

RESOLUTION NO. 2023-03

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CHINO BASIN WATER CONSERVATION DISTRICT
RESCINDING RESOLUTION 2021-07:
REQUIRING COVID-19 VACCINATION AS A CONDITION OF EMPLOYMENT AND
POLICY NO. 60 – VACCINATION AND MASKING REQUIREMENT**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California in response to the threat of the novel coronavirus (COVID-19),

WHEREAS, on March 11, 2020, the World Health Organization declared the novel coronavirus (COVID-19) to be a global pandemic; and

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency in response to the threat of COVID-19; and

WHEREAS, on March 18, 2020, the Board of Directors of the Chino Basin Water Conservation District adopted Resolution No. 2020-03, granting the General Manager authority to respond to the threat of COVID-19 by providing District staff with adequate leave time in the event of illness and building redundancies into the District's financial system in the event of multiple illnesses amongst Board and staff; and

WHEREAS, on August 23, 2021, the Food and Drug Administration (FDA) granted full approval to the Pfizer BioNTech vaccine created to prevent COVID-19; and

WHEREAS, on September 13, 2021, the Board of Directors of the Chino Basin Water Conservation District adopted Resolution No. 2021-07: Requiring Vaccination Against COVID-19 as a Condition of Employment and adopted Policy No. 60 – COVID-19 Vaccination & Masking Requirement; and

WHEREAS, on February 28, 2023, Governor Gavin Newsom declared the State of Emergency regarding the global coronavirus pandemic to be at an end; and

WHEREAS, Resolution 2021-07 and Policy No. 60 are now obsolete, as the nature of the threat from COVID-19 has changed substantially from the date of their initial passage;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Chino Basin Water Conservation District to rescind Resolution No. 2021-07 and Policy No. 60 – COVID-19 Vaccination & Mask Requirement Policy.

BE IT FURTHER RESOLVED that vaccination against COVID-19 is no longer a condition of employment at the Chino Basin Water Conservation District.

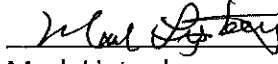
ADOPTED this 13th day of March, 2023.


AYES: Ligtenberg, Parker, Aldaco, Coker, Layton, Sonnenberg

NOES:

ABSTAIN:

ABSENT: Gulmahamad (late arrival at 1:50 pm)

 4-10-23
Mark Ligtenberg
President, Board of Directors

ATTEST: 
Elizabeth Skrzat, General Manager
Secretary, Board of Directors

RESOLUTION NO. 2021-07

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHINO BASIN
WATER CONSERVATION DISTRICT REQUIRING COVID-19
VACCINATION AS A CONDITION OF EMPLOYMENT**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the threat of the novel coronavirus (COVID-19),

WHEREAS, on March 11, 2020, the World Health Organization declared the novel coronavirus (COVID-19) to be a global pandemic with over 118,000 cases of the coronavirus illness in over 110 countries and territories about the world and a sustained risk of global spread; and

WHEREAS, on March 13, 2020, President Donald Trump declared a National Emergency in response to the threat of COVID-19; and

WHEREAS, on March 18, 2020, the Board of Directors of the Chino Basin Water Conservation District adopted Resolution No. 2020-03 in response to the rapidly evolving coronavirus pandemic; and

WHEREAS, since June 1, 2021, confirmed cases of coronavirus in San Bernardino County rose from 1.6 per 100,000 in population to on August 10, 2021 an average of 33.1 cases per 100,000 in population, an increase generally attributed to the introduction of the Delta variant into the Southern California region and the United States; and

WHEREAS, on August 23, 2021, the Food and Drug Administration (FDA) granted full approval to the Pfizer-BioNTech vaccine created to prevent COVID-19; and

WHEREAS, the Centers for Disease Control and the California Department of Public Health have found that COVID-19 continues to pose a risk to public health, especially to individuals who are not fully vaccinated; and

WHEREAS, vaccination against coronavirus has been shown to greatly reduce the rate of hospitalization and death of patients diagnosed with coronavirus; and

WHEREAS, the health and safety of Chino Basin Water Conservation District employees is of upmost importance; and

WHEREAS, many employees at the District regularly come into contact with members of the public in the course of their duties;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Chino Basin Water Conservation District to adopt Policy No. 60 – COVID-19 Vaccination & Mask Requirement Policy, requiring that:

1. All current District employees show proof of having received their first vaccination dose by October 11, 2021 or provide an approved medical or religious exemption on that date. All District employees without such approved exemptions must show proof of full vaccination by November 15, 2021.
2. All District employees who are hired after adoption of this Resolution show proof of full vaccination or receipt of first dose prior to start of work with the District and show proof of any necessary second dose within the timeline recommended for the vaccine chosen, or provide an approved medical or religious exemption.
3. All District employees will receive booster shots as recommended by the Centers for Disease Control in a timely fashion, the timeline for which shall be set by the General Manager, or provide an approved medical or religious exemption.
4. Masks shall be worn by employees, Board members, and visitors of the District's headquarters building and other facilities per Cal-OSHA and CDC guidance as they change. As an employer within the State of California, the District is required to follow the minimum guidelines for workplace safety set by Cal-OSHA. However, the District recognizes that it may be prudent to follow masking guidelines set by the CDC, should they be more restrictive than the guidelines set by Cal-OSHA. The General Manager shall track and implement masking guidelines as they change.

BE IT FURTHER RESOLVED that the District Secretary is hereby directed to implement the policy as written.

ADOPTED this 13th day of SEPTEMBER 2021.

AYES: King, Grupposo, Aldaco, Ligtenberg


NOES: Hamilton, Sonnenberg

ABSTAIN: Gulmahamad

ABSENT:



Terence King
President, Board of Directors

ATTEST: 

Elizabeth Skrzat
Secretary, Board of Directors

Policy No. 60 – Vaccination & Mask Requirement Policy

Purpose: The District is committed to providing a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, and to protect its employees and the public. COVID-19 health requirements change constantly and it is important that the District has the flexibility to adjust as necessary, as it reopens services and returns more employees to the workplace. To date, the District's cautious COVID-19 protocol has resulted in zero workplace transmissions; however, as our facility prepares to reopen, many employees will interact daily with the general public and vulnerable populations. Our indoor facility does not allow for social distancing when all employees are in the workplace, so every measure that can be taken to reduce the transmission of and danger posed by COVID-19 becomes more important. The main lobby has been closed to the public since March 2020 for the protection of both the public and staff.

Policy/Procedure:

According to the federal Centers for Disease Control (CDC), the California Department of Public Health (CDPH), and the California Department of Industrial Relations (CalOSHA), 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 to the public that depends on our services.

To best protect our employees and the public, all employees, interns, fellows, and volunteers must, as a condition of employment, be vaccinated from COVID-19 including staying up to date on COVID-19 vaccine booster shots as determined by the General Manager in line with CDC guidelines, 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.

All district employees including any employee who is requesting or has an approved exemption must still report their vaccination status to the District by October 11, 2021, with all employees fully vaccinated by November 15, 2021. As defined by the CDC, fully vaccinated means 2 weeks after a second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.

All incoming District employees must show proof of vaccination prior to starting work at the District as a condition of employment. New employees must produce evidence of having received at least one shot prior to their first day of employment. The second shot

must be completed within the appropriate timeline for the vaccination chosen and proof of such must be provided within an allotted time, to be set by the District's Human Resources representative in charge of onboarding the employee.

Policy No.: 60
Issue No.: 2
Effective Date: 09/13/21
Rescinded: 03/13/23
Subject: Vaccination & Mask Requirement Policy

~~The vaccination and reporting requirements are conditions of employment and a minimum qualification for employees who are assigned to work onsite. 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.~~

~~Failure to comply with this Policy will result in suspension of employment, internship, fellowship, or volunteer opportunity until such time as reasonably accountable to provide vaccine verification that they are fully vaccinated. 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 October 11, 2021, to the General Manager. The District will review requests for accommodation on a case-by-case basis, and engage in an interactive process with employees who submit such requests.~~

~~Failure to comply with this Policy will result in suspension of employment, internship, fellowship, or volunteer opportunity until such time as compliance is achieved.~~

Mask Requirements:

~~Masks shall be worn by employees, Board Members, and visitors of District's headquarters building and other facilities per California Division of Occupational Safety and Health (Cal-OSHA) and Centers for Disease Control (CDC) guidance as they change. As an employer within the State of California, the District is required to follow the minimum guidelines for workplace safety set by Cal-OSHA. However, the District recognizes that it may be prudent to follow masking guidelines set by the CDC, should they be more restrictive than the guidelines set by Cal-OSHA. The General Manager will follow changing standards and implement new guidelines as appropriate.~~