



City of Racine

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Legislative Report

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File Type: Resolution

Requirement that City of Racine Employees Comply with Certain COVID-19 Public Health Protections

Whereas, on March 18, 2020, Mayor Cory Mason first proclaimed a public health emergency to exist in the City of Racine as a result of the novel coronavirus disease (COVID-19), which is a dangerous respiratory illness that can spread from person to person; and

Whereas, COVID-19 has continued to spread, necessitating regularly-updated guidance from federal, state, and local public health officials; and

Whereas, despite extraordinary efforts taken by City of Racine officers, employees, and public health professionals, there has been a recent resurgence of the number of confirmed positive COVID-19 cases in the City of Racine and surrounding communities; and

Whereas, as of August 24, 2021, the community transmission level for every county in the State of Wisconsin is in the Substantial or High category, the case rate in Racine County was 229.74 per 100,000, and the case rate for the jurisdiction of the City of Racine was 242.34 per 100,000; and

Whereas, the currently-available COVID-19 vaccines are a safe and effective way of preventing serious illness or death, and the refusal to receive the COVID-19 vaccine not only endangers individuals, but the entire community, and further jeopardizes the progress made against the public health emergency by allowing the virus to transmit more freely and mutate into more transmissible or deadly variants, and one such highly-transmissible variant, B.1.617.2, commonly known as the Delta variant, now accounts for the majority of new infections; and

Whereas, pursuant to Wisconsin Statutes section 62.11(5), it is the duty of the Common Council to have the management and control of the public service of the City, to have power to act for the good order of the city, and for the health, safety, and welfare of the public; and

Whereas, pursuant to Wisconsin Statutes section 62.09(8), it is the duty of the Mayor to take care that all City officers and employees discharge their duties, including by serving as the head of the fire and police departments; and

Whereas, City of Racine employees who become ill cannot adequately perform their duties, which disrupts the orderly operation of the City's government and prevents the appropriate level of service being provided to Racine residents; and

Whereas, regular testing, use of face masks, and social-distancing remain some of the most effective ways to minimize the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) has emphasized that vaccination is a critical means to prevent spread of COVID-19 and to avoid infection of those individuals that cannot be vaccinated because their age or medical conditions precludes them from receiving one; and

Whereas, protecting the health and safety of City of Racine residents, employees, and elected officials, is of paramount importance.

Now therefore, be it resolved that the Common Council of the City of Racine does declare, proclaim, and order as follows:

1. In order to assure that only employees who have a negative COVID-19 status report for work, all City of Racine employees must present evidence that they are negative for COVID-19 each week. Such requirement shall not apply to City of Racine Employees who are fully vaccinated against COVID-19, as defined by the CDC, and who are willing and able to provide adequate proof of such vaccination.

a. City of Racine employees may demonstrate proof of their full vaccination status by presenting an electronic or physical copy of any of the following documents to the Human Resources Department, if they list COVID-19 vaccines that have been authorized for Emergency Use Authorization or have been granted final approval, in the United States, along with an administration date for each dose:

i. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same; or

ii. Official record from the Wisconsin Immunization Registry or other state immunization registry; or

iii. A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist; or

iv. A military immunization or health record from any of the United States armed forces.

b. Employees who have provided proof of vaccination status to the Human Resources Department in order to receive the COVID-19 vaccination wellness benefit incentive payment shall have satisfied this requirement.

2. City of Racine employees who are not fully vaccinated against COVID-19, as defined by the CDC, or who are not willing and able to provide adequate proof of such vaccination, shall provide adequate proof that the employee is negative for COVID-19 every week.

a. To satisfy this requirement, unvaccinated City of Racine employees, and employees who are not willing and able to provide adequate proof of full vaccination status, shall demonstrate that they are negative for COVID-19 at minimum one time each week. Proof that an employee is negative for COVID-19 may be demonstrated by showing that the employee has been tested by PCR, NAAT, or Antigen test approved by the U.S. Food and Drug Administration, by presenting an electronic or physical copy of a negative test result each week to the Human Resources Department. The result from an over-the-counter at-home COVID-19 test is not acceptable as proof of negative COVID-19 status.

b. An employee who is not working during a week when proof of negative COVID-19 status would otherwise be required, is not required to submit such negative status for that week. However, such employee must provide an electronic or physical copy of a then-current negative test prior to returning to work.

c. An employee who has tested positive for COVID-19 shall not be required to demonstrate negative COVID-19 status until twelve weeks have passed following the employee having completed the required post-COVID-positive isolation period.

3. City of Racine employees who refuse to comply with the requirements of this policy shall be disciplined. City of Racine employees who are not fully vaccinated against COVID-19, or who are not willing and able to provide adequate proof of such vaccination, who refuse to abide by the requirements of this Resolution shall be suspended without pay until the employee provides proof of the employee's negative COVID-19 status as required or proof that the employee has been fully vaccinated. City of Racine employees who are not fully vaccinated against COVID-19, or who are not willing and able to provide adequate proof of such vaccination, who refuse to abide by the requirements of this Resolution for 30 consecutive calendar days shall be terminated.

4. The City of Racine Human Resources Department shall ensure that this Resolution is applied in accordance all relevant federal and state laws. The City of Racine Human Resources Department shall ensure that all documentation related to vaccination status or test results are maintained in accordance with all relevant federal and state laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information and that such documentation is not disclosed to any person other than those necessary to ensure compliance with this Resolution.

5. The City of Racine Human Resources Department shall provide all departments guidance regarding the full implementation and administration of this Resolution.

6. This Resolution shall take effect at 8:00 a.m., on September 13, 2021, and shall remain in effect until modified or rescinded by the Common Council.

Fiscal Note: N/A