

September 22, 2021

Mr. Richard Morales
Auto, Marine & Specialty Painters, Local 1176
2020 Williams Street, Suite A1
San Leandro, California 94577

Re: Letter of Understanding – COVID-19 Vaccination Reporting Status

Dear Mr. Morales:

In order to maintain a safe work environment and in interest of maintaining the highest degree of public health, the City of Sacramento finds individual employees' vaccination status necessary to continue to carry out its function as a public entity. Additionally, in order to conduct efficient and effective negotiations regarding worksite safety protocols and COVID-19 related testing, the City will require staff to report their vaccination status and supporting documentation.

This letter confirms the agreement reached between the City of Sacramento (City) and the Auto, Marine & Specialty Painters, Local 1176 in reference to employees reporting their individual COVID-19 vaccination status.

Specifically, the agreement is as follows:

1. On or before October 1, 2021, all employees in classifications represented by the Auto, Marine & Specialty Painters, Local 1176 will accurately provide the City with their COVID-19 vaccination status by utilizing the California Medical Information Act (CMIA) compliant electronic database provided by the Department of Human Resources.
2. Employees who are vaccinated against COVID-19 will upload a copy of their vaccination record.
3. Employees who are unvaccinated against COVID-19 will check the box that indicates they are unvaccinated.
4. Changes to an employee's vaccination status need to be reported to the City's database or prior to the start of their next work shift.
5. The City shall protect the confidentiality of each employee's vaccination records to the extent allowed by law. The City will not release documents that identify a specific employee's vaccination status (including vaccination cards) in response to a California Public Records Act request without a court order or on written consent from the employee.

6. Employees who do not accurately provide the City with their COVID-19 vaccination status by October 1, 2021, in the manner described in paragraph 1 above, will receive correspondence from the City no later than October 8, 2021, reminding them of the requirement to comply, describing the consequence of failing to do so and setting a final deadline of October 15, 2021.
7. An employee who does not comply with paragraph 1 above by October 15, 2021, will be placed on unpaid leave status until the employee complies with this Letter of Understanding. An employee may elect to use accrued vacation, accrued holiday, accrued personal time off (PTO) and/or accrued compensatory time off (CTO) in lieu of being placed on an unpaid leave of absence. Paid sick leave accruals may not be utilized for this purpose. An employee may appeal their placement on leave status due to failure to comply with this Letter of Understanding utilizing the procedure described in Section 15.1 (Letter of Reprimand) of the Memorandum of Understanding.
8. Employees placed in unpaid leave status in accordance with paragraph 7 above, shall not be subject to City Charter section 106.

This agreement does not establish a precedent, nor does it interpret any employee rights under the language of the Labor Agreements, the Rules and Regulations of the Civil Service Board, or any applicable policies and procedures of the City of Sacramento except as expressly stated herein.

This agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein and supersedes and replaces all prior negotiations and proposed discussions, whether written or oral.

If this is your understanding of the agreement reached, please sign as indicated below and return one (1) original to Labor Relations. I have enclosed an additional original for your files.

Sincerely,



Chee Khang
Labor Relations Officer

AGREED TO FOR THE CITY:


Aaron A. Donato (Sep 24, 2021 16:19 PDT)

Aaron Donato
Labor Relations Manager



Shelley Banks-Robinson
Director of Human Resources

AGREED TO FOR THE UNION:


Richard Morales (Sep 24, 2021 13:09 PDT)

Richard Morales
Business Representative

APPROVED AS TO FORM:


Brett M. Witter (Sep 24, 2021 13:50 PDT)

Brett M. Witter
Assistant City Attorney