
Administrative Procedure
Chapter 7 – Human Resources

AP 7330 COMMUNICABLE DISEASE – EMPLOYEES

References:

Education Code Sections 87408, 87408.6, and 88021; California Code of Regulations Title 8 Section 5193; 29 Code of Federal Regulations Part 1910.1030

It shall be the responsibility of the Vice President, Human Resources, or designee, to administer these procedures.

Every full-time employee must undergo a pre-employment health screening appropriate for the position as determined by the District, which shall be provided by the District at no expense to the employee.

Prior to initial employment and as often as required by statute, each employee, except when exempted by the Education Code, shall provide evidence that he/she/they has submitted to an x-ray of the lungs or an approved intradermal test (not a Tine test) to determine that he/she/they is free from active tuberculosis.

Employees on sick leave in excess of ten (10) consecutive days (not including personal necessity days) prior to returning to work and after obtaining clearance from the employee's physician, may be required to secure medical clearance from a District-designated physician. The medical clearance must be submitted to the Vice President, Human Resources, or designee. The cost of the District-designated physician, if any, shall be borne by the District.

In extraordinary circumstances for serious illness or serious accident, the District may require a health report for absences of less than ten (10) successive days to be submitted to the Vice President, Human Resources, or designee. If an employee goes to the District-selected physician, the District will pay. However, if the employee goes to his/her/their own physician, the employee will pay.

For successful applicants for academic positions:

- A medical certificate is required showing that the applicant is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students.

- The medical certificate shall be submitted by a physician as authorized by code.
- The medical examination is conducted not more than six months before the submission of the certificate and is at the expense of the applicant.
- A contract of employment may be offered to an applicant subject to the submission of the required medical certificate.
- The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his/her/their designee.

COVID-19 Immunization

Scope of Coverage

Effective January 3, 2022, employees, volunteers, and interns must be fully vaccinated against the virus that causes COVID-19 and adhere to Federal, State and local government Covid-19 safety requirements, including wearing a face mask and other protective measures, as appropriate, in order to:

- be physically present on District premises; **or**
- participate in District activities.

Individuals who receive an approved medical exemption, disability accommodation, and/or religious accommodation are exempt from this full vaccination requirement and may be required to participate in weekly Covid-19 testing. Individuals are considered fully vaccinated for COVID-19 two weeks or more after they have received the second dose in a 2-dose series (e.g., Pfizer-BioNTech¹ or Moderna), or two weeks or more after they have received a single-dose vaccine (e.g., Johnson and Johnson J&J/Janssen). Employees, volunteers, and interns who do not comply with these procedures or falsify information may face discipline up to and including termination.

Effective Dates

This Administrative Procedure shall be effective immediately upon adoption and shall remain in effect until the District determines that the Section is no longer necessary.

Obtaining a COVID-19 Vaccine

Individuals may obtain a COVID-19 vaccine from any County provider, or any health care provider authorized to administer the vaccine. If any individual has difficulty obtaining the vaccine, please contact Human Resources.

¹ The Food and Drug Administration has formally fully approved the Pfizer-BioNTech vaccine as of August 23, 2021.

Proof of Vaccination

Once fully vaccinated with the COVID-19 vaccine, employees, volunteers, and interns must provide to the District proof of vaccination. The District will accept either a CDC Vaccination Card or a note from their health provider who administered the vaccine.

Employees can submit proof of vaccination and the Release through the employee portal.

Volunteers and interns can submit proof of vaccination and the Release to Human Resources.

Employees, volunteers and interns who have been vaccinated are required to continue to abide by all District policies, procedures, and protocols regarding COVID-19 until the District directs otherwise. The District's COVID-19 information is available on the website.

Vaccine Boosters

To the extent that this Section remains in effect if and when COVID-19 vaccine boosters become necessary to prevent the contraction and transmission of the virus that causes COVID-19, this protocol and the requirements and limited exemptions set forth herein shall apply to COVID-19 vaccine boosters.

Under such circumstances, all District employees, volunteers, and interns must receive a COVID-19 vaccine booster when public health authorities, including the CDC, the California Department of Public Health ("CDPH"), or the County Department of Public Health indicate that a COVID-19 vaccine booster is necessary based on the COVID-19 vaccine that the employee, volunteers, and interns received and the date upon which they became fully vaccinated. All District employees, volunteers, and interns must submit proof they received this vaccine booster and may use any of the methods permitted to submit proof of their original vaccination.

Health or Medical Records

The District will not request any health or medical information for the purpose of enforcement of this Protocol other than proof of vaccination and the Release. Unless consent is given, the District will not request or receive any medical information from employees, volunteers, and interns or vaccination providers, or give any medical information to any vaccination provider. Any proof of vaccination for employee, volunteer, or intern provided to the District will be stored in a manner consistent with applicable law and in accordance with the District's practice for storing medical information for employees.

Exemptions from Vaccination Requirement

District employees, volunteers, and interns may be exempt from the mandatory COVID-19 vaccine requirements only under the following circumstances:

- A. New Employees/Applicants:** If an applicant for District employment meets all other requirements for employment as applicable but needs additional time to obtain and provide their vaccination records or to obtain an exemption, the person's assignment will be conditional for a maximum of 30 days upon signing and submitting a written statement attesting that they have been vaccinated as required or upon seeking an exemption pursuant to this Protocol.

- B. Medical Exemption:** The employee or volunteer submits a written statement from a licensed medical provider (such as a physician, physician assistant or nurse practitioner) exempting them due to the person's disability or serious medical condition. This statement must be submitted on the medical provider's office letterhead with the provider's printed name, license number, signature and date the statement is issued. Employees, volunteers, and interns need to submit the statement to Human Resources.

- C. Religious Exemption:** The employee or volunteer objects based on a sincerely held religious belief. If a volunteer or employee objects on this basis, the individual must request, complete, and submit a Religious Accommodation Request Form for COVID-19 Vaccination to Human Resources.

If the District determines that an employee has not received the COVID-19 vaccination due to disability or medical condition, or a sincerely held religious belief, the District will engage in an interactive accommodations process to determine whether a reasonable accommodation can be provided. The accommodations process will determine whether a reasonable accommodation exists to enable an employee to perform the "essential functions" of their job. Essential functions vary by job class and therefore the process shall be case by case and may result in different outcomes in different cases. The District will follow its normal accommodations policy in determining a reasonable accommodation.

Accommodations may not be possible where it would result in an undue burden to the District or result in a fundamental alteration of a course.

The District may require COVID-19 testing for any employee, volunteers, and interns when indicated by health screening and/or exposure to COVID-19. As to any changes in this Protocol regarding testing of employees, volunteers, and interns the District will be guided by ongoing information from the California Department of Public Health and the Los Angeles County Public Health Department.

Prohibition of Harassment and Discrimination

The District will not discriminate against any employee, volunteer, or intern who receives an exemption from receiving the COVID-19 vaccine, although the District will take any

legitimate business action to maintain the safety of the campus(es) and community. The District will not tolerate any discrimination or harassment against employees, volunteers, and interns based on vaccination status or individuals taking mitigation measures, such as wearing a face mask. Employees, volunteers, and interns found to be engaging in such discrimination or harassment may face discipline up to and including termination. If you believe you have experienced harassment, discrimination, or retaliation due to an exemption from receiving the COVID-19 vaccine, contact Human Resources.

Questions

Questions about the vaccination requirements may be directed to Human Resources.

Also see BP/AP 5210 Communicable Disease – Students, BP 7330 Communicable Disease – Employees, BP/AP 7335 Health Examinations, AP 7336 Certification of Freedom from Tuberculosis, Personnel Commission’s Laws/Rules, and the related collective bargaining agreements for applicable employee groups.

Approved: October 22, 1991 (AR3011); April 14, 1992 (AR 3033)

Revised: November 17, 2021

(Replaces former LBCC ARs 3011 and 3033)