, October 29, 2021 1:40 PM
To: Gardunio, Rachel <RGardunio@sfgov.org>
Subject: FW: Determination re Request for Religious Accommodation

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor

San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



From: Albert, Hallie B
Sent: Thursday, October 7, 2021 11:41 AM
To: Eliasson, Eric <EEliasson@sfgwater.org>
Subject: Determination re Request for Religious Accommodation

Dear Eric Eliasson:

The Department has considered the information you supplied in your written request for a religious exemption as well as all follow up email communications. The Department has determined that the information you supplied does not meet the applicable standards under state and federal law, as well as the City's policies and procedures, for a religious exemption to the City's Covid-19 vaccination requirements. Attached is the Department's determination regarding your Covid-19 vaccination exemption request.

For additional information on the City's vaccination policies and this process please visit the Department of Human Resources website:

<https://sfdhr.org/vaccination-and-face-covering-policy-city-employees>

Thank you,

Hallie B. Albert (she/her)
EEO Programs Manager
SFPUC Human Resource Services
525 Golden Gate Avenue, 3rd Floor
San Francisco, CA 94102
Phone:415.961.5812 Fax: 415.553.4898
Halbert@sfgwater.org

San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission



ATTACHMENT P



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

New Employee Orientation Handbook



San Francisco Public Utilities Commission
Human Resource Services

- If a union representative cannot attend a conference at the scheduled date and time, management may allow for reasonable delay. 'Reasonable' means five working days, unless otherwise agreed upon.

11.1.2 Employee Rights and Privileges

Employees have the right to know:

- What is expected of them
- What will happen if they do not meet expectations
- That they will be dealt with uniformly and fairly if they do not meet expectations. There should be no "surprises" in the disciplinary process.
- That they are responsible for notifying their union representative immediately when the department initiates disciplinary action against them. If an official employee conference is scheduled, the employee is responsible for providing the date, time, place, and reason to the union representative. The employee must also give the union representative all necessary documents and information.
- That the disciplinary process and procedures are designed to respect their rights. They may respond to any allegations against them.

Employees within a bargaining unit may be entitled to union representation during an employee conference.

- If a union's MOU specifies that the union represents the employee, but you want a different representative, the union must approve your choice. At the employee conference, present two letters to HRS: one from the union approving your choice and one from you designating the approved person as your representative. Some MOUs allow you to represent yourself at employee conferences.

Non-union employees may always represent themselves at employee conferences or elect to have someone else represent them.

11.2 Definition of Terms

This section defines common terms that apply to disciplinary problems. For more information, or for definitions of terms not listed here, please contact your designated personnel analyst at HRS.

Abandonment of Job or Position: Absence from work without authorized leave for more than 5 consecutive days. This problem is usually handled administratively, rather than as a disciplinary action.

Absence without Leave (AWOL): Absence from the work site during working hours without the supervisor's permission.

Appointing Officer: For disciplinary actions, the General Manager is the Appointing Officer and the authority cannot be delegated.

Discourteous Treatment of Others: Rude or abusive behavior toward coworkers, supervisors, the public, or other individuals in the course of duties.

Dishonesty: Not telling the truth in order to deceive, cheat, or defraud.

Dismissal: Discharging or firing a permanent Civil Service employee.

Excessive Absenteeism: Unreasonable or unacceptable use of sick leave, especially if it interferes with the employee's ability to perform his/her duties. Specific policies regarding excessive use of sick leave specify more than one day per month, 3-4 days per quarter, or more than the earned 13 days per year. Generally speaking, an employee is excessively absent when s/he uses more than the maximum number of earned sick leave days per year without reasonable justification. Sick leave taken in conjunction with days off, paydays, and medical documentation submitted by employees is considered and evaluated on an individual basis.

Excessive Tardiness: When an employee reports to work unacceptably late or is late to work too often.

Failure to Follow Rules and Regulations: When an employee disobeys rules and regulations.

Falsification of Records: Intentional adjustment to or manipulation of City records or documents in order to deceive.

Fighting: Verbally or physically attacking or abusing another person.

Gambling: Gambling means playing for money. Gambling on the premises is forbidden at all times.

Habitual Intemperance: Excessive use of alcohol or drugs that impact the employee's ability to perform duties and responsibilities safely and effectively.

Inattention to Duties: Failure to perform assigned duties at an acceptable level for reasons such as undue carelessness, negligence, or intentional disregard. Failure to report an illegal act related to the activities of the Public Utilities Commission to a supervisor.

Incompetence: Lacking the ability or qualities needed to perform assigned duties at an acceptable level.

Immoral Conduct: Acts conflicting with general principles of right and wrong, whether on or off the job, that directly relate to the employee's ability to perform duties and responsibilities and/or reflect poorly on the organization.

Insubordination: When an employee disobeys authority, refuses to follow a reasonable directive from a duly authorized supervisor or manager, or will not comply with established procedures.

Official Employee Personnel File (OPEF): This is the personnel file kept at HRS, where formal records for each SFPUC employee are kept. Employees may make an appointment to see this file by contacting HRS.

Onsite Personnel File: This file contains the unofficial personnel records that an employee's supervisor keeps at the workplace. Use it to house notes pertaining to an employee's performance, both good and bad, and to house official documents until they are ready to be sent to HRS.

Release from Probation: A non-punitive separation when an applicant does not pass probation.

Sexual Harassment: Unwelcome advances, requests for sexual favors, and other spoken or physical conduct of a sexual nature that impact the employment condition and/or create an intimidating, hostile, or offensive working environment. Acts may be verbal, physical, graphic, or retaliatory in nature.

Substance Abuse: See Habitual Intemperance.

Termination: Discharging, or firing, a temporary employee.

11.2.1.1 Special Circumstances

The City Charter considers the following conduct or performance problems to be most serious, and possible grounds for termination:

- Misappropriation of public funds or property
- Misuse or destruction of public property
- Drug addiction or habitual intemperance
- Mistreatment of persons
- Immorality
- Acts constituting a felony or misdemeanor involving moral turpitude (inherent baseness, depravity, or perversion)
- Acts that present immediate danger to public health and safety

EXHIBIT M

Notice of Dismissal to Eric Eliasson, dated December 6, 2021



San Francisco
Water Power Sewer
Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3155
F 415.554.3161
TTY 415.554.3488

Via U.S. Mail and Email [REDACTED]

December 6, 2021

Eric Eliasson
[REDACTED]
[REDACTED]

Re: Notice of Dismissal

Dear Eric Eliasson:

This letter is to inform you that I have adopted the *Skelly Officer's* Recommendation affirming the "Notice of Proposed Disciplinary Action and Employee Conference/ *Skelly Meeting*" (*Skelly Notice*) issued to you on November 8, 2021 and sustaining the following charges:

- Violation of CCSF COVID-19 Vaccination Policy;
- Failure to meet minimum qualifications/conditions of employment;
- Failure to Follow Rules and Regulations/Failure to Follow Instructions; and
- Acts which present an immediate danger to public health and safety.

You are hereby terminated from your employment as a 7372 Stationary Engineer, Sewage Plant with the San Francisco Public Utilities Commission ("SFPUC"), Wastewater Enterprise, Operations effective at close of business today, December 6, 2021. This release is non-punitive and you are free to seek employment opportunities with the City and County of San Francisco in the future. A copy of the *Skelly Officer's* Recommendation dated November 19, 2021 is enclosed.

If you have not already done so, you must immediately return all City property (SFPUC badges, tools, equipment, and keys). Please mail all City property to your supervisor at 750 Phelps Street, San Francisco, CA 94124. In addition, please email ELR@sfwater.org to coordinate the return of any personal items you may have at the worksite.

You must not report to any SFPUC work location and will be not admitted if you attempt to do so. The SFPUC will pay out all remaining leave balances and issue your final paycheck within six to eight weeks of this letter.

- London N. Breed
Mayor
- Anson Moran
President
- Newsha Ajami
Vice President
- Sophie Maxwell
Commissioner
- Tim Paulson
Commissioner
- Ed Harrington
Commissioner
- Dennis J. Herrera
General Manager

OUR MISSION: To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



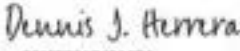
Eliasson, Eric - Notice of Dismissal

December 6, 2021

Page 2 of 2

Should you have any questions, please contact Michael Ho, Acting Employee & Labor Relations Manager, at mcho@sfgwater.org.

Sincerely,

DocuSigned by:

8619F30AC63A4DA
Dennis J. Herrera
General Manager, SFPUC

Encl.: *Skelly* Officer Recommendation
Separation Report
Notice of Separation
Notice of Future Employment Restrictions

cc: Greg Norby, Assistant General Manager, Wastewater Enterprise
George Engel, Division Manager, Operations
Michael Cerles for Carol Isen, Department of Human Resources
SFPUC Payroll Division, Human Resource Services
SFPUC Employee Life Cycle Division, Human Resource Services
Official Employee Personnel File – Eliasson, Eric

MEMORANDUM

DATE: November 19, 2021

TO: Rachel Gardunio, Acting Chief People Officer, Human Resource Services (“HRS”)

FROM: Lynn Fong, Engineering Manager, City Distribution Division *Lynn S. N. Fong*

SUBJECT: *Skelly* Officer Report and Recommendations Regarding the Proposed Dismissal of Eric Eliasson

The San Francisco Public Utilities Commission (“SFPUC” or “Department”) has proposed that Eric Eliasson, 7372 Sanitary Engineer be released from their Permanent Civil Service (“PCS”) position based on the following:

- Violation of CCSF COVID-19 Vaccination Policy;
- Failure to meet minimum qualifications/conditions of employment;
- Failure to Follow Rules and Regulations/Failure to Follow Instructions;
- Insubordination; and
- Acts which present an immediate danger to public health and safety.

A *Skelly* meeting was held on Thursday, November 18, 2021 to review the proposed employment action against Eric Eliasson; the following persons were present at this meeting:

- Lynn Fong, *Skelly* Officer
- Eric Eliasson, Wastewater Enterprise, SFPUC
- Malocca Hawkins, Employee and Labor Relations, HRS
- Michael Ho, Employee and Labor Relations, HRS

London N. Breed
Mayor

Anson Moran
President

Newsha Ajami
Vice President

Sophie Maxwell
Commissioner

Tim Paulson
Commissioner

Ed Harrington
Commissioner

Michael Carlin
Acting
General Manager

Background and Basis for Proposed Employment Action

On June 23, 2021, the City issued the COVID-19 Vaccination Policy (“Vaccination Policy”) which required that all employees, as a condition of employment, be fully vaccinated and report that vaccination status to the City no later than 10 weeks after the Federal Food & Drug Administration (FDA) gave final approval to at least one COVID-19 vaccine. On August 23, 2021, the FDA gave final approval of the Pfizer-BioNTech (Comirnaty) vaccine for the

prevention of COVID-19 disease in individuals 16 years of age and older.

On August 25, 2021, the City sent Eric Eliasson a notice via email and US Mail that the Pfizer-BioNTech (Comirnaty) vaccine had been granted full FDA approval for the prevention of COVID-19 disease in individuals 16 years of age and older. This notice also informed Eric Eliasson that all City employees must be fully vaccinated and provide documentation of full vaccination in People and Pay no later than November 1, 2021 unless they receive an approved exemption from the COVID-19 vaccination requirement.

On September 28, 2021, the SFPUC sent Eric Eliasson a notice via U.S. Mail that they were identified as an employee who has not received a COVID-19 vaccination as required by the Vaccination Policy and reminded Eric Eliasson that they were required to be fully vaccinated by November 1, 2021. The notice also informed Eric Eliasson that if they were not fully vaccinated by November 1 and were not approved a religious or medical exemption, Eric Eliasson would be released from their PCS position for violation of the City and County of San Francisco COVID-19 Vaccination Policy.

To date, the SFPUC does not have a record of Eric Eliasson's full vaccination status or of any approved medical or religious exemptions.

Employee Response to the Charge

Eric Eliasson's response to the charges are as follows:

- 1.) Violation of CCSF COVID-19 Vaccination Policy.
 - a. Policy is immoral, and
 - b. The City has not provided scientific evidence that would reflect how the employee would be of harm to other employees. Furthermore, the policy is "full of opinion" and short on scientific facts.
 - i. There is no scientific evidence for the claim, "Vaccination is the most effective way to prevent transmissions and limit COVID-19 cases and deaths" and the vaccines do not prevent employees from catching the disease.
 - ii. There is no scientific evidence for the claim, "Unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace".
 - c. Employees can work past November 1, 2021 because employees who are not fully vaccinated and are permitted in the workplace after November 1, 2021 must continue to wear a mask.
- 2.) Failure to meet minimum qualifications/conditions of employment.
 - a. This is baseless because had the religious exemption been approved, there would be no further charges.
- 3.) Failure to follow Rules and Regulations/Failure to Follow Instructions.
 - a. I work in an environment mostly void of standards. There would be very few employees working front line in the Wastewater treatment plants because the City has offered no documentation that demonstrates a history of my failure to follow rules and regulations.

- 4.) Insubordination.
 - a. I am lawfully allowed to not follow directives that I believe are unsafe.
- 5.) Acts which present an immediate danger to the public health and safety.
 - a. How am I an immediate danger to public health and safety that give evidence of this charge. Vaccines do not stop you from getting infected or from spreading the disease.

Findings and Recommendation

Eric Eliasson's reasons for not following the COVID-19 Vaccination policy and meeting the vaccination deadline of November 1, 2021 are not persuasive for the following reasons:

- 1.) The CCSF vaccination policies are in alignment with Federal guidelines from the FDA and CDC; therefore, arguments of a lack of scientific fact is not applicable.
- 2.) The statement, "Employees can work past November 1, 2021 because employees who are not fully vaccinated and are permitted in the workplace after November 1, 2021 must continue to wear a mask" is not consistent with the Skelly Notice: Employees who are not fully vaccinated by November 1, 2021 may be subject to release from employment and is separate from the CCSF masking policies.
- 3.) All employees are subject to conditions of employment, including current CCSF vaccination policies. Therefore, charges of failure to meet minimum conditions of employment as well as insubordination are reasonable.
- 4.) The statement that, "vaccines do not stop you from getting infected or spreading the disease" is not consistent with FDA and CDC guidelines.

The health and wellbeing of City employees and the public we serve are top priorities during our emergency response to COVID-19. Eric Eliasson's failure to comply with the vaccination requirement endangers the health and safety of the City's workforce and the public we serve. The City repeatedly notified Eric Eliasson of this requirement and the consequences of failing to comply.

Eric Eliasson has failed to provide documentation of their full vaccination status or demonstrate that they are exempt from the City's COVID-19 Vaccination Policy.

As a result, I sustain the charges against Eric Eliasson and recommend that he be released from his PCS position as proposed by the SFPUC.



CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF HUMAN RESOURCES

INSTRUCTIONS: Please complete the Separation Report to:

1. Document internal departmental processes. Please do not send to DHR.
2. Document that the employee separation is not a complete separation from City service, Separation Report must be completed by the sending department and submitted to the receiving department to be attached to the AP ESR.
3. To process a layoff. Please send to the DHR layoff coordinator.
4. To administer a settlement agreement involving the separation of the employee-submit documentation to your Client Services Representative. (Reference TER_RZA)*

Date of Request: 12/06/2021

Department Contact: Susan Nguyen Email: snguyen@sfgwater.org Phone: (415) 554-1670

SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Eliasson, Eric Employee I.D.: [REDACTED]

Job Code: 7372 Job Title: Stationary Engineer

Position Number: 01112772 Hourly Rate: \$56.1875 Step: 1 Effective Date: 12/07/2021

Empl. Class: PCS Work Schedule: Full-Time

Is the employee serving a probationary period at the time of the separation? Yes No

Is this a complete separation from City and County Service? Yes No

If no, continuing in: Department Code: (Select One) Status: _____ Job Code: _____ Effective Date: _____

Is employee granted leave pursuant to Civil Service Rule 120.31? Yes No

If no, is employee a transfer? No Yes, type of Transfer: (Select One)

SECTION II: SEPARATION INFORMATION

Resignation

Satisfactory Services (TER_RSS)

Unsatisfactory Services (TER_RUS)
(Form DHR 1-13 must be on file)

By the appointee: I hereby freely and voluntarily resign from the above position. I request approval of this resignation as of the effective date with the full understanding that once approved, I may acquire another position in this class only as provided in the rules of the Civil Service Commission (see employee copy and CSC Rules 114&119).

Employee Signature Date

Lay-off

Involuntary Leave (PCS_LIL) Elective Involuntary Leave (PCS_EIL)

Involuntary Lay-off (PCS_LIO) Voluntary Lay-off (PCS_LVO)

(PV & EX Only): (Select One)

Reason for lay-off: (Select One)

Employee acknowledges receipt of the DHR information leaflet.

Employee Signature Date

SEPARATION REPORT

DEPARTMENT USE ONLY

Termination

Settlement Agreement (TER_RZA)
*(Separation Report and Settlement Agreement must be forwarded to Client Services Rep.)

Release from appointment:

Release from probation:

Dismissal:

Terminated for cause (TFC) (TPV,NCS, & Exempts only)

Automatic Resignation (ARS)

Never Reported to Work (DSH)

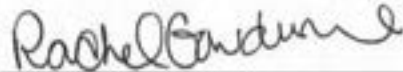
Death of an employee (DEA)

Other (Specify): _____

Retirement:

DEPARTMENT CERTIFICATION

The Appointing Officer/Authorized Designee named below hereby certifies that the information provided on this Separation Report is accurate, complete, and in compliance with applicable CCSF rules and policies.



554-1670

Appointing Officer/Authorized Designee Signature

Telephone

Name/Title: Rachel Gardunio, Acting Chief People Office, HRS

Department Number: 40 Department Name: SFPUC

Personnel File Forwarded? Yes No

Forwarded to:
Department: _____ Contact: _____

DHR USE ONLY

Action Pending? Yes No

Analyst Name _____ Telephone _____

SR Ref Number: _____ Holdover Canvass: _____

Reference Number used for layoff actions: _____

NOTICE OF SEPARATION FROM EMPLOYMENT

Eric Eliasson
 NAME OF EMPLOYEE
 ADDRESS
 CITY
 STATE ZIP

12/6/2021
 MAILING DATE
SFPUC-Wastewater Enterprise
 DEPARTMENT/DIVISION
Permanent Civil Service
 TYPE OF APPOINTMENT:
Dismissal
 TYPE OF SEPARATION

This notice is to inform you that you are separated from your employment in **Class 7372 Stationary Engineer, Sewage Plant** effective close of business **December 6, 2021** for the reasons outlined in the attached document(s).

The following checked item applies:

<input type="checkbox"/> A.	You may request a hearing before the Civil Service Commission on your future employability with the civil service system of the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission <u>CANNOT</u> reverse the department's decision to terminate your employment.
<input type="checkbox"/> B.	As a <u>promotive probationary</u> employee (promotive status is determined by the examination announcement), you may appeal your termination to the Civil Service Commission, as provided in Civil Service Commission Rule 17, Section 17.14. The Civil Service Commission may either sustain or reverse the decision of the department to terminate your employment. They may return you to a position in the class from which promoted or return you to a list of eligibles, with conditions on future employment. They may approve, remove, modify or impose additional restrictions on your future employability, to that recommended by the Department. This provision does not apply to the uniformed ranks of the Police or Fire Departments.

You may request a hearing for review of any restrictions on your future employability (when box A above is checked) or file an appeal of your termination (when Box B above is checked) with the Civil Service Commission within twenty (20) calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness, Suite 720, San Francisco, CA 94102 by 12/26/2021. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

The items checked below are the recommendations made by the department on your future employability for positions covered by the San Francisco civil service system:

<input checked="" type="checkbox"/> No restrictions on future employability.	<input type="checkbox"/> Cancel any current examination and eligibility status.
<input type="checkbox"/> Accept the resignation as certified.	<input type="checkbox"/> No future employment with this department.
<input type="checkbox"/> Dismiss from City and County service.	<input type="checkbox"/> Return name to the eligible list from which appointed to this position.
<input type="checkbox"/> Approve the separation.	<input type="checkbox"/> No future employment with the City and County of San Francisco.
<input type="checkbox"/> Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of (# OF YEARS) work experience outside the City and County service.	
<input type="checkbox"/> (Applicable to promotive probationary terminations only.) Reinstatement to a position in the class from which promoted: Class (CLASS), Title (TITLE).	
<input type="checkbox"/> Other (specify):	

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6

SEE REVERSE SIDE

MUST BE COMPLETED BY DEPARTMENT:
 Rank: 2 List # 56515
 DSW: [REDACTED]
 Employee Organization Stationary Engineers, Local 39

METHOD OF SERVICE:
 Certified Mail: Mailed:
 Certified Mail #: _____
 Emailed:
 Attachment(s)
 DHR 1-13e

Rachel Gardunio
 AUTHORIZED SIGNATURE
Rachel Gardunio
 NAME
Acting Chief People Officer, SFPUC
 TITLE

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as the official notice of the separation to the former employee, the Civil Service Commission, and the Department of Human Resources.
2. A former promotive probationary employee who has terminated may file an appeal of the termination with the Civil Service Commission.
3. Any other separated employee may request a hearing before the Civil Service Commission only for review of any recommended restrictions on their future employability with the City and County of San Francisco.
4. Such appeals or requests for hearing must be in writing and received from the employee or the employee's representative within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
5. An employee who requests a hearing within the time limits is entitled to:
 - a) Representation by an attorney or authorized representative of her/his own choice.
 - b) Notification of date, time and place of hearing at a reasonable time in advance.
 - c) Inspection by the employee's attorney or authorized representative of those records and materials in the Civil Service Commission which relate to the separation.
6. The decision of the Civil Service Commission is final and not subject to reconsideration.
7. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.



NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS

Eric Eliasson
Employee Name
[Redacted]
Street Address
[Redacted]
City State Zip

12/6/2021
Mailing Date
SFPUC-Wastewater Enterprise
Department/Division
Permanent Civil Service
Type of Appointment

This notice is to inform you that a future employment restriction is being imposed along with your separation action, or with the action of automatic resignation, reported to the Department of Human Resources separating you from your position in Class 7372, Title Stationary Engineer, Sewage Plant, effective 12/7/2021, for the reasons outlined in the attached document(s).

The items checked below are the restrictions made by the department on your future employability for positions covered by the San Francisco civil service system:

No Restrictions on Employment
 Permanent Restriction
 Conditional Restriction

Citywide Department(s): _____
 DOT/SAPP Job Code(s): _____
 Cancel Current Examination & Eligibility Status

Conditional restrictions may be lifted by proving you have satisfactorily met the following requirements:

Requirement Type	Description:	Level of Measurement:	Measurement Value:
CER: Certification			
EXP: Work Experience			
LIC: Licensure			
SAP: Substance Abuse Program			
Other:			

In addition to the noted conditional restrictions, you are also restricted from specific attributes of a job class and/or department until you satisfactorily prove you meet the requirements to lift the restriction(s) as noted below:

Future Employment Restrictions	Description:	Level of Measurement:	Measurement Value:
001: Vehicle/Heavy Machinery			
002: Vulnerable Populations			
003: Face to Face Contact w/Public			
004: Contact w/Animals			
005: Signing/Approving City Docs			
006: Financial Instruments			
007: Confidential/Privileged Information			
008: IT Infrastructure			
009: Means of Entry to Living Spaces			
010: Pharmaceutical/Drug Inventory			
011: CDC Defined Toxins			
012: Weapons/Explosives			
013: City Property Valued > \$100			

You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by 12/26/2021. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action to confirm the restriction(s) in effect on the date of separation (Note: Future Employment Restriction(s) effective immediately).

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6. (SEE BELOW)

List #: <u>056515</u>	Rank #: <u>2</u>	<input type="checkbox"/> Pending	<input checked="" type="checkbox"/> Final	Status of Action
DSW: <u>[REDACTED]</u>		<i>Rachel Gardunio</i>		
Emp Organization: <u>Prof & Tech Eng, Local 21</u>		SIGNATURE		
METHOD OF SERVICE:		Rachel Gardunio		
<input checked="" type="checkbox"/> Email		NAME		
<input checked="" type="checkbox"/> U.S. Mail		Acting Chief People Officer, SFPUC		
		TITLE		

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as an official notice of future employment restrictions imposed with the Notice of Automatic Resignation from Employment to the former employee or with a Separation Action that is subject to the provisions of a collective bargaining agreement, to the Civil Service Commission, and the Department of Human Resources.
2. A separated employee may request a hearing before the Civil Service Commission only for review of any restrictions on their future employability with the City and County of San Francisco.
3. Such appeals or requests for hearing must be in writing and received from the employee or the employee's representative by the date specified on this notice, or within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
4. An employee who requests a hearing within the time limits is entitled to:
 - a. Representation by an attorney or authorized representative of the employee's own choice.
 - b. Notification of date, time, and place of hearing at a reasonable time in advance.
 - c. Inspection by the employee's attorney or authorized representative of those records and materials on file with the Civil Service Commission which relate to the restrictions on future employability.
5. Any interested party may request that the hearing be continued or postponed.
6. The decision of the Civil Service Commission is final and not subject to reconsideration.
7. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

EXHIBIT N

Emails from Eric Eliasson alleging discrimination based on
medical status, dated January 21, 2022

Dunson, Marvin (HRD)

From: [REDACTED]
Sent: Friday, January 21, 2022 8:43 AM
To: Lavina, Eric (HRD); DHR-EEO
Cc: Norby, Gregory (PUC); O'Connell, John (PUC); commission@sfgov.org
Subject: Re: Complaint of Discrimination, EEO File No. 4061

Dear Eric Lavina,

I am amazed at how quickly the City terminated my employment of 11+ years and how slowly the City is investigating my medical and religious discrimination complaint. This on top of the fact that I have still not been paid my 333 hours of accrued vacation and my remaining comp. time. I was terminated December 6, 2021 and I still have not received my final check. I did not fill out a medical exemption request. I did however fill out a vaccination status form under coercion and threat of termination for not doing so. The City and its agents then used my medical information I submitted on the vaccination status form to discriminate against me by terminating me for my medical status of being unvaccinated for COVID-19. A vaccine that won't stop you from catching the disease or from spreading the disease. I have been discriminated against for both my religious beliefs and my medical status, I have been taught not only by SFPUC and other employers that discrimination based on one's religious beliefs or medical status to be illegal and immoral. When can I expect communication from an investigator?

Eric Eliasson

-----Original Message-----

From: Lavina, Eric (HRD) <eric.lavina@sfgov.org>
To: [REDACTED]
Sent: Thu, Jan 20, 2022 11:36 am
Subject: RE: Complaint of Discrimination, EEO File No. 40611

Dear Eric Eliasson,

It appears we received your questionnaire regarding religious discrimination on 12/3/21. We also emailed your department a request for information and are awaiting the department's response. After that, your complaint will be assigned to an investigator.

Regarding medical discrimination, will you confirm that you also submitted a medical exemption request to your department? The information you previously submitted only referenced a religious exemption and the department does not have a record of you making a request for one.

I apologize for the delay in response and the length of the information gathering process.

Sincerely,
Eric Lavina

From: [REDACTED]
Sent: Wednesday, January 12, 2022 10:46 AM
To: Lavina, Eric (HRD) <eric.lavina@sfgov.org>
Subject: Re: Complaint of Discrimination, EEO File No. 4061

Eric,

What is happening in my complaint of religious and medical discrimination?

Thanks,

Eric Eliasson

-----Original Message-----

From: Lavina, Eric (HRD) <eric.lavina@sfgov.org>

To: [REDACTED]

Sent: Thu, Dec 23, 2021 9:51 am

Subject: RE: Complaint of Discrimination, EEO File No. 4061

Dear Eric Eliasson,

Thank you for your email. I apologize for my late response as I have been ill the last several days. Your emails have been received and saved to your complaint. Thank you also for your patience in this process, which can be stressful. Best wishes to you in the new year. Please let me or this office know if you have any questions.

Sincerely,
Eric Lavina



Eric Lavina, EEO Management Assistant

(he/him/his)

Department of Human Resources

One South Van Ness Ave., 4th Floor

San Francisco, CA 94103

Phone: (415) 557-4818

Website: www.sfdhr.org

From: [REDACTED]

Sent: Wednesday, December 22, 2021 11:13 AM

To: Lavina, Eric (HRD) <eric.lavina@sfgov.org>

Subject: Re: Complaint of Discrimination, EEO File No. 4061

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Sir,

I am looking for conformation that you have in fact received my intake questionnaire that was originally emailed to DHR-EEO@sfgov.org on Dec. 3, 2021. I replied to the email below with a copy of my original email that was sent to DHR-EEO@sfgov.org on Dec. 3, 2021. This is now the third email I am sending in reference to the intake questionnaire. At 9:41 am today I left a voicemail at (415)557-4818 to verify my emails are being received. Do you have the information I have sent or will I need to resubmit?

Eric Eliasson

-----Original Message-----

From: Lavina, Eric (HRD) <eric.lavina@sfgov.org>

To: [REDACTED]

Cc: Eliasson, Eric (PUC) <EEliasson@sfgov.org>

Sent: Fri, Dec 17, 2021 12:44 pm

Subject: Complaint of Discrimination, EEO File No. 4061

Dear Eric Eliasson:

On October 22, 2021, the Department of Human Resources, Equal Employment Opportunity Division (DHR EEO) received your communication reporting your discrimination complaint against the SF Public Utilities Commission. In your complaint you contest the department's denial of your request for a religious exemption to the City's vaccination requirement.

On November 23, 2021, DHR EEO sent you an Intake Questionnaire seeking additional information about the alleged discrimination. To expedite the investigation of your discrimination complaint, your responses to the questionnaire were due on December 9, 2021. It is now past the due date, and we have not received a response from you.

If you have already returned your completed Intake Questionnaire, please resend it to DHR-EEO@sfgov.org, or provide the date it was submitted and to whom it was sent, and our office will attempt to locate your responses. If you plan to submit your questionnaire, please do so no later than seven business days from the date of this reminder. If you do not intend to respond or go forward with your discrimination complaint under the City EEO procedure, then you may complete and return the attached Withdrawal Form.

If you do not respond to the Intake Questionnaire or formally withdraw your discrimination complaint within seven business days from the date of this reminder, DHR EEO will proceed to evaluate your allegations based on the information currently on record. This may result in the administrative closure of your complaint for insufficient information to support your discrimination allegations.

Please be reminded that a complaint of discrimination may also be filed with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. These agencies should be contacted directly for filing requirements and deadlines.

Sincerely,

Amalia Martinez
Director, EEO and Medical Leave Programs
Department of Human Resources



Eric Lavina, EEO Management Assistant
(he/him/his)
Department of Human Resources
One South Van Ness Ave., 4th Floor
San Francisco, CA 94103
Phone: (415) 557-4818
Website: www.sfdhr.org

Dunson, Marvin (HRD)

From: [REDACTED]
Sent: Friday, January 21, 2022 11:07 AM
To: Lavina, Eric (HRD); DHR-EEO
Cc: Norby, Gregory (PUC); O'Connell, John (PUC); commission@sfgwater.org
Subject: Fwd: Eliasson vaccine status
Attachments: Eliasson Vaccination status 1.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Mr. Lavina,

This is the email I sent back in Aug. 10, 2021. It was the email submitting my vaccination status. I wonder how I knew I would be discriminated against for giving the City my personal and private medical status. I am hoping that the City will find that discrimination for my medical status and religious beliefs is still not legal or moral. The City has already established in their declining my religious exception that I do not pose a direct threat to the health and safety of others and/or myself, that the accommodation would not prevent me from performing essential functions or that the accommodation would not result in undue hardship for the City. Then why was I terminated if not for my medical status and religious beliefs?

Eric Eliasson

-----Original Message-----

From: [REDACTED]
To: dykim@sfgwater.org <dykim@sfgwater.org>
Cc: eeliasson@sfgwater.org <eeliasson@sfgwater.org>
Sent: Tue, Aug 10, 2021 4:57 pm
Subject: Eliasson vaccine status

Mr. Kim,

I was advised by my Senior to email this private and personal medical information to you. I am only supplying this information under duress, coercion, harassment, intimidation and threats of termination. I believe this is a violation of my constitutional right to be secure in my persons, houses, papers and effects against unreasonable searches and seizure. If this information is used against me now or in the future in any discriminating manner, I will seek legal counsel against you and the City and County of San Francisco for this clear violation of my fourth amendment rights and for discriminating against me for my medical status.

Eric Eliasson



Certification of Employee COVID-19 Vaccination Status

Type of Vaccine Received:

Pfizer

Moderna

Johnson & Johnson/Janssen

I received the first dose of Pfizer or Moderna on _____

I received the second dose of Pfizer or Moderna on _____

I received the single dose of Johnson & Johnson/Janssen on _____

I am not vaccinated.

Employee Attestation: ~~I understand that I am required to provide the City with accurate information about my vaccination status and that failure to be truthful can subject me to discipline up to and including termination of employment.~~ I hereby certify that I have provided accurate and truthful information about my vaccination status in my answer to the questions above.

Name: ERIC ELIASSON Date: 8/10/21

Signature:

DSW Number: [REDACTED]

Department: WWG

I ERIC ELIASSON ATTEST THAT I DO NOT VOLUNTARILY PROVIDING MY PERSONAL & PRIVATE MEDICAL INFORMATION ABOVE. I BELIEVE THIS INFORMATION IS A TOOL THAT WILL BE USED AGAINST ME FOR DISCRIMINATING PURPOSES. I AM COMPLYING UNDER THE CONDITIONS OF HARASSMENT, COERCION AND THREATS OF TERMINATION. SO MUCH FOR THE ESSENTIAL EMPLOYEES THAT, HAVE WORKED THE ENTIRETY OF THIS "PANDEMIC".

EXHIBIT O

Human Resources Director's Letter of Determination to Eric
Eliasson, dated November 9, 2022



CONFIDENTIAL

November 9, 2022

Eric Eliasson
[REDACTED]
[REDACTED]

Via E-mail
[REDACTED]

RE: Complaint of Discrimination, EEO File No. 4061

Dear Eric Eliasson:

The San Francisco Charter, Section 10.103 and Civil Service Rule 103 provide that the Human Resources Director shall review and resolve all complaints of employment discrimination. The Charter defines discrimination as a violation of civil rights on account of race, religion, disability, sex, age, or other protected category. The City and County of San Francisco (City) considers all allegations of discrimination a serious matter. The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 4061.

I. BACKGROUND & ALLEGATIONS

The COVID-19 pandemic has created unprecedented circumstances and the need for swift decision-making to protect employees and the public. To date, over 80 million people in the United States have been infected with COVID-19 and nearly one million people have died from COVID-19 related illness. In the face of increasing concern over the rapid spread of this potentially fatal virus, the City acted quickly to reduce its impact on the workforce. On June 23, 2021, the City issued a policy (Vaccination Policy) requiring all City employees to report their vaccination status no later than July 29, 2021, and to be vaccinated within 10 weeks after one or more COVID-19 vaccines received full approval by the Food and Drug Administration (FDA). The City provided notice to all City unions and employees of this requirement.

The Vaccination Policy was created to help safeguard the health and wellbeing of City employees, the public, and anyone interacting with City employees. Facts show that vaccination against COVID-19 can lower the risk of getting and spreading the virus that causes COVID-19. Research has shown that unvaccinated persons have a significantly higher risk of getting and spreading COVID-19 than vaccinated persons. Vaccines also help prevent serious illness and death. The Vaccination Policy aimed to reduce infection, transmission, severe illness and death from COVID-19.

Consistent with its legal obligation to provide reasonable accommodations, the City set up a procedure for handling requests for exemption from the vaccine requirement based on a disability or sincerely held religious belief. Rapid increases in COVID-19 cases and constant changes during the public health emergency required the City to create an expedited process for evaluating and determining the appropriateness of reasonable accommodations, if any, to the City's vaccination requirement. In evaluating requests for exemption, the City applied a two-step analysis that examined the merits of the alleged

disability or religious beliefs, and considered the harm to co-workers forced to work with unvaccinated employees, as well as the danger to the public who would interact with them. There was significant concern about unvaccinated employees coming in contact with the elderly, children, and those with underlying conditions that make them vulnerable to severe illness or death from contracting COVID-19.

You were a 7372 Stationary Engineer formerly employed at the San Francisco Public Utilities Commission (SFPUC). On August 27, 2021, you requested an exemption to the City's vaccination requirement based on your sincerely held religious beliefs. You assert that your religious beliefs are non-denominational and are based on Judeo/Christian doctrine, although you are not Jewish or Christian in faith. According to your request, due to your religious beliefs, you were unable to get the COVID-19 vaccination for the following reasons: (1) God uses your hands, eyes, ears, and mouth to communicate what you believe; (2) the vaccine is immoral, God has given you free will to choose between good and evil, and you will not defile your body with any substance that you believe was created from evil; (3) the Vaccination Policy is an attempt to control your body, but your body is a temple and what goes into your body will only be your choosing, and you have a natural right to choose what medical interventions you take or do not take; (4) medicine has destroyed most of people's immune systems and the full risk of the vaccine is unknown since there are no long-term health studies; (5) the vaccination requirement is based on compliance with a policy that has no scientific basis and is politically driven.

On October 7, 2021, your department issued you a Determination denying your vaccination exemption request. The recorded reason for denying your request is:

- Documentation insufficient to Show a Conflict Between Vaccination Requirement and Sincerely Held Religious Belief, Practice or Observance

On October 14, 2021, you sent a letter to the City's Human Resources Director contesting the department's decision to deny your request for a religious exemption to the City's vaccination requirement. Your communications were accepted as a discrimination complaint under the City's internal Equal Employment Opportunity (EEO) procedures. On December 3, 2021, you responded to an Intake Questionnaire seeking additional information about your discrimination claims. Your department also responded to questions about its decision to deny your request for an exemption to the vaccination requirement.

II. RELEVANT CITY POLICIES AND STANDARDS

Below are relevant portion of the City's EEO Policies:

A. The City's EEO Policy

Discrimination and Harassment Prohibited

Discriminating against, or harassing City employee because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful. Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

B. City's Reasonable Accommodations Policy

Reasonable Accommodation Entitlement

The Americans with Disabilities Act (ADA), Title VII, and the California Fair Employment and Housing Act (FEHA) prohibit employment discrimination against qualified applicants and employees on the basis of disability and religion. In accordance with the law, it is the policy of the City to provide equal employment opportunities to qualified individuals with disabilities and to reasonably accommodate religious beliefs, practices and observances.

C. Investigative Standards

To sustain a complaint of failure to accommodate a religious belief in violation of the City's EEO policy, the investigation must establish:

- (1) you had a sincerely held religious belief that conflicted with a job requirement;
- (2) you requested a reasonable accommodation for your religious belief;
- (3) you could be reasonably accommodated without undue hardship to your employer; and
- (4) your employer failed to provide a reasonable accommodation

The definition of religion is broad, and departments could ordinarily assume that employee requests for religious accommodations are based on sincerely held religious beliefs. However, when a department has an objective basis for questioning either the religious nature or the sincerity of a particular belief, observance, or practice, the department is justified in seeking additional information. The focus of any additional inquiry is to distinguish between religious and secular beliefs that conflict with the City's vaccination requirement. Departments adopted the following three-factor analytical test from the California courts for additional inquiries:

- a. Does the religion address fundamental and ultimate questions having to do with deep, imponderable, or otherworldly matters?
- b. Is the religion comprehensive in nature, meaning it consists of a belief system as opposed to an isolated teaching?
- c. Does the religion have recognizable formal and external signs, such as rituals, services, or holidays?

Given the public health threat posed by COVID-19, departments were encouraged to ask follow-up questions to appropriately apply this three-part analytical framework. The framework was the basis for determining whether your beliefs about COVID-19 vaccination are religious. This analytical approach ensured that only those beliefs entitled to protections under Title VII, FEHA, and the City's non-discrimination policies received consideration for workplace accommodations.

Even if your sincerely held religious belief, practice, or observance conflicts with the City's vaccination requirement, your department's failure to provide you with a reasonable accommodation may be excused if the investigation shows:

- a. The department offered an accommodation that was reasonable, even if it was not your preferred accommodation, and you refused it;
- b. Any accommodation would impose an undue hardship. An undue hardship may arise if an accommodation is costly, compromises workplace safety, decreases workplace efficiency,

infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.

Generally, departments must take all available steps, short of those that would impose an undue hardship, to remove you from work requirements that conflict with your religious beliefs, practices, and observances.

III. FINDINGS & ANALYSES FOR DISCRIMINATION COMPLAINT

A. Insufficient Evidence to Show Your Beliefs Are Religious or In Conflict with the Vaccination Requirement

Religious beliefs include those centered around the existence of a god or gods, as well as moral or ethical beliefs regarding right and wrong, which are sincerely held with the strength of traditional religious views. However, not all beliefs that are religious merit protections or accommodations because they are sincerely held. Courts interpreting religious protections in Title VII and the Fair Employment and Housing Act look for certain elements to determine whether an individual's beliefs can be considered religious. Social, political, or economic philosophies, as well mere personal preferences, are not religious beliefs protected under federal or state law, or by the City's EEO policies. See, EEOC Compliance Manual § 12-I(A)(1).

Consistent with recognized caselaw, departments were instructed to evaluate whether employees seeking religious exemptions demonstrated genuinely held beliefs that involve elements associated with traditional religions. Departments received training on analyzing statements supporting exemption requests for evidence that the beliefs: (1) address fundamental and ultimate matters of the afterlife, spirituality, or something other-worldly; (2) were comprehensive in nature and part of a belief system as opposed to just personal views; and (3) are identifiable by certain formal and external signs, such as regular gatherings, holidays, or doctrinal teachings.

1. Your Beliefs About the COVID-19 Vaccination Are Personal and Not Religious

First, your religious belief to abstain from the COVID-19 vaccine is a matter of personal preference, related to your healthcare decision making and does not constitute a comprehensive system of religious beliefs. You stated that you cannot receive a COVID-19 vaccination because doing so would violate religious tenets that require you to keep your body pure and abstain from evil. However, your belief that the vaccine is impure is based on your assumption and is not supported by a doctrinal teaching or theological principles that identify physical contaminants from which persons must abstain. Additionally, your belief that the vaccine is immoral and evil because it was created from "evil institutions" for "evil purposes," is based on your personal and political opinion rather than doctrinal teachings or theological principles. You should note that state and federal courts have held that the following beliefs are not religious, and therefore do not qualify for an exemption to a vaccination requirement:

- fear of possible side effects from immunization
- a desire to live a "healthy" or "pure" lifestyle
- a belief that the vaccine will do more harm than good; and
- distrust in the science supporting vaccination

Documents on file further show that your refusal to comply with the City Vaccination Policy is based on your personal beliefs about substances that are impure, unhealthy for the body, and can harm a person's

natural immune system. Additionally, your belief that the vaccine has no scientific basis and is politically driven is non-religious. Therefore, your personal and political beliefs do not support approving a religious exemption.

2. Your Secular Claim is Insufficient

In documents submitted with your request, you opposed the COVID-19 vaccination for secular reasons that include your belief that the City's vaccine mandate constitutes an unlawful infringement on your personal freedoms and violates your right to bodily sovereignty. You stated that it is not about the vaccine but free choice. You also stated that you have the right to refuse medical treatment and should not be forced to take a vaccine that comes from evil institutions for evil purposes. Furthermore, you stated that the vaccine has no scientific basis, is politically driven, and is being used to harm the world's population. You should note that mixing political, sociological, personal, or philosophical objections with your religious exemption claim cast doubt on both the religious nature and the sincerity of your beliefs. For this reason, your department justifiably sought supporting information to clarify your exemption request and you provided them insufficient documentation to establish a conflict between the vaccination requirement and your sincerely held religious belief, practice, or observance.

3. Instructions From God are Insufficient to Show a Sincerely Held Religious Belief System Prohibits Vaccination

Your exemption request states that God personally instructed you to abstain from getting the COVID-19 vaccine through your hands, eyes, ears, and mouth to communicate that you believe it to be immoral. While such instructions can form the basis for a sincere belief that vaccination is prohibited, these instructions are personal in nature and not part of a religious belief system. In the absence of facts showing that your beliefs about the vaccine are part of an organized religious belief system, your department appropriately concluded that your request was insufficient to establish a conflict between your sincerely held religious beliefs and the City's vaccination requirement.

B. Accommodation Would Pose an Undue Hardship

The law defines "undue hardship" as having more than minimal cost or burden on the employer. Considerations relevant to the undue hardship or burden assessment include, among other things: (1) the number of employees in the workplace who are partially or fully vaccinated against COVID-19; (2) the extent of an unvaccinated employee's contact with non-employees, whose vaccination status could be unknown or who may be ineligible for the vaccine, with or without underlying COVID-19 vulnerable conditions; (3) the availability of masking and testing resources for both vaccinated and unvaccinated employees working in proximity to one another; (4) the availability of effective supervision to enforce masking and testing requirements and to monitor accommodation plans implemented for unvaccinated employees; and (5) other considerations recommended by the Centers for Disease Control and Prevention (CDC), or a state or local public health department.

1. An Accommodation Would Burden the Department With Securing Dedicated Testing Resources

Since the time you submitted your religious accommodation request and continuing today, the City has been challenged to meet the need for employee COVID-19 testing resources. The City has partnered with CityTest to secure up to 100 tests each month for City employees. These tests are performed at CityTest

sites throughout San Francisco. The limited number of tests available to conduct weekly surveillance testing for unvaccinated employees and vaccinated coworkers presents an undue burden for the department. The department would also experience an undue burden associated with lost productivity while employees use work time to get COVID-19 tests at sites other than their normal work locations.

2. An Accommodation Would Burden the Department by Decreasing the Number of Persons in Your Classification Available to Perform Essential Job Functions

An accommodation constitutes an undue hardship if it results in the inability of an employee to perform essential functions of the position to which the employee is appointed. In your case, your job requires regular contact with members of the public whose vaccination status may be unknown. Your contact with these persons, even while masked, places them at increased risk of contracting COVID-19 should you become unknowingly infected. This risk would require your department to remove you from performing essential job functions requiring contact with the public. Consequently, an accommodation would prohibit you from performing your essential job functions and would unduly burden co-workers required to take on tasks you are unable to perform.

C. Accommodation Would Pose a Direct Threat to Your Health and Safety and That of Others in the Workplace

Under the ADA and FEHA, employers may require employees to meet job-related requirements, such as the City's safety-related vaccination requirement. If an employee cannot meet a job-related requirement due to a disability or sincerely held religious belief, then the employer cannot require the employee to comply with that mandate, unless the employer can demonstrate that the employee would pose a "direct threat" to the health or safety of the employee or others in the workplace. A "direct threat" is defined as a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The EEOC has published updated guidance that identifies COVID-19 as a direct threat to employee health and safety. Thus, the remaining determination is whether the department appropriately concluded that no reasonable accommodation would reduce or eliminate the threat.

Relevant factors in assessing whether a reasonable accommodation can reduce or eliminate a direct threat are: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the likelihood that the potential harm will occur; and (4) the imminence of the potential harm.

Regarding duration, public health officials project that the virus that causes COVID-19 will continue to spread in some form indefinitely. This means the likelihood of contracting and spreading the virus will remain a significant health risk for the foreseeable future.

Addressing the nature and severity of potential harm, at the time you requested an exemption, COVID-19 related hospitalizations and deaths were increasing largely due to a variant of the virus. The number of persons suffering from long-COVID and dying also increased. While many people contracting the virus had only mild symptoms, there was a significant potential for developing severe illness and death among persons with underlying health conditions and the elderly. Thus, the potential harm to the health and lives of co-workers caused by working in proximity to unvaccinated co-workers was substantial.

Addressing the likelihood and imminence of harm, an August 26, 2021, CDC report found that “the greatest risk of transmission [of COVID-19] is among unvaccinated people who are much more likely to contract, and therefore transmit the virus.” (CDC’s National Center for Immunization and Respiratory Diseases, Division of Viral Diseases, Aug. 6, 2021, *Delta Variant: What We Know About the Science*. Retrieved from <https://stacks.cdc.gov/view/cdc/108671>). The report also indicates that vaccinated persons can get COVID-19, but they transmit a lower viral load when infected. These findings confirm that other employees and members of the public may be placed at greater risk of contracting COVID-19 if they are required to come in contact with unvaccinated employees. Overall, public health information establishes that unvaccinated employees are a direct threat to themselves and others.

In addition, any argument that this threat could be effectively mitigated or eliminated with masking and regular surveillance testing is unsupported. Public health officials recognize that masking and testing alone is not an effective strategy for suppressing COVID-19 transmission. The World Health Organization (WHO) announced that wearing a mask and regular testing alone are not sufficient to protect against COVID-19, but should be included as part of a comprehensive prevention plan that includes vaccination, physical distancing, well-ventilated rooms, avoiding crowds, washing hands frequently, and other related measures. This information supports a finding that no accommodation would have reduced or eliminated the threat posed by having an unvaccinated employee in the workplace. Thus, even though your department did not make a determination on whether an accommodation would pose a direct threat, the facts show that an accommodation in your job classification would pose a direct threat to your health and safety and to others.

IV. DETERMINATION OF THE HUMAN RESOURCES DIRECTOR

Please be advised that based on my review of the investigative findings, I find by a preponderance of the evidence that the SFPUC did not violate the City’s EEO Policy by denying your request for a religious accommodation that would make you exempt from the City’s Vaccination Policy. However, I understand that multiple sources have sown confusion and distrust among employees by communicating misinformation about the COVID-19 vaccine, and that you may continue to have concerns about the vaccine’s safety and efficacy. Records show that you were separated from City employment effective December 7, 2021, based on your refusal to comply with the City’s Vaccination Policy. I thank you for your service to the City, and I wish you good health and success in your future endeavors.

My determination is final, unless appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, CA 94102, within 30 calendar days of the date of the e-mail sending this letter.

For your information, you may file a complaint of employment discrimination with the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission. Contact those agencies directly for filing requirements and deadlines.

Please feel free to contact Amalia Martinez, EEO Director, Department of Human Resources, at (415) 557-4932, should you have any questions.

Eric Eliasson
EEO File No. 4061
Page 8 of 8

Sincerely,



Carol Isen
Human Resources Director

- c: Dennis Herrera, General Manager, SFPUC
 Wendy Macy, Chief People Officer, SFPUC
 Rachel Gardunio, Employee & Labor Relations Division Manager, SFPUC
 Steven Tang, EEO Programs Manager, SFPUC
 Amalia Martinez, EEO Director, DHR

EXHIBIT P

Notice of Receipt of Appeal and Acknowledgement Letter to
Eric Eliasson, dated December 6, 2022



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

Sent via Email

NOTICE OF RECEIPT OF APPEAL

DATE: December 6, 2022
REGISTER NO.: 0238-22-6
APPELLANT: ERIC ELIASSON

Carol Isen
Human Resources Director
Department of Human Resources
1 South Van Ness Avenue, 4th Floor
San Francisco, CA 94103

Dear Carol Isen:

The Civil Service Commission has received the attached letter from Eric Eliasson appealing the Human Resources Director's determination on their Complaint of Discrimination, EEO File No. 4061. Your review and action are required.

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention by email to civilservice@sfgov.org. CSC Form 13 is available on the Civil Service Commission's website at www.sfgov.org/CivilService under "Forms."

In the event that Eric Eliasson's appeal is timely and appropriate, the department is required to submit a staff report in response to the appeal within sixty (60) days so that the matter may be resolved in a timely manner. Accordingly, **the staff report is due no later than 11 a.m. on February 23rd, 2023**, so that it may be heard by the Civil Service Commission at its meeting on March 6, 2023. If you will be unable to transmit the staff report by the February 23rd deadline, or if required departmental representatives will not be available to attend the March 6th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

Appellant: Eric Eliasson
December 6, 2022
Page 2 of 2

You may contact me at Sandra.Eng@sfgov.org or (628) 652-1100 if you have any questions. For more information regarding staff report requirements, meeting procedures or future meeting dates, please visit the Commission's website at www.sfgov.org/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Jeanne Buick, Department of Human Resources
Kate Howard, Department of Human Resources
Mawuli Tugbenyoh, Department of Human Resources
Amalia Martinez, Department of Human Resources
Wendy Macy, Public Utilities Commission
Rachel Gardunio, Public Utilities Commission
Steven Tang, Public Utilities Commission



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

Sent via Email

December 6, 2022

Eric Eliasson



Subject: Register No. 0238-22-6: Appealing the Human Resources Director's Determination on their Complaint of Discrimination, EEO File No. 4061.

Dear Eric Eliasson:

This is in response to your appeal submitted to the Civil Service Commission on December 2, 2022, appealing the Human Resources Director's determination on your Discrimination Complaint, EEO File No. 4061. Your appeal has been forwarded to the Department of Human Resources for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will receive notice of the meeting and the department's staff report on your appeal two Fridays before the hearing date via email, as you have requested on your appeal form.

In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission of office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date by email to civilservice@sfgov.org. Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

You may contact me by email Sandra.Eng@sfgov.org or by phone at (628) 652-1100 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at www.sfgov.org/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Re: Civil Service Commission appeal

[REDACTED]
Fri 12/2/2022 9:01 AM

To: CivilService, Civil (CSC) <civilservice@sfgov.org>
To Civil Service Commission,

Attached are the PDF of the APPEAL TO THE CIVIL SERVICE COMMISSION form. I have also included four additional PDF that include, Employee request for religious accommodation form, the City's COVID-19 VACCINATION AND RELIGIOUS EXEMPTION REQUEST procedure, the DETERMINATION ON COVID-19 VACCINATION EXEMPTION REQUEST form and the determination email document from Carol Isen rejecting my appeal. In all there are five attached PDF files.

Thank you for your consideration,

Eric Eliasson

-----Original Message-----

From: CivilService, Civil (CSC) <civilservice@sfgov.org>
To: [REDACTED]
Sent: Thu, Dec 1, 2022 4:31 pm
Subject: Re: Civil Service Commission appeal

Dear Eric Eliasson,

Yes, we are accepting appeals by email and your typed name will count as your signature.

Civil Service Commission Representative
25 Van Ness Avenue, Suite 720
San Francisco, CA 94102
Office (628) 652-1110
Main (628) 652-1100
Fax (628) 652-1109

From: [REDACTED]
Sent: Thursday, December 1, 2022 3:53 PM
To: CivilService, Civil (CSC) <civilservice@sfgov.org>
Subject: Civil Service Commission appeal

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To whom it may concern,

I am hoping to file an appeal with you. I see on the form that you are accepting appeal by email. Is this correct? If so can I type my name as the original signature of Appellant?

Thanks,

Eric Eliasson



CIVIL SERVICE COMMISSION
City and County of San Francisco
 25 Van Ness Avenue, Suite 720
 San Francisco, California 94102-6033
 Executive Officer
 (628) 652-1100

CSC Register No.

To:

CC:

APPEAL TO THE CIVIL SERVICE COMMISSION

INSTRUCTIONS: Submit an original copy of this form to the Executive Officer of the Civil Service Commission at the address above within the designated number of days following the postmarked mailing date or email date (whichever is applicable) of the Department of Human Resources' or Municipal Transportation Agency's notification to the appellant. The appellant's/authorized representative's original signature is required. (E-mail is not accepted.) It is recommended that you include all relevant information and documentation in support of your appeal.	TYPE OF APPEAL: (Check One)
	<input type="checkbox"/> Examination Matters (by close of business on 5th working day) <input type="checkbox"/> Employee Compensation Matters (by close of business on 7th working day) - Limited application <input type="checkbox"/> Personal Service Contracts (Posting Period) <input checked="" type="checkbox"/> Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days) <input type="checkbox"/> Future Employability Recommendations (See Notice to Employee)

“During the Shelter Order dated March 17, 2020, we are accepting appeals by email at civilservice@sfgov.org”

Eric Dwayne Eliasson 750 Phelps St., SF 415-920-4700

Full Name of Appellant	Work Address	Work Telephone
7372 Stationary Engineer	SFPUC/WWE	

Job Code	Title	Department			
██████████		██████████	██████████	██████████	██████████

Residence Address	City	State	Zip	Home Telephone

Full Name of Authorized Representative (if any)	Telephone Number of Representative (including Area Code)

NOTE: If this is deemed to be a timely and appealable matter, the department will submit a staff report to the Civil Service Commission to request that it be scheduled for hearing. You will be notified approximately one week in advance of the hearing date, at which time you will be able to pick up a copy of the department's staff report at the Commission's offices. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please provide your email address below.

Email: ██████████

COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE. (Use additional page(s) if necessary)

Does the basis of this appeal include new information not previously presented in the appeal to the Human Resources Director? If so, please specify.	Check One: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

Eric Eliasson	12/2/22
Original Signature of Appellant or Authorized Representative	Date

CSC-12 (5/2021) Date Received by Civil Service Commission: _____

State the basis of this appeal in detail. For more information about appeal rights and deadlines, please review the Civil Service Rules located on the Civil Service Commission’s website at www.sfgov.org/CivilService.

On August 27, 2021 I requested an exemption to the City’s immoral vaccination requirement based on my sincerely held religious beliefs. I certified via the Religious Accommodation (COVID-19 Vaccination Exemption) form, ***“My faith is based on Judeo/Christian doctrine although I am not Jewish nor Christian in faith. My faith is based on the idea that I was created in the image of God, spiritually not physically, as we all are. I was created with free will. To choose between right and wrong. I believe we are currently living through a spiritual battle between good (free will) and evil (Tyranny). I have zero faith in worldly institutions. My faith remains in my creator. I will not defile my body with any substance that I believe was created from or by evil. Judge me as you will, my faith has taught me that our lives on this earth are at the mercy of evil, but my spirit will always be free.”*** I have provided a copy

On page two of the exemption form I was asked to provide information if my religion, belief system, or practice requires you to abstain from the COVID-19 vaccination, but not other types of vaccinations, I was asked to please describe the specific tenet, practice, or observation that expressly conflicts with the COVID-19 vaccination. I again certified, ***“My creator has given me eyes to see and ears to hear. It is not about vaccines it is about free choice. This shot is not a “vaccine”. I believe it is being used by evil to harm the world’s population. Our creator has provided an immune system to fend off disease. Of course, with the poison that is put in our food and water and with the use of modern medicine that simply covers symptoms, makes lots of money and requires additional medicine for the side effects of the original prescribed medicine which has destroyed most people’s natural immune system. Medical errors are the 3rd leading cause of in this country. I will not take part in this genocide and do not judge those that do.”*** I have provided a copy

The above is the basis of my request for a religious accommodation. Though I submitted my request on August 27, 2021, my request was not denied until October 8, 2021. According to the City’s COVID-19 VACCINATION MEDICAL AND RELIGIOUS EXEMPTION REQUEST procedure issued: July 30, 2021, under section 9 Religious Exemption Procedures it states, ***“Department personnel officials will make a determination and respond to an employee request for religious exemption from the vaccination requirement within seven (7) business days of receiving an accommodation request and any supporting information requested by the department.”*** The City and its representatives did not make a determination to my request within the 7 days as stated in there procedures. I have provided a copy

On the “DETERMINATION OF COVID-19 VACCINATION EXEMPTION REQUEST” form it was checked that my request was denied. On the form it is stated by the City and its Representatives that, ***“Your request for an exemption based on an asserted sincerely held religious belief, practice or observance is DENIED for the following reason(s).”*** There were 5 reasons the City and its Representatives had for my denial. The ONLY checked reason for my denial was, ***“Documentation Insufficient to show a conflict between vaccination requirements and sincerely held religious belief, practice or observance”***. It was not indicated that the denial was due to ***“Accommodation would pose a direct threat to the health and safety of others and/yourself.”*** This is the main reason for attempting to force all employees to vaccinate against COVID-19. If it was not determined that I would pose a direct threat to the health and safety of other and/myself then why could my request not be approved? It was also not indicated, ***“Accommodation would prevent employee from performing essential function(s).”*** Then why would my request be denied? It was also not indicated that, ***“Accommodation would result in undue hardship for the City.”*** Then why would my request be denied? I have provided a copy

On October 14, 2021 I filed an appeal with the City’s EEO department via email. I stated, “My name is Eric Eliasson and my pronoun is whatever you wish to use.

My contact information is [REDACTED]

My job title is Stationary Engineer 7372.

The issue and basis of my complaint is that the Mayor has made it policy that all city employees must take a Covid 19 “vaccine” in order to keep the job I have held faithfully for over 11 years regardless of my strongly held religious belief against said “vaccine”. In addition such policy is in conflict with the ideas of discriminating individuals for their medical condition.

The date of my civil rights violation started on the date the mayor mandated medical treatment that is in conflict with my strongly held religious belief in order to maintain my 11+ years of employment that I have had with the city. I submitted a religious exemption request on 8/27/21 and filled out another questionnaire about my personal and private religious beliefs that was requested by Hallie Albert which I filled out and returned on 8/30/21. On 9/24/21 I was given another

questionnaire at the request of Hallie Albert asking more questions about my personal and private religious beliefs that I responded to on 9/22/21. On 10/8/21 I was notified via email from Hallie Albert that my request for religious exemption was denied due to “documentation insufficient to show a conflict between vaccination requirement and sincerely held religious belief, practice or observance.” I had provided documentation of my strongly held religious beliefs against said medical treatment in the first form for requesting religious exemption from this medical procedure and twice more when Hallie Albert kept inquiring further about my private and personal religious beliefs. As the reason your department declined my request for religious exemption was not due to the accommodation posing a direct threat to the health and safety of others and or myself, nor, the accommodation would prevent the employee from performing essential functions, nor, the accommodation would result in undue hardship for the city, nor, other reasons, the only conclusion I can come to is I am being discriminated against for my religious beliefs. In the email I received from Hallie Albert on 10/8/21 it was said, “The Department has determined that the information you supplied does not meet the applicable standards under state and federal law, as well as the City’s policies and procedures, for a religious exemption to the City’s Covid-19 vaccination requirements.” As I responded then and now...I had no idea that I had to meet any applicable standards under state and federal law as well as the City’s policies and procedures in regards to my strongly held religious beliefs against this or any other matter concerning my religious beliefs. This I believe is where my belief system clearly does not conform to the City’s. I believe that god has given me life through my parents, god has given me free will to choose between good and evil. There is no higher authority over my body and my choices than that which I believe to be true. I will not take this “vaccine”. I do not want to be discriminated against for my religious beliefs. I do not want to be discriminated against for my medical condition. I do not want to be terminated from my employment when I have done nothing wrong other than follow my religious beliefs.

Eric Eliasson”

Not once, either for my original request for an exemption nor my appeal has anyone contacted or interviewed me personally about my religious reasons for not taking said “vaccine”.

On November 9, 2022, over a year after I was placed on administrative leave, I finally received a decision from Carol Isen stating that my appeal had been denied. In the first paragraph it is stated that, ***“The Charter defines discrimination as a violation of civil rights on account of race, religion, disability, sex, age or other protected category.”*** My right to follow my faith and what I believe to be true, is the reason for my termination. Under section III, “FINDINGS & ANALYSES FOR DISCRIMINATION COMPLAINT”, Section A, it states, ***“Religious beliefs include those centered around the existence of god or gods, as well as moral or ethical beliefs regarding right and wrong, which are sincerely held with the strength of traditional religious views.”*** Did none of the City’s Representatives read the forms I submitted? I believe there to be a GOD, maybe more than one but I am connected to one, my creator. I believe we are in the midst of a spiritual war on this earth between good (Free will) and evil (tyranny). I believe it is immoral and unethical to coerce any individual to take or do anything for which they believe to come from evil or to be evil. I stated such in my original religious exemption form. Did no one read it? These beliefs are core and sincerely held with strength of traditional religious views of the Judeo/Christian faith, which doctrine I follow.

Carol Isen then goes on to claim in section 1 of the, “FINDINGS & ANALYSES FOR DISCRIMINATION COMPLAINT”, that, ***“Your beliefs about the COVID-19 Vaccination are personal and not Religious.”*** How offensive is that!!! Carol Isen nor any human can determine what I believe or don’t believe. It is true that the beliefs I hold are personal, because to me religious faith is personal. I come to determine what good or evil is based on the actions or inactions of people. It is true that I fear the side effects of this experimental treatment that has no long-term safety studies. It is true that I have a desire to live a “healthy” or “pure” lifestyle. It is true I have a belief that the vaccine will do more harm than good; and I do distrust the institutions pushing this agenda. This does not take away the fact that I believe the agenda is driven for and by evil and I can not comply because of this fact.

In section 2 Carol Isen's claim is that my secular claim is insufficient. It is true that I do believe that the City's vaccine mandate constitutes an unlawful infringement on my personal freedoms and violates my right to bodily sovereignty. My body is a gift from God and my parents, coercing anyone to take anything without their consent is evil. Does anyone not believe this? This country and supposedly the City recognizes peoples right to practice their faith and claims it is against the law and policy to discriminate for such reasons. These are in fact secular policies that I am fighting against to protect my lawful rights to informed consent. I have followed all procedures to claim the rights given to me by God and allegedly recognized by law and policy.

In section 3 Carol Isen claims, ***"Instructions from God are insufficient to show a sincerely held religious belief system prohibits vaccination."*** It is further stated, ***"While such instructions can form the basis for a sincere belief that vaccination is prohibited, these instructions are personal in nature and not part of a religious belief system."*** It is my belief that I was created by God and given free will to choose between good and evil. This is personal in nature as it is my personal belief system which is shared by many in the Judeo/Christian faith, which doctrines I follow.

In section B, Carol Isen is now claiming that the Accommodation would pose an undue hardship. So only after I appeal the decision to decline my Religious exemption for vaccination does it become a hardship for the City. This reason was not indicated on the denial form and could have been. How is this possible? Not a hardship in 2021 but now a hardship?

In section B1 it is stated, "An accommodation would burden the department with securing dedicated testing resources". It continues, ***"Since the time you submitted your religious accommodation request and continuing today, the City has been challenged to meet the need for employee COVID-19 testing resources....The limited number of tests available to conduct weekly surveillance testing for unvaccinated employees and vaccinated coworkers presents an undue burden for the department."*** There are no differences between vaccinated and unvaccinated regarding testing. Being unvaccinated does not increase the burden of testing vaccinated employees. So again it seems discrimination is alive and well towards those unvaccinated, regardless of the reasons.

In section B2, "An accommodation would burden the department by decreasing the number of persons in your classification available to perform essential job functions". How strange it is that back in 2021 on the denial form given to me this was not one of the options indicated for my denial. It is only after I appeal my denial and after nearly a year that now somehow this has become a reason for my denial. The City and it's representative must not remember that I was an essential employee that worked through the peak of this event. There were signs at my workplace stating we were hero's for providing essential services during the peak of this event. How short peoples memories are.

In section C it states, "Accommodation would pose a direct threat to your health and safety and that of others in the workplace". Thank GOD for documentation. This again was not indicated for the reason of the original denial form. It was not until I appealed the denial that now somehow I am somehow a health and safety risk. This is nonsense. It has well been established that vaccination does not stop the spread or infection or even stop the infection of those vaccinated. I use for example the fact that it has been widely reported that President Biden, Dr. Anthony Fauci and Dr. Rochelle Wilensky have all been infected with COVID-19 after full vaccination. It has been a year since all unvaccinated employees have been terminated. Have there been no cases of COVID-19 at the workplace since a year ago?

I believe that the City had no intentions of allowing any accommodations for any reason. The fact that I have never been interviewed about my religious beliefs strengthens that belief. The reason for the denial of my accommodation went from, "Documentation insufficient to show a conflict between vaccination

requirement and sincerely held religious belief, practice or observance”, back in 2021 to now all possible reasons only after I appeal the decision. Good and Evil are determined by the actions or inactions of people. I have done nothing wrong. I followed what I believe and was discriminated against for my beliefs. How naive I was to think the rights that laws and policies were meant to protect were not followed. Fortunately I follow an authority much higher than law or policy....I have done the right thing!!

CSC-12 (5/2021)

(Use additional sheets if needed)



CONFIDENTIAL

November 9, 2022

Eric Eliasson
[REDACTED]

Via E-mail
[REDACTED]

RE: Complaint of Discrimination, EEO File No. 4061

Dear Eric Eliasson:

The San Francisco Charter, Section 10.103 and Civil Service Rule 103 provide that the Human Resources Director shall review and resolve all complaints of employment discrimination. The Charter defines discrimination as a violation of civil rights on account of race, religion, disability, sex, age, or other protected category. The City and County of San Francisco (City) considers all allegations of discrimination a serious matter. The purpose of this letter is to inform you of my determination regarding your complaint, EEO File No. 4061.

I. BACKGROUND & ALLEGATIONS

The COVID-19 pandemic has created unprecedented circumstances and the need for swift decision-making to protect employees and the public. To date, over 80 million people in the United States have been infected with COVID-19 and nearly one million people have died from COVID-19 related illness. In the face of increasing concern over the rapid spread of this potentially fatal virus, the City acted quickly to reduce its impact on the workforce. On June 23, 2021, the City issued a policy (Vaccination Policy) requiring all City employees to report their vaccination status no later than July 29, 2021, and to be vaccinated within 10 weeks after one or more COVID-19 vaccines received full approval by the Food and Drug Administration (FDA). The City provided notice to all City unions and employees of this requirement.

The Vaccination Policy was created to help safeguard the health and wellbeing of City employees, the public, and anyone interacting with City employees. Facts show that vaccination against COVID-19 can lower the risk of getting and spreading the virus that causes COVID-19. Research has shown that unvaccinated persons have a significantly higher risk of getting and spreading COVID-19 than vaccinated persons. Vaccines also help prevent serious illness and death. The Vaccination Policy aimed to reduce infection, transmission, severe illness and death from COVID-19.

Consistent with its legal obligation to provide reasonable accommodations, the City set up a procedure for handling requests for exemption from the vaccine requirement based on a disability or sincerely held religious belief. Rapid increases in COVID-19 cases and constant changes during the public health emergency required the City to create an expedited process for evaluating and determining the appropriateness of reasonable accommodations, if any, to the City's vaccination requirement. In evaluating requests for exemption, the City applied a two-step analysis that examined the merits of the alleged

disability or religious beliefs, and considered the harm to co-workers forced to work with unvaccinated employees, as well as the danger to the public who would interact with them. There was significant concern about unvaccinated employees coming in contact with the elderly, children, and those with underlying conditions that make them vulnerable to severe illness or death from contracting COVID-19.

You were a 7372 Stationary Engineer formerly employed at the San Francisco Public Utilities Commission (SFPUC). On August 27, 2021, you requested an exemption to the City's vaccination requirement based on your sincerely held religious beliefs. You assert that your religious beliefs are non-denominational and are based on Judeo/Christian doctrine, although you are not Jewish or Christian in faith. According to your request, due to your religious beliefs, you were unable to get the COVID-19 vaccination for the following reasons: (1) God uses your hands, eyes, ears, and mouth to communicate what you believe; (2) the vaccine is immoral, God has given you free will to choose between good and evil, and you will not defile your body with any substance that you believe was created from evil; (3) the Vaccination Policy is an attempt to control your body, but your body is a temple and what goes into your body will only be your choosing, and you have a natural right to choose what medical interventions you take or do not take; (4) medicine has destroyed most of people's immune systems and the full risk of the vaccine is unknown since there are no long-term health studies; (5) the vaccination requirement is based on compliance with a policy that has no scientific basis and is politically driven.

On October 7, 2021, your department issued you a Determination denying your vaccination exemption request. The recorded reason for denying your request is:

- Documentation insufficient to Show a Conflict Between Vaccination Requirement and Sincerely Held Religious Belief, Practice or Observance

On October 14, 2021, you sent a letter to the City's Human Resources Director contesting the department's decision to deny your request for a religious exemption to the City's vaccination requirement. Your communications were accepted as a discrimination complaint under the City's internal Equal Employment Opportunity (EEO) procedures. On December 3, 2021, you responded to an Intake Questionnaire seeking additional information about your discrimination claims. Your department also responded to questions about its decision to deny your request for an exemption to the vaccination requirement.

II. RELEVANT CITY POLICIES AND STANDARDS

Below are relevant portion of the City's EEO Policies:

A. The City's EEO Policy

Discrimination and Harassment Prohibited

Discriminating against, or harassing City employee because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful. Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

B. City's Reasonable Accommodations Policy

Reasonable Accommodation Entitlement

The Americans with Disabilities Act (ADA), Title VII, and the California Fair Employment and Housing Act (FEHA) prohibit employment discrimination against qualified applicants and employees on the basis of disability and religion. In accordance with the law, it is the policy of the City to provide equal employment opportunities to qualified individuals with disabilities and to reasonably accommodate religious beliefs, practices and observances.

C. Investigative Standards

To sustain a complaint of failure to accommodate a religious belief in violation of the City's EEO policy, the investigation must establish:

- (1) you had a sincerely held religious belief that conflicted with a job requirement;
- (2) you requested a reasonable accommodation for your religious belief;
- (3) you could be reasonably accommodated without undue hardship to your employer; and
- (4) your employer failed to provide a reasonable accommodation

The definition of religion is broad, and departments could ordinarily assume that employee requests for religious accommodations are based on sincerely held religious beliefs. However, when a department has an objective basis for questioning either the religious nature or the sincerity of a particular belief, observance, or practice, the department is justified in seeking additional information. The focus of any additional inquiry is to distinguish between religious and secular beliefs that conflict with the City's vaccination requirement. Departments adopted the following three-factor analytical test from the California courts for additional inquiries:

- a. Does the religion address fundamental and ultimate questions having to do with deep, imponderable, or otherworldly matters?
- b. Is the religion comprehensive in nature, meaning it consists of a belief system as opposed to an isolated teaching?
- c. Does the religion have recognizable formal and external signs, such as rituals, services, or holidays?

Given the public health threat posed by COVID-19, departments were encouraged to ask follow-up questions to appropriately apply this three-part analytical framework. The framework was the basis for determining whether your beliefs about COVID-19 vaccination are religious. This analytical approach ensured that only those beliefs entitled to protections under Title VII, FEHA, and the City's non-discrimination policies received consideration for workplace accommodations.

Even if your sincerely held religious belief, practice, or observance conflicts with the City's vaccination requirement, your department's failure to provide you with a reasonable accommodation may be excused if the investigation shows:

- a. The department offered an accommodation that was reasonable, even if it was not your preferred accommodation, and you refused it;
- b. Any accommodation would impose an undue hardship. An undue hardship may arise if an accommodation is costly, compromises workplace safety, decreases workplace efficiency,

infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.

Generally, departments must take all available steps, short of those that would impose an undue hardship, to remove you from work requirements that conflict with your religious beliefs, practices, and observances.

III. FINDINGS & ANALYSES FOR DISCRIMINATION COMPLAINT

A. Insufficient Evidence to Show Your Beliefs Are Religious or In Conflict with the Vaccination Requirement

Religious beliefs include those centered around the existence of a god or gods, as well as moral or ethical beliefs regarding right and wrong, which are sincerely held with the strength of traditional religious views. However, not all beliefs that are religious merit protections or accommodations because they are sincerely held. Courts interpreting religious protections in Title VII and the Fair Employment and Housing Act look for certain elements to determine whether an individual's beliefs can be considered religious. Social, political, or economic philosophies, as well mere personal preferences, are not religious beliefs protected under federal or state law, or by the City's EEO policies. See, EEOC Compliance Manual § 12-I(A)(1).

Consistent with recognized caselaw, departments were instructed to evaluate whether employees seeking religious exemptions demonstrated genuinely held beliefs that involve elements associated with traditional religions. Departments received training on analyzing statements supporting exemption requests for evidence that the beliefs: (1) address fundamental and ultimate matters of the afterlife, spirituality, or something other-worldly; (2) were comprehensive in nature and part of a belief system as opposed to just personal views; and (3) are identifiable by certain formal and external signs, such as regular gatherings, holidays, or doctrinal teachings.

1. Your Beliefs About the COVID-19 Vaccination Are Personal and Not Religious

First, your religious belief to abstain from the COVID-19 vaccine is a matter of personal preference, related to your healthcare decision making and does not constitute a comprehensive system of religious beliefs. You stated that you cannot receive a COVID-19 vaccination because doing so would violate religious tenets that require you to keep your body pure and abstain from evil. However, your belief that the vaccine is impure is based on your assumption and is not supported by a doctrinal teaching or theological principles that identify physical contaminants from which persons must abstain. Additionally, your belief that the vaccine is immoral and evil because it was created from "evil institutions" for "evil purposes," is based on your personal and political opinion rather than doctrinal teachings or theological principles. You should note that state and federal courts have held that the following beliefs are not religious, and therefore do not qualify for an exemption to a vaccination requirement:

- fear of possible side effects from immunization
- a desire to live a "healthy" or "pure" lifestyle
- a belief that the vaccine will do more harm than good; and
- distrust in the science supporting vaccination

Documents on file further show that your refusal to comply with the City Vaccination Policy is based on your personal beliefs about substances that are impure, unhealthy for the body, and can harm a person's

natural immune system. Additionally, your belief that the vaccine has no scientific basis and is politically driven is non-religious. Therefore, your personal and political beliefs do not support approving a religious exemption.

2. Your Secular Claim is Insufficient

In documents submitted with your request, you opposed the COVID-19 vaccination for secular reasons that include your belief that the City's vaccine mandate constitutes an unlawful infringement on your personal freedoms and violates your right to bodily sovereignty. You stated that it is not about the vaccine but free choice. You also stated that you have the right to refuse medical treatment and should not be forced to take a vaccine that comes from evil institutions for evil purposes. Furthermore, you stated that the vaccine has no scientific basis, is politically driven, and is being used to harm the world's population. You should note that mixing political, sociological, personal, or philosophical objections with your religious exemption claim cast doubt on both the religious nature and the sincerity of your beliefs. For this reason, your department justifiably sought supporting information to clarify your exemption request and you provided them insufficient documentation to establish a conflict between the vaccination requirement and your sincerely held religious belief, practice, or observance.

3. Instructions From God are Insufficient to Show a Sincerely Held Religious Belief System Prohibits Vaccination

Your exemption request states that God personally instructed you to abstain from getting the COVID-19 vaccine through your hands, eyes, ears, and mouth to communicate that you believe it to be immoral. While such instructions can form the basis for a sincere belief that vaccination is prohibited, these instructions are personal in nature and not part of a religious belief system. In the absence of facts showing that your beliefs about the vaccine are part of an organized religious belief system, your department appropriately concluded that your request was insufficient to establish a conflict between your sincerely held religious beliefs and the City's vaccination requirement.

B. Accommodation Would Pose an Undue Hardship

The law defines "undue hardship" as having more than minimal cost or burden on the employer. Considerations relevant to the undue hardship or burden assessment include, among other things: (1) the number of employees in the workplace who are partially or fully vaccinated against COVID-19; (2) the extent of an unvaccinated employee's contact with non-employees, whose vaccination status could be unknown or who may be ineligible for the vaccine, with or without underlying COVID-19 vulnerable conditions; (3) the availability of masking and testing resources for both vaccinated and unvaccinated employees working in proximity to one another; (4) the availability of effective supervision to enforce masking and testing requirements and to monitor accommodation plans implemented for unvaccinated employees; and (5) other considerations recommended by the Centers for Disease Control and Prevention (CDC), or a state or local public health department.

1. An Accommodation Would Burden the Department With Securing Dedicated Testing Resources

Since the time you submitted your religious accommodation request and continuing today, the City has been challenged to meet the need for employee COVID-19 testing resources. The City has partnered with CityTest to secure up to 100 tests each month for City employees. These tests are performed at CityTest

sites throughout San Francisco. The limited number of tests available to conduct weekly surveillance testing for unvaccinated employees and vaccinated coworkers presents an undue burden for the department. The department would also experience an undue burden associated with lost productivity while employees use work time to get COVID-19 tests at sites other than their normal work locations.

2. An Accommodation Would Burden the Department by Decreasing the Number of Persons in Your Classification Available to Perform Essential Job Functions

An accommodation constitutes an undue hardship if it results in the inability of an employee to perform essential functions of the position to which the employee is appointed. In your case, your job requires regular contact with members of the public whose vaccination status may be unknown. Your contact with these persons, even while masked, places them at increased risk of contracting COVID-19 should you become unknowingly infected. This risk would require your department to remove you from performing essential job functions requiring contact with the public. Consequently, an accommodation would prohibit you from performing your essential job functions and would unduly burden co-workers required to take on tasks you are unable to perform.

C. Accommodation Would Pose a Direct Threat to Your Health and Safety and That of Others in the Workplace

Under the ADA and FEHA, employers may require employees to meet job-related requirements, such as the City's safety-related vaccination requirement. If an employee cannot meet a job-related requirement due to a disability or sincerely held religious belief, then the employer cannot require the employee to comply with that mandate, unless the employer can demonstrate that the employee would pose a "direct threat" to the health or safety of the employee or others in the workplace. A "direct threat" is defined as a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The EEOC has published updated guidance that identifies COVID-19 as a direct threat to employee health and safety. Thus, the remaining determination is whether the department appropriately concluded that no reasonable accommodation would reduce or eliminate the threat.

Relevant factors in assessing whether a reasonable accommodation can reduce or eliminate a direct threat are: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the likelihood that the potential harm will occur; and (4) the imminence of the potential harm.

Regarding duration, public health officials project that the virus that causes COVID-19 will continue to spread in some form indefinitely. This means the likelihood of contracting and spreading the virus will remain a significant health risk for the foreseeable future.

Addressing the nature and severity of potential harm, at the time you requested an exemption, COVID-19 related hospitalizations and deaths were increasing largely due to a variant of the virus. The number of persons suffering from long-COVID and dying also increased. While many people contracting the virus had only mild symptoms, there was a significant potential for developing severe illness and death among persons with underlying health conditions and the elderly. Thus, the potential harm to the health and lives of co-workers caused by working in proximity to unvaccinated co-workers was substantial.

Addressing the likelihood and imminence of harm, an August 26, 2021, CDC report found that “the greatest risk of transmission [of COVID-19] is among unvaccinated people who are much more likely to contract, and therefore transmit the virus.” (CDC’s National Center for Immunization and Respiratory Diseases, Division of Viral Diseases, Aug. 6, 2021, *Delta Variant: What We Know About the Science*. Retrieved from <https://stacks.cdc.gov/view/cdc/108671>). The report also indicates that vaccinated persons can get COVID-19, but they transmit a lower viral load when infected. These findings confirm that other employees and members of the public may be placed at greater risk of contracting COVID-19 if they are required to come in contact with unvaccinated employees. Overall, public health information establishes that unvaccinated employees are a direct threat to themselves and others.

In addition, any argument that this threat could be effectively mitigated or eliminated with masking and regular surveillance testing is unsupported. Public health officials recognize that masking and testing alone is not an effective strategy for suppressing COVID-19 transmission. The World Health Organization (WHO) announced that wearing a mask and regular testing alone are not sufficient to protect against COVID-19, but should be included as part of a comprehensive prevention plan that includes vaccination, physical distancing, well-ventilated rooms, avoiding crowds, washing hands frequently, and other related measures. This information supports a finding that no accommodation would have reduced or eliminated the threat posed by having an unvaccinated employee in the workplace. Thus, even though your department did not make a determination on whether an accommodation would pose a direct threat, the facts show that an accommodation in your job classification would pose a direct threat to your health and safety and to others.

IV. DETERMINATION OF THE HUMAN RESOURCES DIRECTOR

Please be advised that based on my review of the investigative findings, I find by a preponderance of the evidence that the SFPUC did not violate the City’s EEO Policy by denying your request for a religious accommodation that would make you exempt from the City’s Vaccination Policy. However, I understand that multiple sources have sown confusion and distrust among employees by communicating misinformation about the COVID-19 vaccine, and that you may continue to have concerns about the vaccine’s safety and efficacy. Records show that you were separated from City employment effective December 7, 2021, based on your refusal to comply with the City’s Vaccination Policy. I thank you for your service to the City, and I wish you good health and success in your future endeavors.

My determination is final, unless appealed to the Civil Service Commission and is reversed or modified. A request for appeal must be received by the Civil Service Commission at 25 Van Ness Avenue, Room 720, San Francisco, CA 94102, within 30 calendar days of the date of the e-mail sending this letter.

For your information, you may file a complaint of employment discrimination with the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission. Contact those agencies directly for filing requirements and deadlines.

Please feel free to contact Amalia Martinez, EEO Director, Department of Human Resources, at (415) 557-4932, should you have any questions.

Eric Eliasson
EEO File No. 4061
Page 8 of 8

Sincerely,



Carol Isen
Human Resources Director

c: Dennis Herrera, General Manager, SFPUC
Wendy Macy, Chief People Officer, SFPUC
Rachel Gardunio, Employee & Labor Relations Division Manager, SFPUC
Steven Tang, EEO Programs Manager, SFPUC
Amalia Martinez, EEO Director, DHR



EMPLOYEE REQUEST FOR RELIGIOUS ACCOMMODATION (COVID-19 Vaccination Exemption)

Table with employee information: Name (Eric Eliasson), DSW#, Job Code (7372 Stationary Engineer), Department (SEP), Division (WWE), Supervisor (John O'Connell)

The City and County of San Francisco (City) is committed to equal employment opportunities for all employees and a work environment that is free of unlawful harassment, discrimination, and retaliation.

San Francisco Department of Public Health Order No. C19-07, requires persons routinely working onsite in High-Risk Settings as defined in the Order to receive a COVID-19 vaccination and report their vaccination status to their employer effective September 15, 2021.

EMPLOYEE CERTIFICATION

I request an exemption from the local Public Health Order and City Policy requiring COVID-19 vaccinations for all City employees. I make this request based on my sincere religious belief(s), practice(s), or observance(s).

- 1. My religion or belief system is (enter name or description): Non Denominational
2. I have held this belief since or practiced and observed this religion since (enter date or year):
3. My religion, belief system, or practice requires me to abstain from the COVID-19 vaccination because (describe the specific tenet, practice, or observation that conflicts with the COVID-19 vaccination requirement and/or explain how you follow it): My faith is based on Judeo/Christian doctrine although I am not Jewish nor Christian in faith.

Continued on Page 2

4. If your religion, belief system, or practice requires you to abstain from the COVID-19 vaccination, but not other (Rev. 7/30/2021)

EMPLOYEE REQUEST FOR RELIGIOUS ACCOMMODATION
(COVID-19 Vaccination Exemption), Page 2 of 2

types of vaccinations, please describe the specific tenet, practice, or observation that expressly conflicts with the COVID-19 vaccination (*attach a separate sheet if needed*).

My creator has given me eyes to see and ears to hear. It is not about vaccines it is about free choice. This shot is not a "vaccine". I believe it is being used by evil to harm the worlds population. Our creator has provided an immune system to fend off disease. Of course with the poison that is put in our food and water and with the use of modern medicine that simply covers symptoms, makes lots of money and requires additional medicine for the side effects of the original prescribed medicine which has destroyed most peoples natural immune system. Medical errors are the 3rd leading cause of death in this country. I will not take part in this genocide and do not judge those who do.

5. If requested, I can provide a written statement, an affidavit or other documents ~~from a religious leader, or other person describing my beliefs and practices, including information regarding what I embraced the belief~~ ~~as practice, as well as when, where, and how I have adhered to the belief, practice, observance.~~ YES NO

I hereby certify that I make this request based on my sincerely held religious beliefs that prevent me from complying with COVID-19 vaccination requirements. I understand that any falsified information can lead to disciplinary action, up to and including termination of employment.

~~I also understand that my request for an accommodation may not be approved if it is not reasonable, if it poses a direct threat to the health and safety of others in the workplace, and/or if it creates an undue hardship for the City.~~



Employee Signature

8/27/21

Date

Please note that this information will be maintained in a separate confidential file from your personnel file and access will be limited only to those with a need-to-know.

FOR HR USE ONLY

Date Received: ___/___/20___ Medical Certification Received Yes No
Date Medical Certification Received: ___/___/20___



DETERMINATION ON COVID-19 VACCINATION EXEMPTION REQUEST

Table with 2 columns: Employee Name, Employee DSW#, Job Code and Title, Department, Division/Unit, Supervisor/Manager. Row 1: Eric Eliasson, [Redacted], 7372 Stationary Engineer, SFPUC, WWE, John O'Connell

This notice is to advise you of the following departmental determination on your request for exemption from COVID-19 vaccination requirements submitted on 08 / 27 / 2021 .

APPROVED

Your request for an exemption based on a disability, medical condition, or sincerely held religious belief is APPROVED. You will remain in your current position with the following reasonable accommodations (including any mandatory health and safety protocols for unvaccinated employees, such as regular testing and specific masking requirements and to protect coworkers and members of the public):

(Attach separate sheet as necessary.) Failure to comply with any of the required accommodations, including health and safety requirements, may result in revocation of this approval.

DURATION

Approved accommodations are subject to change in accord with public health orders, or to align with current essential job functions, or operational needs. Should either your condition or religious beliefs change such that this accommodation is no longer necessary, or needs to be modified, you must immediately notify your supervisor or department Human Resources personnel.

This accommodation is subject to review and re-approval on: 08 / 27 / 2021 .

DENIED

DISABILITY OR MEDICAL CONDITION

Your request for an exemption based on an asserted disability or medical condition is DENIED for the following reason(s):

- Medical Documentation Inadequate/Not Submitted
No Disability or Medical Condition Requiring Accommodation
Accommodation Would Pose a Direct Threat to the Health and Safety of Others and/or Yourself
Accommodation Would Prevent Employee from Performing Essential Function(s)
Accommodation Would Result in Undue Hardship for the City
Other:

SINCERELY HELD RELIGIOUS BELIEF

Your request for an exemption based on an asserted sincerely held religious belief, practice or observance is DENIED for the following reason(s):

- Documentation Insufficient to Show a Conflict Between Vaccination Requirement and Sincerely Held Religious Belief, Practice or Observance
Accommodation Would Pose a Direct Threat to the Health and Safety of Others and/or Yourself
Accommodation Would Prevent Employee from Performing Essential Function(s)
Accommodation Would Result in Undue Hardship for the City
Other:

CITYWIDE SEARCH

The department has determined that you have a medical condition, disability, or sincerely held religious belief that precludes you from being vaccinated, but that the department cannot reasonably accommodate you in your current position. While you cannot remain in your current position, you may continue the interactive process to explore other options for reasonable accommodation through the Citywide job vacancy search. This 60-day process involves a search for available, vacant, non-promotive positions within City employment for which you are qualified and that you can perform while unvaccinated, with or without accommodation.

FOR HR USE ONLY

Vaccination Status Updated in PeopleSoft Yes No

Date Determination Form Uploaded to PeopleSoft: 08 / 27 / 20 21

Referred to Citywide Reasonable Accommodation Coordinator Yes No



COVID-19 VACCINATION MEDICAL AND RELIGIOUS EXEMPTION REQUEST

PROCEDURE

Issued: July 30, 2021

Authority

Employment Rights for People with Disabilities Policy

The Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA) prohibit employment discrimination against qualified applicants and employees on the basis of disability. In accordance with the law, it is the policy of the City and County of San Francisco to provide equal employment opportunities to qualified individuals with disabilities.

Equal Employment Opportunity Policy

Discriminating against, or harassing City and County of San Francisco (City) employees, applicants, or persons providing services to the City by contract, including supervisory and non-supervisory employees, because of their sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law is prohibited and unlawful. For the purpose of this policy only, the term “employees” includes unpaid interns and volunteers. Discrimination is the unequal treatment of individuals with respect to the terms and conditions of their employment, based on their membership in a protected category. Harassment is unwelcome visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category.

General Vaccination Requirements

All City employees are required to report their vaccination status by July 29, 2021.

Consistent with local Public Health Orders and City policy, the City requires employees, and elected and appointed officials, to receive a COVID-19 vaccination to enter the workplace or perform work in the field. This safety-related job requirement is effective September 15, 2021, for employees regularly working onsite in High-Risk Settings; October 13, 2021 for employees who are not permanently stationed or regularly assigned to a High-Risk Setting, but who in the course of their duties may enter or work in those settings even on an intermittent or occasional basis for short periods; and 10 weeks after FDA approval of any one COVID-19 vaccine for all other City employees.

The local Public Health Order defines High-Risk Settings as certain care or living settings, including many congregate settings, where employees may have contact with vulnerable populations and where the risk of COVID-19 transmission is high. High-Risk Settings include general acute care hospitals, skilled nursing facilities, residential care facilities for the elderly, homeless shelters, and jails.

Medical and Religious Exemptions

A medical or religious exempt from the vaccination requirement may be granted if:

For medical reasons (1) the employee has a qualifying disability that prevents them from receiving a COVID-19 vaccination, (2) the employee requests a reasonable accommodation, (3) the employee provides required medical documentation to support an exemption, and (4) an exemption would not pose a direct threat to the health and safety of the employee or others that cannot be mitigated; or

For religious reasons (1) the employee holds a sincere religious belief, practice or observance that is contrary to the practice of vaccination, (2) the employee requests a religious accommodation, (3) the employee provides required documentation or information to support an exemption, and (4) an exemption would not pose a direct threat to the health and safety of the employee or others that cannot be mitigated.

Review and Appeal Rights

Requests for medical and religious exemptions will be processed by the employee's department personnel official, whose determinations are subject to review by the Human Resources Director. Employees may appeal denials of exemption requests to the Human Resources Director, whose determinations are appealable to the Civil Service Commission.

Exempt Employees

Employees working in High-Risk Settings and certain other health care settings with an approved vaccination exemption must follow local and State Public Health Order requirements that mandate:

1. COVID-19 testing at least once a week (or more as required by the State's Public Health Order) using either a nucleic acid (including polymerase chain reaction (PCR)) or antigen test; AND
2. For employees working in acute health care and long-term care settings, at all times while working in an indoor work setting where (1) care is provided to patients or residents, or (2) to which patients or residents have access for any purpose, wear a

respirator approved by the National Institute for Occupational Safety and Health (NIOSH), as required by the State Public Health Order.

3. For employees working in all other High-Risk Settings, at all times while working indoors with others, wear a surgical mask. The City will supply employees in these workplaces with FDA-cleared surgical masks.

All other City employees with approved exemptions must wear an appropriate face covering while working on-site or in the field. Pursuant to California Occupational Health and Safety's (Cal OSHA) Emergency Temporary Standards (ETS). The City will provide employees with N95 masks upon request.

Medical Exemption Procedure

1. Employees should complete and sign an **Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a disability-related accommodation that provides sufficient notice of an employee's purported inability to comply with vaccination requirements due to a medical condition, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.
2. Employees must answer relevant questions regarding the medical condition that prevents getting vaccinated but should not disclose the diagnosis or treatment plan.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a medical exemption from the vaccination requirement, with medical verification of the employee's disability that prevents getting vaccinated to a department personnel official, supervisor or manager.
4. Department personnel officials must acknowledge receipt of an employee request for a medical exemption from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Reasonable Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.
5. Department personnel officials must engage employees in the interactive process if the need for a medical exemption from vaccination requirements is not established by the employee's request and supporting medical certificates, or the employee does not submit sufficient medical verification.

6. Department personnel officials should follow the City's Reasonable Accommodation Procedures, and may use the **Health Care Provider Certification Form (COVID-19 Vaccine Exemption)** for requesting information from health care providers in support of a request for exemption from vaccination requirements.

Religious Exemption Procedure

1. Employees should complete and sign an **Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption)**. Departments must consider any request for a religious accommodation that provides sufficient notice of an employee's purported inability to comply with vaccination requirements for religious reasons, whether the request is on the designated form, in writing, or communicated orally to a supervisor or department personnel official.
2. Employees must answer all relevant questions regarding the religious belief, practice or observance that prevents them from getting the COVID-19 vaccination.
3. Employees must submit a completed form, or an equivalent writing regarding the request for a religious exemption from the vaccination requirement, with any relevant statements, documents, or information pertaining to the religious belief, practice or observance that prevents them from getting vaccinated to a department personnel official, supervisor, or manager.
4. Department personnel officials must acknowledge receipt of employee requests for religious exemptions from vaccination requirements within two (2) business days. Acknowledgments may be via email stating the request has been received, or by returning a copy of the Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption) stamped "Received" with the receipt date on the face of the document.
5. Employees may be required to submit additional information regarding the religious nature or the sincerity of a particular belief, practice or observance. Relevant information may include:
 - (a) letters from a religious leader explaining the nature of the religious belief(s), practice(s) or observance(s) and the need for an exemption from the vaccination;
 - (b) articles from religious scholars that describe the nature of the religious belief(s), practices(s), or observance(s) and the need for an exemption from the vaccination requirement;

- (c) excerpts from religious or sacred texts explaining religious belief(s), practices(s), or observance(s) that prohibit vaccination;
 - (d) written materials describing the religious belief(s), practice(s) or observance(s) that prohibits vaccination;
 - (e) statements, affidavits or other documents from the employee describing the beliefs, practices, or observances, including information regarding when the employee embraced the belief(s), practice(s) or observance(s), as well as when, where and how the employee has adhered to the belief, practice, or observance that prohibits vaccination;
 - (f) statements, affidavits, or other documents from potential witnesses identified by the employee as having knowledge of whether the employee adheres or does not adhere to the belief(s), practice(s) or observance(s) that prohibits vaccination, (e.g., religious leader, family, friend, neighbor, supervisor, or coworker who may have observed the employee's past adherence, or lack thereof, or discussed it with the employee).
6. Department personnel officials will review requests for religious exemptions and determine whether additional information is required. Any request for additional information will be made within five (5) business days of receiving a completed and signed Employee Request for Religious Accommodation Form (COVID-19 Vaccination Exemption).
 7. Employees who do not submit requested information within five (5) business days of receiving a request for additional information from a department personnel official shall be denied an exemption from the vaccination requirement. Notwithstanding, employees may request an extension of time to submit requested information supporting a request, and department personnel may grant a reasonable extension of the time, not to exceed an additional five (5) business days, for a response.
 8. Department personnel officials will use the **Religious Accommodation Certification Form (COVID-19 Vaccination Exemption)** to request additional information in support of a religious exemption from the vaccination requirement.
 9. Department personnel officials will make a determination and respond to an employee request for religious exemption from the vaccination requirement within seven (7) business days of receiving an accommodation request and any supporting information requested by the department.

10. Department personnel officials shall use the **Accommodation Determination Form (COVID-19 Vaccination Exemption)** to document and communicate final determinations on employee requests for religious exemptions from vaccinations requirements. The reason for any denial must be stated on the form.
11. Copies of approved Accommodation Exemption Determination Forms will be uploaded and reported in People and Pay (SF Employee Portal) along with the employee's "Unvaccinated" status.
12. Employees may appeal final determinations denying a request for religious exemption from vaccination requirements. Appeals must be in writing and sent to the Human Resources Director within 30 days of the dated department decision denying the request.