

ORDINANCE NO. CO-2021-30

**AN ORDINANCE AUTHORIZING AND APPROVING
A CERTAIN POLICY REGARDING MANDATORY VACCINATIONS, OR
AN APPROVED EXEMPTION, AGAINST THE CORONAVIRUS DISEASE 2019 (COVID-19)
FOR THE VILLAGE OF MAYWOOD EMPLOYEES**

WHEREAS, the Village President and the Board of Trustees of the Village of Maywood (the "Village" or the "Village Board") are committed to ensuring the effective administration of government and the protection of Village residents, Village employees and the public; and

WHEREAS, the Coronavirus Disease 2019 ("COVID-19") pandemic remains an immediate and significant threat to the public health of individuals residing in the State of Illinois; and

WHEREAS, the Village has taken and continues to take necessary steps to mitigate the threats of COVID-19 for Village residents, Village employees and the public; and

WHEREAS, the Village Board is committed to providing Village employees with a safe and healthy environment to work and serve the Village residents and the public; and

WHEREAS, the Village Board has determined that all Village employees should be vaccinated against COVID-19, unless an exemption exists, based upon the data available from and the recommendations of the Center for Disease Control and the Illinois Department of Public Health in accordance with the attached Policy entitled: "VILLAGE OF MAYWOOD - MANDATORY SARS-CoV2 ("COVID-19") VACCINATION POLICY" (the Policy)". A copy of the Policy is attached hereto as Exhibit "A" and made a part hereof; and

WHEREAS, pursuant to the authority provided by its home rule powers as provided by Article VII, Sections 6 and 10(a) of the Illinois Constitution of 1970 and public health and safety statutory powers afforded by the Illinois Compiled Statutes, the Corporate Authorities determined that it is in the best interests of the Village to authorize and approve the attached Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE VILLAGE BOARD OF THE VILLAGE OF MAYWOOD, COUNTY OF COOK, STATE OF ILLINOIS, AS FOLLOWS:

SECTION 1: The findings set forth above are incorporated by reference into this Section 1 as if fully recited herein.

SECTION 2: Based on the findings set forth above in this Resolution, the President and Board of Trustees of the Village of Maywood approve the attached Policy entitled: "VILLAGE OF MAYWOOD - MANDATORY SARS-CoV2 ("COVID-19") VACCINATION POLICY", a copy of which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 3: The President and Board of Trustees of the Village further authorize and direct the Village Manager and the Village Attorney, and their designees, and all other applicable Village officers and/or agents to take all action necessary or reasonably required to implement, carry out, give effect to and enforce the attached Policy. The Village Manager and the Village Attorney, and their designees, and all other applicable Village officers and/or agents are specifically authorized and directed to draft and

disseminate any and all necessary forms or notices to be utilized in connection with the implementation and enforcement of this Ordinance and the attached Policy. The Village Board further authorizes the Village Manager and the Village Attorney, and their designees, to develop, implement and enforce any and all additional policies and procedures that are designed effectuate the intent of this Ordinance and the attached Policy. The Village Board further authorizes and directs the Village President, the Village Manager, the Village Attorney and the Village Clerk, or their designees, to execute any and all additional documentation that may be necessary to carry out the intent of this Ordinance and the attached Policy. The Village Board further authorizes the appropriation and payment of all expenses and costs that are necessary to fulfill the Village's obligations under the Policy.

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: This Ordinance shall be in full force and effect from and after its adoption, approval and publication in the manner provided by law.

ADOPTED this 19th day of October, 2021 pursuant to a roll call vote as follows:

AYES: Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford, A. Peppers and I. Brandon

NAYS: None

ABSENT: None

APPROVED by me as Village President, and attested by the Village Clerk, on the 19th day of October, 2021.

Nathaniel George Booker, Village President

ATTEST:

Gwaine Dianne Williams, Village Clerk

This Ordinance was published by me in pamphlet form on the 20th day of October, 2021.

Gwaine Dianne Williams, Village Clerk

Exhibit "A"

**POLICY REGARDING MANDATORY VACCINATIONS, OR
AN APPROVED EXEMPTION, AGAINST THE CORONAVIRUS DISEASE 2019 (COVID-19)
FOR THE VILLAGE OF MAYWOOD EMPLOYEES**

(attached)

VILLAGE OF MAYWOOD
MANDATORY SARS-CoV2 ("COVID-19") VACCINATION POLICY

I. Overview

The Village of Maywood believes that the suppression of the COVID-19 virus is a priority for the health, safety and welfare of employees, residents, and visitors of the Village. In accordance with the Village of Maywood's ("Village") due to provide and maintain a workplace that is free of known hazards, the Village has adopted this Mandatory SARS-CoV-2 ("COVID-19") Vaccination Policy ("Policy") to safeguard the health of Village employees. Public Health authorities have determined that unvaccinated individuals are more likely to contract and transmit COVID-19, and experience more severe symptoms of COVID-19 than individuals who are vaccinated; those who are vaccinated are less likely to contract and transmit COVID-19.

This Policy complies with applicable state and federal laws and is based on relevant public health guidance including, but not limited to, guidance provided by the Centers for Disease Control and Prevention (CDC) and the Illinois Department of Public Health ("IDPH").

II. Purpose

The purpose of this Policy is to establish guidelines to reduce the transmission of COVID-19 and to mitigate the impact of the disease by increasing the percentage of vaccinated employees in the workplace.

III. Intent

This Policy is intended to be interpreted consistent with and subject to applicable law. It supersedes all previous policies and/or memoranda that may have been issued from time to time on the subjects covered in this Policy. This Policy is not intended to supersede or limit the Village from enforcing programs or provisions in any applicable collective bargaining agreement. Should any provision in this Policy conflict with a specific provision in the Village's Personnel Manual, the provision(s) in this Policy shall take precedence.

IV. Severability

If any section or provision of this Policy should be held invalid by operation of law, none of the remainder of this Policy shall be affected.

V. AUTHORITY

The Village President, or his designee, the Village Manager, the Director of Human Resources and the Village Attorney is authorized to develop and implement any and all additional policies and procedures to effectuate the intent of Ordinance No. CO-2021-30 passed by the Village's President and Board of Trustees regarding mandatory vaccination of Village employees.

VI. AREAS AFFECTED

This Policy applies to all Village employees. This Policy shall also apply to volunteers, interns, consultants, contract personnel, independent contractors, personnel working on Village premises who are employed by temporary agencies and/or other governmental agencies doing business at the Village

or on Village property, and any other persons or firms doing business for or with the Village or on Village-owned property.

VII. NONDISCRIMINATION

The Village prohibits the discriminatory application, implementation, or enforcement of any provision of this Policy on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity, housing status, or any other protected category established by law, statute, or ordinance.

VIII. DEFINITIONS

For the purposes of this Policy, the following terms shall be given the following meanings as set forth below:

Fully Vaccinated - Two weeks after the second dose of a two-dose COVID-19 vaccine or two weeks after one dose of a single-dose vaccine.

PCR Test - A polymerase chain reaction ("PCR") test detects genetic material from a specific organism, such as a virus. The test detects the presence of a virus if a person is infected at the time of the test. The PCR test is the "gold standard" test for diagnosing COVID-19.

IX. POLICY AND PROCEDURES

All Village employees must be fully vaccinated against COVID-19. Active employees as of the effective date of this Policy must be fully vaccinated by October 29, 2021. New employees who start after the effective date of this Policy must be either fully vaccinated or submit a request for reasonable accommodation prior to onboarding. Those whose requests for reasonable accommodation are granted must submit to PCR based tests at a minimum of once weekly.

All employees should note that personal and/or philosophical objections to vaccinations are not considered sufficient justification for granting an accommodation from the mandatory COVID-19 vaccine program. The Village is not required to grant accommodations that would create an undue burden, nor is the Village required to grant accommodations that create a direct threat to the health and safety of the employee or others.

The Village's vaccine mandate is critical for the health of employees and a requirement to maintain safe in-person operations. Employees may request exemptions from the requirement for medical or religious reasons. Anyone requesting an exemption must access, complete, and submit a medical or religious accommodation request form to the Human Resources Department to allow for evaluation and determination prior to October 29, 2021.

X. Employee Attestation and Proof of Vaccination

Employees must attest to their vaccination status by October 29th and provide proof of vaccination to Human Resources by submitting their CDC COVID-19 Vaccination Record Card.

An employee, who is no longer in possession of a CDC COVID-19 Vaccination Record Card, may utilize the Illinois Resident Immunization Portal for proof of vaccination, or submit documentation from their vaccination provider. The documentation should include the following information:

- Full Name
- Date of Birth
- Vaccine Manufacturer (i.e., Pfizer, Moderna, Johnson & Johnson, etc.)
- Lot Number
- Date of Vaccination

XI. Reasonable Accommodation

Requests for reasonable accommodations due to medical or religious/sincerely held beliefs will be accepted and evaluated consistent with the Village's Personnel Manual, The Americans with Disabilities Act ("ADA"), as amended, 42 U.S.C. § 12101, *et seq.* and Religious Accommodation Policy Title VII (42 U.S.C. Section 2000e *et. seq.*). Employees must contact the Village Director of Human Resources to request an application.

The Director of Human Resources will engage in an interactive dialogue to determine whether an accommodation is appropriate and can be granted without imposing an undue hardship. Accommodations may vary based upon the particular circumstances, such as job location, job duties, and shift, but will minimally include submitting to a PCR COVID-19 test at a minimum of once per work week and enhanced PPE protocols.

After engaging in the interactive process, if the Village is unable to provide a reasonable accommodation without causing undue hardship, the employee has one (1) week from notification of the denial of the accommodation to receive their first vaccine dose. Employees must be fully vaccinated, as defined by CDC guidelines, within forty-five (45) days of the denial. Employees covered by the Governor's Executive Order must be tested on a weekly basis until they are fully vaccinated, in compliance with that Order.

The Village will only reconsider a denial if the employee supplies new information supporting their request. For reconsideration of a denial, please contact the Village Director of Human Resources.

All employees receiving an accommodation are responsible for understanding and accepting the consequences of the accommodation, which may include required work restrictions. If an employee is granted an accommodation from the mandatory vaccination requirement of this Policy, the Village reserves the right to require that, as part of the reasonable accommodation, the employee take precautions to minimize the spread of COVID-19 until applicable authorities determine that the ongoing pandemic has ceased, which may include but not be limited to mandatory regular COVID-19 testing, maintaining social distance, using personal protective equipment (PPE) in the workplace, moving workstations, temporary reassignment, and other similar measures necessary to enhance the safety of the workplace.

No employee requesting an accommodation under the Mandatory COVID-19 Vaccine Policy will be discriminated, harassed, or retaliated against for making such a request or being granted an accommodation. If an employee believes that they have been treated in a manner contrary to this Policy, please notify the Village Director of Human Resources immediately.

XII. Receiving a Vaccination

The Village Director of Human Resources will maintain a list of locations to aid employees in receiving vaccines on their own or contact the Cook County Public Health Department to obtain information about vaccination sites. Employees may also be able to obtain vaccine availability information from their own health care providers.

Employees should utilize their best efforts to obtain the COVID-19 vaccine during non-working time, to the extent permitted by law applicable to the Village.

XIII. Consequences of Noncompliance

All employees shall be aware that compliance is a condition of employment and/or access to non-public areas or properties of the Village. Failure to follow the provisions of this Policy may subject an employee to discipline, up to and including termination of employment in accordance with the Village's Personnel Manual, Village policies, and/or applicable collective bargaining agreement ("CBA").

Employees who do not certify that they have received the COVID-19 vaccine or have an approved accommodation will not have access to non-public Village facilities.

Employees not in compliance with this Policy will be placed on unpaid leave until a decision is made regarding their employment status. Employees who have not submitted proof of vaccination or received an approved accommodation may be subject to disciplinary action, up to and including termination.

XIV. Policy Modification

Public health guidance, restrictions and industry best practices regarding COVID-19 and related vaccines are changing rapidly as new information becomes available, further research is conducted, and additional vaccines are approved. The Village reserves the right to modify this policy at any time in its sole discretion to adapt to changing circumstances and business needs, consistent with its commitment to maintaining a safe and healthy workplace.

Should guidance be updated to require additional vaccinations, boosters, or treatments, the deadline for obtaining such vaccinations, boosters, or treatments shall be communicated to employees at least thirty (30) days prior to the compliance deadline. Failure to obtain required additional vaccinations, boosters, or treatments shall be considered a violation of this Policy and subject employees to discipline action up to and including termination.

XV. Confidentiality

All information received in connection with the mandatory vaccination process will be treated confidentially and only disclosed to the extent required by applicable law. Records pertaining to an employee's vaccination status shall be maintained separately from the employee's personnel files.

Key staff within each Department will have limited access to information in order to check compliance. Records documenting vaccinations and accommodations will be maintained by the Human Resources Department. All information received under this Policy will be kept confidential to the greatest extent possible. Sharing of information shall be based on a need-to-know basis and only to the level required to

notify management personnel regarding those employees who are not in compliance with this Policy or have received an accommodation.

Please direct any questions regarding this Policy to the Village Director of Human Resources.

Policy Approval Date and Effective Date: October 19, 2021 per adoption of Ordinance No. CO-2021-30 passed by the Village's President and Board of Trustees.

Frequently Asked Questions (FAQs)

1. What do I need to show to prove my vaccination status?

A copy of your CDC COVID-19 Vaccination Record Card, a printout from the State of Illinois Vax Verify portal, or documentation from your medical provider which shows your COVID-19 vaccination record are all acceptable documentation.

Please do not provide any documentation that includes personal health information or family medical history information.

2. Will the Village collect or retain any additional health information under this Policy?

No, the Village is not requesting, collecting, or retaining additional health information other than vaccination status. Individuals who request a medical accommodation may be required to provide additional information as a component of the interactive process, however any information received will be held in confidence to the greatest extent possible by Human Resources Department.

3. I recently had COVID-19, can I provide proof of recent diagnosis rather than vaccination?

All individuals must either provide documentation showing vaccination or request an accommodation.

For most individuals who have recovered from COVID-19, the CDC currently recommends being vaccinated against COVID-19 as soon as you are out of quarantine. A recent COVID-19 diagnosis will not be accepted in place of vaccination under this Policy.

However, the current recommendation for individuals who received monoclonal antibodies as part of their treatment is to wait 90 days after recovering from COVID19 before receiving the vaccine to ensure a strong immune response.

Employees who fall into either of these categories should submit a request for a medical accommodation for consideration.

4. I have heard that the CDC plans to implement a booster shot program beginning this fall. Will the booster shots fall under this Policy?

To be in compliance with this Policy, employees must demonstrate full vaccination against COVID-19 as defined by the CDC. Should the CDC update its guidance for “full vaccination” to include a booster shot, then booster shots would be required.

5. If I have a reaction to the COVID-19 vaccine and need to miss work, will I need to use sick leave or other benefit time?

Yes. Additional benefit time is not being extended for adverse reactions to the vaccine. It is recommended that employees schedule their vaccine ahead of their days off to ensure time for rest and recovery, if needed.

6. If I am considered a close contact of someone who tests positive for COVID-19 (such as someone I live with) will I need to use sick leave or other benefit time?

Possibly. Under the current guidance from public health authorities, individuals who are fully vaccinated and are not symptomatic do not need to isolate or quarantine and therefore do not need to miss any time away from work. Should an individual in this situation choose to stay home, they will need to use benefit time.

Individuals who are considered a close contact of someone who tests positive for COVID-19 and are symptomatic should stay home and be tested as recommended by public health authorities. If you do not test positive for COVID-19, sick leave or benefit time will need to be used. If you do test positive for COVID-19 and are fully vaccinated then the considerations under this Policy will apply. Individuals who are not fully vaccinated and received a medical or religious exemption sick leave or other benefit time will need to be used for time away from work.

7. What happens if I do not want to be vaccinated?

If you cannot be vaccinated due to disability/medical contraindications or precautions and/or do not wish to be vaccinated because it conflicts with a sincerely held religious belief, you should submit the appropriate request for accommodation. The Village will engage in an interactive process with you to determine if the Village can accommodate your request. Each request will be reviewed on a case-by-case basis and a determination will be made based on the unique circumstances of each situation.

Please be aware that personal and/or philosophical objections to vaccinations are not considered sufficient justification for granting an accommodation from the mandatory COVID-19 vaccine program.

If an accommodation cannot be granted, or you do not qualify for an accommodation, you will be placed on unpaid leave until a decision is made regarding your employment status. You may be subject to disciplinary action, up to and including termination of employment.

8. If my medical or religious accommodation is granted, what other requirements will I need to meet?

Each situation will be individually reviewed, and requirements may vary depending upon the work performed. Potential precautions required may include, but not be limited to mandatory regular COVID-19 testing, maintaining social distance, using personal protective equipment (PPE) in the workplace, moving workstations, temporary reassignment, and other similar measures necessary to enhance the safety of the workplace.

9. I still have questions, who should I ask?

Please reach out to the Director of Human Resources with any questions.

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Gwaine Dianne Williams, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-2021-30

**AN ORDINANCE AUTHORIZING AND APPROVING
A CERTAIN POLICY REGARDING MANDATORY VACCINATIONS, OR
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which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 19th day of October, 2021, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 19th day of October, 2021.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

AYES: Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Jones, M. Lightford, A. Peppers and I. Brandon

NAYS: None

ABSENT: None

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 20th day of October, 2021.

Gwaine Dianne Williams, Village Clerk

[SEAL]