



**Happy Homestead Cemetery District**  
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## **RESOLUTION NO. 2021-04**

### **EMPLOYEE COVID-19 VACCINATION REQUIREMENT**

Adopted by the Board of Trustees of the

#### **HAPPY HOMESTEAD CEMETERY DISTRICT**

El Dorado County, California

on Date of

July 20, 2021

**WHEREAS**, the COVID-19 coronavirus pandemic has raged for over a year-and-a-half, resulting in over 600,000 deaths in the U.S., over 10% of which have occurred in California; and

**WHEREAS**, the COVID-19 coronavirus is readily transmissible between people who have close physical proximity with one another, and the recent occurrence of the Delta variant of the coronavirus has resulted in a fourth surge of cases; and

**WHEREAS**, employers are required to provide safe workplaces based on Occupational Safety and Health Administration (“OSHA”) guidelines including, but not limited to, assessing the risk of exposure to COVID-19 and developing practices to protect employees from such exposure; and

**WHEREAS**, California OSHA has issued stringent guidelines and rules to prevent the transmission of the COVID-19 coronavirus in the workplace; and

**WHEREAS**, on May 28, 2021, the Equal Employment Opportunity Commission (“EEOC”) issued guidance permitting employers to require employees to be vaccinated against the COVID-19 coronavirus as a condition of entering the workplace; and

**WHEREAS**, the EEOC ruled that the federal equal employment opportunity laws do not prevent an employer from requiring employees to be vaccinated against the COVID-19 coronavirus in order to enter the workplace; and

**WHEREAS**, the California Department of Fair Employment and Housing (“DFEH”) has issued guidance stating that under California’s Fair Employment and Housing Act an employer may require employees to receive an FDA-approved vaccination against COVID-19 as a condition of entering the workplace, and that employers may ask for proof of such vaccination because such proof is not considered a disability-related inquiry,

**NOW THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Happy Homestead Cemetery District that:

1. The Board of Trustees of the Happy Homestead Cemetery District finds that it is necessary to take appropriate steps to prevent the transmission of the COVID-19 coronavirus between employees of the District.
2. Until further notice, due to the necessity that employees of the Happy Homestead Cemetery District frequently and routinely must work in close physical proximity to one another, no employee of the Happy Homestead Cemetery District may enter any District property or facility without having been fully vaccinated, pursuant to CDC guidelines, against the COVID-19 coronavirus.
3. Employee absences as a result of refusal to be vaccinated against the COVID-19 coronavirus shall be on an unpaid basis.
4. In the event any employee is unable to be appropriately vaccinated by reason of any physical condition, the Happy Homestead Cemetery District will engage in an interactive process with the employee in an attempt to identify reasonable accommodations that would permit the employee to perform his or her duties without being vaccinated as required herein.
5. In applying this policy, the Happy Homestead Cemetery District shall not discriminate against any employee based on race, national origin, religion, sex, sexual orientation, gender identity, pregnancy, disability, age, or genetic information.

On a motion by Trustee Witt, seconded by Trustee Stanton, the foregoing resolution was passed and adopted this \_\_\_<sup>th</sup> day of July, 2021, by the following vote, to wit:

Ayes: Ellis, Witt, Stanton, Eymann, Tillson

Noes: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Absent: -0-

Attested by:

**HAPPY HOMESTEAD CEMETERY DISTRICT**

Adria Nkala

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Clerk of the Board

By: Willard Ellis

Willard Ellis, Chairman

Board of Trustees