

# **ADMINISTRATIVE POLICY AND PROTOCOLS FOR THE ACCOMMODATION OF EMPLOYEES WHO ARE AT HIGH-RISK OF SEVERE ILLNESS FROM COVID-19**

## **Preamble**

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 of Clearlake (“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 an “older adult” 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.

## **III. 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 an “older adult” 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, of all ages, as those who **are** at increased risk of severe illness if the individual contracted the virus that causes COVID-19:

- People who have chronic kidney disease;

- People who have chronic obstructive pulmonary disease (“COPD”);
- People who are immunocompromised from a solid organ transplant;
- People who are obese, with a body mass index (“BMI”) of 30 or higher;
- People with serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies;
- People with sickle cell disease; and
- People with type 2 diabetes mellitus.

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, of all ages, as those who **might be** at increased risk of severe illness if the individual contracted the virus that causes COVID-19:

- People with moderate-to severe asthma;
- People who have cerebrovascular disease;
- People who have cystic fibrosis;
- People who have hypertension or high blood pressure;
- People who are immunocompromised from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids and other immune weakening medications;
- People with neurologic conditions, such as dementia;
- People with liver disease;
- People who are pregnant;
- People with pulmonary fibrosis;
- People who smoke;
- People with Thalassemia; and
- People with type 1 diabetes mellitus.

The City expressly reserves the right to modify the above enumerated conditions based on new information or guidance provided by the CDC on their website at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>, or elsewhere, in addition to guidance from other public health authorities.

**Effective Dates:**

This Policy shall be effective immediately upon adoption and shall remain in effect until the Lake County Public Health Department advises the City of the end of the present public health emergency.

**Notice to Administrative Services:**

If an employee is an “older adult”, 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 City’s Administrative Services Department 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 in accordance with the City’s Reasonable Accommodation Policy which is located in the City’s Personnel Regulations.

Following receipt of the request, the City’s Administrative Services Department 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 Administrative Services Department 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 City’s Administrative Services Director or their designee. 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 Administrative Services Department 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 Administrative Services Department are final and are not subject to appeal by the employee or the employee's employee organization.