

COVID 19 Update: City Operations

**Charlotte City Council Meeting
November 22, 2021**

Briefing Objectives

- COVID 19 Related Programs
- Survey Data
- OSHA/Federal Contractor Requirements
- Next Steps

Previous & Ongoing Efforts

- ◀ 5% premium pay enhancement to front-line employees
- ◀ Additional Emergency Paid Leave
- ◀ Rewards Program
- ◀ Vaccine Requirement for New Hires
- ◀ Vaccine Requirement to Participate in City Wellness Plan
- ❖ Current City Vaccination Rate is Approximately 74%

Survey Data

- ◀ **Many of the large Municipalities throughout the State and Mecklenburg County have already implemented an “Either/Or” program related to employee vaccinations or weekly testing**
 - Either employees become vaccinated
 - Or, if unvaccinated, employees must submit proof of a negative COVID-19 test weekly.

- ◀ **Cities that have already announced an Either/Or program;**
 - Raleigh
 - Durham
 - Greensboro
 - Fayetteville
 - Winston-Salem

OSHA and Federal Contractor Requirements

- ◀ **Three federal mandates for employees**
 - ◀ OSHA Emergency Temporary Standard (ETS)
 - ◀ Federal Contractor Mandate
 - ◀ CMS Rule
- ◀ **OSHA ETS 1910.501 – Vaccination or Testing and Face Coverings**
 - If enacted by Federal Department of Labor and NC Department of Labor (as part of the North Carolina approved OSHA standards),
 - Will apply to City of Charlotte as an employer with 100+ employees
- ◀ **Executive Order 14042 - Federal Contractor Vaccine Mandate**
 - Will apply to City of Charlotte as a “Federal Contractor”
- ◀ **Centers for Medicare and Medicaid Services (CMS) Rule – Vaccination for Healthcare employees**
 - If enacted by CMS, applies to employees in certain healthcare setting
 - Will not apply to City of Charlotte employees
- ◀ **All three mandates have ongoing legal challenges pending in court**

OSHA ETS

1910.501; Vaccination, Testing and Face Coverings

“...employer establishes, implements, and enforces a written policy allowing any employee not subject to a mandatory vaccination policy to choose either to be fully vaccinated against COVID-19 or provide proof of regular testing for COVID-19 in accordance with paragraph (g) of this section and wear a face covering in accordance with paragraph (i) of this section.”

- ◀ Establishes guidance for employers with 100+ employees
- ◀ Provides for “Either/Or” program – vaccinated or tested every seven days
- ◀ Provides guidance on employer responsibility regarding paid time off for getting vaccinated and employees responsibility for weekly testing
- ◀ Establishes face covering requirements for unvaccinated employees

Federal Contractor Vaccine Mandate

Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors

- ◀ *“ . . . , to ensure that covered contracts and contract-like instruments include a clause (“the clause”) that the contractor and any subcontractors (at any tier) shall incorporate into lower-tier subcontracts. This clause shall specify that the contractor or subcontractor shall, for the duration of the contract, comply with all guidance for contractor or subcontractor workplace locations published by the Safer Federal Workforce Task Force (“Task Force”). . . ”*
- ◀ Establishes a **Vaccine Mandate** for all “covered contractor employees” and for all “covered contractor employee workplaces” – This is not an “Either/Or”

Federal Contractor Vaccine Requirement

◀ Who is affected?

- Any employee working on a covered contract
- Any employee working in connection with a covered contract
- Any employee that would come into contact with anyone listed above while at a covered workplace

Federal Contractor Vaccine Requirement

◀ How does this impact the City?

- The Aviation Department (and, likely, other City Departments) have numerous federal contracts with a variety of federal agencies
- The TSA has notified the Aviation Department that all applicable contracts between the Aviation Department and the TSA will include the Federal Contractor Vaccine Mandate – the first such agreement will be effective January 18, 2022, before which the Aviation Department will need to have begun the process to require all covered employees to be vaccinated
- At a minimum, the Federal Contractor requirement will apply to all City of Charlotte employees who hold a *Secured Identification Display Area (SIDA)* badge. This includes Aviation Department employees as well as employees from other City departments who are assigned to the Airport (Human Resources, Technology, Police, Fire, etc.)

What Employees Need to Know

◀ December:

- City Will Provide More Information Regarding New Requirements Via the Human Resources Department

◀ Week of January 9:

- All Unvaccinated City Employees – Who ARE NOT Federal Contractors – Begin Weekly Testing
 - Proof of Negative Test Provided the Week of January 15th

◀ Week of January 15:

- All City of Charlotte Employees Who ARE Federal Contractors Submit Proof of Vaccination (at this time, all Employees who hold an Airport *SIDA Badge*)

