

**RESOLUTION IMPLEMENTING CONSEQUENCES FOR
NON-COMPLIANCE WITH THE REQUIREMENTS OF ORDINANCE NO.
187134 (“COVID-19 VACCINATION REQUIREMENT FOR ALL
CURRENT AND FUTURE CITY EMPLOYEES”)**

WHEREAS, on March 6, 2020, the Los Angeles City Council ratified the Mayor’s Declaration of Local Emergency, dated March 4, 2020, wherein he declared that conditions of disaster or extreme peril to the safety of persons have arisen both internationally and within the United States, including in the City of Los Angeles, as a result of the introduction of the novel coronavirus (“COVID-19”), a novel communicable disease first detected in Wuhan City, Hubei Province, China in December 2019;

WHEREAS, the City Council has repeatedly renewed the Mayor’s March 4, 2020 Declaration of Local Emergency, most recently on September 21, 2021;

WHEREAS, extensively during the period of this local emergency, the Mayor of Los Angeles has exercised his emergency authority under the Los Angeles Administrative Code Section 8.29 by issuing Public Orders and Directives to City Departments in furtherance of the ongoing need to preserve life and property of individuals living and working in the City;

WHEREAS, the COVID-19 pandemic continues to change and evolve, and such emergency orders and directives will continue to be necessary;

WHEREAS, on July 28, 2021, the City Council adopted a motion directing the City Administrative Officer (CAO), the Chief Legislative Analyst, the City Personnel Department, and the City Attorney, in consultation with labor representatives, to report back on a proposed policy to require that all City employees and contractors, as a condition of employment, (1) be fully vaccinated for COVID-19; and (2) report their COVID-19 vaccination status to the appropriate City department, with the goal of protecting the City’s workforce and the public it serves;

WHEREAS, compulsory vaccination during a public health emergency falls squarely within the City’s police powers under Article XI, Section 7 of the California Constitution;

WHEREAS, compulsory immunization has long been recognized as the gold standard for preventing the spread of contagious diseases;

WHEREAS, vaccination is the most effective way to prevent the spread of COVID-19 and to limit COVID-19 hospitalizations and deaths;

WHEREAS, on August 5, 2021, the City Council’s Executive Employee Relations Committee (“EERC”) convened to discuss the development of a mandatory COVID-19 vaccination policy, instructing the CAO to prepare a mandatory vaccination policy and to

begin meeting and conferring with City labor organizations on the negotiable impacts of such a policy;

WHEREAS, on August 6, 2021, the CAO initiated negotiations with the City labor organizations, and the input and feedback from those discussions was communicated and discussed with the EERC, and taken into consideration in a recommendation to the full City Council which, on August 18, 2021, adopted Ordinance 187134 ("COVID-19 VACCINATION REQUIREMENTS FOR ALL CURRENT AND FUTURE CITY EMPLOYEES");

WHEREAS, the Ordinance, which became legally effective August 24, 2021, 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 20, 2021 (the "Mandatory Reporting and Vaccination conditions of employment");

WHEREAS, as of October 18, 2021, out of a total of 53,168 City employees, 37,524 employees have reported their status as "fully vaccinated", 1,250 employees have reported their status as "partially vaccinated", 4,872 employees have reported their status as "not vaccinated", 1,839 employees have reported their status as "decline to state", and 7,683 employees have failed to report their status;

WHEREAS, as of October 18, 2021, 5,388 City employees have filed Notices of Intent to request a medical or religious exemption from the mandatory vaccination requirement;

WHEREAS, employees who fail to report their vaccination status by October 19, 2021, including those employees who report their status as "decline to state", will be treated as unvaccinated;

WHEREAS, between August 18, 2021 and October 18, 2021, the CAO has continued to meet and confer with City labor organizations over the negotiable impacts of the Ordinance, including the consequences for non-compliance with the Mandatory Reporting and Vaccination conditions of employment;

WHEREAS, on October 1, 2021, as part of the meet and confer process, the City made a written proposal to City labor organizations on a set of proposed consequences for non-compliance with the Mandatory Reporting and Vaccination conditions of employment;

WHEREAS, counter proposals from various labor organizations were received, discussed, and portions used as the basis of revised recommendations made by the CAO to the EERC to modify the City's October 1, 2021 proposal;

WHEREAS, on October 12, 2021, at a special meeting, the EERC considered alternatives and continued its ongoing consideration of proposals, input, and feedback

from labor organizations regarding the implementation of potential consequences for non-compliance with the Mandatory Reporting and Vaccination conditions of employment;

WHEREAS, the EERC recessed its October 12, 2012 special meeting to give the CAO 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 labor organizations that had countered the City's October 1, 2021 proposal;

WHEREAS, after the EERC recessed its October 12, 2021 meeting, the CAO issued the City's written counter-proposals to the various labor organizations that had countered the City's October 1, 2021 proposal;

WHEREAS, at the October 12, 2021 all-labor principals meeting, the CAO continued to solicit input from labor organizations who had not yet provided counter proposals and to encourage them to do so and schedule meetings as soon as possible;

WHEREAS, following the October 12, 2021 all-labor principals meeting, further counter proposals, input, and feedback were solicited and received by the CAO, and the City's October 12, 2021 counter proposals were further modified by the CAO to address concerns and issues raised by labor organizations;

WHEREAS, on October 14, 2021, the EERC reconvened its recessed meeting to give final consideration to the CAO's further revised set of recommendations, which incorporated additional information/recommendations solicited and received from City labor organizations, and to issue final bargaining instructions;

WHEREAS, given the entirety of the bargaining process and the EERC's deliberations, the EERC 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 to 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 labor organization partners;

WHEREAS, the City would be subjected to a significant financial burden if it had to provide a weekly testing option for all unvaccinated City employees, or place all unvaccinated City employees on paid leave, while simultaneously paying overtime to cover staffing shortages resulting from their absence. Either option would seriously compromise the City's ability to meet its ongoing financial obligations and adequately provide essential public services to the public;

WHEREAS, on October 14, 2021, at the EERC's direction, the CAO issued to the labor organizations the City's Last, Best and Final Offer ("October 14, 2021 LBFO") regarding consequences for non-compliance with the Mandatory Reporting and Vaccination conditions of employment, which is attached as Attachment 1; and

WHEREAS, various City labor organizations have entered into agreements with the CAO acknowledging and/or agreeing that: (1) during the development and after the adoption of the Ordinance, the parties engaged in the meet and confer process over the impacts of the Ordinance and the implementing procedures; (2) the parties have concluded the meet and confer process in good faith; and (3) the City will implement the terms and conditions set forth in its October 14, 2021 LBFO.

NOW, THEREFORE, the Los Angeles City Council, RESOLVES that:

1. An emergency pursuant to Government Code section 3504.5 and Los Angeles Administrative Code Section 4.850 (b) exists and therefore this Order shall become effective immediately;
2. The City and its labor organizations have reached a stalemate in negotiations on the consequences for non-compliance with the Mandatory Reporting and Vaccination conditions of employment, and therefore the CAO, in consultation with the City Attorney, is instructed to file a Notice of Impasse with the City's Employee Relations Board;
3. The City cannot wait for exhaustion of collective bargaining impasse procedures (which take up to a year to complete) to address the imminent threat to public health and safety and workplace safety posed by allowing unvaccinated City employees to remain in the workplace and to continue to interact with the public and other City employees;
4. The ongoing COVID-19 pandemic, with new variants, including those yet to emerge in the City, has created a catastrophic public health emergency beyond the City's control sufficient to excuse the City from its normal duty to complete the meet and confer process prior to acting on its decision to impose consequences for non-compliance with the Mandatory Reporting and Vaccination conditions of employment, as set forth in the City's October 14, 2021 LBFO;
5. There is a compelling need for such unilateral action to protect public health and safety and workplace safety, especially with regard to the City's unvaccinated first responders who regularly interact with vulnerable members of the public while performing their duties; and
6. Effective immediately, the Mayor through the appointing authorities shall implement the terms and conditions set forth in the City's October 14, 2021 LBFO regarding consequences for non-compliance with the Mandatory Reporting and Vaccination conditions of employment.