

PROTOCOLS FOR THE ACCOMMODATION OF EMPLOYEES WHO ARE AT HIGH-RISK OF SEVERE ILLNESS FROM COVID-19**PURPOSE**

Federal and State equal employment and opportunity laws, including the American with Disabilities Act ("ADA") and the Rehabilitation Act, Title VII of the Civil Rights Act, the Fair Employment and Housing Act ("FEHA"), and the Age Discrimination in Employment Act ("ADEA") impose certain obligations on the City in terms of the provision of reasonable accommodations.

Absent an undue hardship to the City or a direct threat to the health and safety of City employees, the City may provide certain employment-related accommodations to employees who, because they are age 65 or older or have an underlying medical condition, are at higher risk of severe illness if they contract the virus that causes COVID-19, in order to reduce the risk of such employees contracting the virus.

I. Statement of Policy

This discretionary policy provides to qualified employees the right to request that the City provide certain additional accommodations that, while not otherwise required by law, may reduce the risk of such employees contracting the virus that causes COVID-19.

II. Compliance

The City intends to fully and faithfully comply with any and all applicable laws, including, but not limited to, the ADA, Rehabilitation Act, the FEHA and the ADEA in the administration of this policy and associated protocol.

GENERAL POLICY**Scope of Coverage:**

This policy applies to and covers all City employees who can demonstrate that they are at higher risk of severe illness if they contract the virus that causes COVID-19 because they are age 65 or older or have one or more of the underlying medical conditions enumerated below.

Based on the available information at the time that this policy was adopted, the Centers for Disease Control and Prevention ("CDC") identifies the following individuals as those who might be at higher risk of severe illness if the individual contracted the virus that causes COVID-19:

- People 65 years of age and older;
- People who have chronic lung disease;
- People with moderate to severe asthma;
- People who have serious heart conditions;
- People who are immunocompromised by conditions such as cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, and prolonged use of corticosteroids and other immune weakening medications;
- People with severe obesity (body mass index of 40 or higher);
- People with diabetes;
- People with chronic kidney disease undergoing dialysis; and
- People with liver disease

The City expressly reserves the right to modify the above enumerated conditions based on new information or guidance provided by the CDC or other public health authorities.

Effective Dates:

This Policy shall be effective immediately upon adoption and shall remain in effect until the City advises employees that the Policy is no longer operative due to the end of the present public health emergency.

Notice to Human Resources:

If an employee is age 65 or older, has any of the recognized underlying medical conditions enumerated herein, or another condition that the employee believes places them at higher risk for severe illness if they contract the virus that causes COVID-19, the employee may inquire with the City's Human Resources Division regarding a potential workplace accommodation.

City Policy Against Retaliation:

The City will not terminate, suspend, discipline, or take any other adverse employment action against an employee exercising their privileges under this Policy.

Process for Accommodation Request:

While the request for accommodation under this policy is separate and distinct from a request for a reasonable accommodation under the ADA, an employee who desires an accommodation under this policy must make such a request to their supervisor or the Human Resources Division.

Following receipt of the request, the City's Human Resources Division will require a note from the employee's health care provider(s) certifying that the employee has a qualified underlying medical

condition that exposes the employee to a higher risk of severe illness if they contract the virus that causes COVID-19. Furthermore, the City's Human Resources Division may require additional information, including, but not limited to, documentation from the employee's health care provider to determine whether the employee's underlying condition necessitates an additional accommodation when the employee returns to the workplace.

Determinations regarding accommodations under this policy will be made on a case-by-case basis by the Human Resources/Risk Manager or their designee, upon consultation with the employee's supervisor and department head. Accommodations may include, but are not limited to, the following:

- Alternative work assignments or locations;
- Telework;
- Reassignment;
- Increased social distancing measures; and/or leave

The City's Human Resources Division will work in good faith with the employee to fully consider all potential accommodations.

No Right to Appeal Accommodation Determinations:

Determinations made by the City's Human Resources Division are final and are not subject to appeal by the employee or the employee's employee organization.