

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

C.F. #21-0921

Date: October 19, 2021

To: The City Council

From: Matthew W. Szabo, City Administrative Officer

Subject: **ENABLING RESOLUTION FOR ORDINANCE 187134 (“COVID-19 VACCINATION REQUIREMENT FOR ALL CURRENT AND FUTURE CITY EMPLOYEES”)****RECOMMENDATIONS**

The City Administrative Officer (CAO) recommends the following actions by the City Council:

1. Adopt the attached enabling resolution, approved as to form and legality by the City Attorney, providing for implementation of the provisions contained in Ordinance 187134 and as detailed in the City’s last, best, and final offer issued on October 14, 2021; and,
2. Authorize the City Controller and City Administrative Officer to correct any clerical errors, or, if approved by the City Attorney, any technical errors in the above ordinance.

SUMMARY

On July 28, 2021, the City Council passed a resolution directing this Office, the Chief Legislative Analyst, the Personnel Department, and the City Attorney, in consultation with labor organizations, to report back within 15 days on a proposed policy to require all City employees and contractors, as a condition of employment, (1) to be fully vaccinated from the COVID-19 virus, and (2) to report their COVID-19 vaccination status to the appropriate City department.

On August 5, 2021, the Executive Employee Relation Committee (EERC) convened to further discuss the development of a mandatory COVID-19 vaccination policy, as directed by the City Council, with the goal of protecting the City’s workforce and the public that it serves by requiring all employees to be fully vaccinated for COVID-19. The EERC instructed this Office to prepare a mandatory vaccination policy and to begin meet and confer negotiations on the impacts of such a policy. Negotiations were initiated on August 6th with labor organizations, and the input and feedback from those discussions was communicated and discussed with the EERC. The result was a recommendation to the full City Council, which adopted Ordinance

187134 ("COVID-19 VACCINATION REQUIREMENTS FOR ALL CURRENT AND FUTURE CITY EMPLOYEES").

The Ordinance, which was adopted on August 18th and became legally effective August 24th, requires all current and future City employees, as a condition of City employment, to report their vaccination status no later than October 19, 2021, and to be fully vaccinated for COVID-19 or request an exemption for medical or religious reasons by October 19, 2021 (the "Mandatory Reporting and Vaccination conditions of employment"). Between the passage of the Ordinance and October 18th, this Office continued to meet and confer with labor organizations over the ongoing impacts of the Ordinance provisions, including the consequences for non-compliance with the Mandatory Reporting and Vaccination conditions of employment

On October 1st, the City made a proposal to labor organizations on a set of proposed consequences for non-compliance with Ordinance requirements as part of the meet and confer process. The City's October 1st proposal is attached to this report. Counter proposals were received, discussed, and portions used as the basis of revised recommendations made by this Office to the EERC to modify the City's October 1st proposal. At a special meeting on Tuesday, October 12th, the EERC considered alternatives and continued its ongoing consideration of proposals, input, and feedback from labor organizations regarding the implementation of potential consequences of non-compliance with the Mandatory Reporting and Vaccination conditions of employment.

The EERC recessed its October 12th meeting to give this Office an opportunity to meet that same day with all labor principals and provide them with an update on the EERC's deliberations, and to provide counter proposals, as instructed by the EERC, to organizations that countered the City's October 1st proposal. The City's October 12th counter proposal is attached to this report. The all-labor principals meeting was also conducted to solicit input from unions who had not yet provided counter proposals and to encourage them to do so and schedule meetings as soon as possible.

After the all-principals meeting, further counter proposals, input, and feedback were solicited and received by the CAO, and the City's October 12th counter proposal was further altered to address some of the concerns and issues raised by labor organizations. In consideration of the information solicited and received, the CAO prepared and presented yet another set of revised recommendations to the EERC, which reconvened its recessed October 12th meeting on October 14th to give final consideration to the information provided and solicited.

Given the entirety of the bargaining process and the EERC's deliberations, the City believes it has done its best to incorporate as much feedback as possible that allows the City to move in the desired direction as stated in the Ordinance, and protect the City's workforce and the public that it serves through a fully vaccinated workforce while giving all due consideration to the myriad points and concerns raised by the City's responding union partners, and that the attached document provides the most latitude possible while achieving the City's stated objectives. As such, a last, best, and final offer was made to all labor groups on October 14th, which is attached to this report for the Council's consideration.

FISCAL IMPACT

The fiscal impact of the City's last, best, and final offer that will implement provisions of Ordinance 187134 are unknown at this time.

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Attachments