

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

Neither the Americans with Disabilities Act (“ADA”) nor the Fair Employment and Housing Act (“FEHA”) specifically address or require accommodation of employees who may be at greater risk of severe illness if they contract the virus that causes COVID-19. This discretionary Policy states the City’s commitment to provide certain employment-related accommodations to those employees in order to reduce the risk of such employees contracting the virus. This Policy is not intended to replace the City’s existing reasonable accommodation policy.

I. 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. This Policy does not apply to employees who have COVID-19 or are experiencing symptoms of COVID-19.

II. 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 identified as people at increased risk or have one or more of the underlying medical conditions enumerated below.

The below list of underlying medical conditions is not exhaustive and only includes conditions with sufficient evidence to draw conclusions; it is a living document that may be updated at any time, subject to potentially rapid change as the science evolves. The list may not include every condition that might increase one’s risk for developing severe illness from COVID-19, such as those for which evidence may be limited or nonexistent (e.g., rare conditions). Individuals with any underlying condition (including those conditions that are NOT on the current list) should consult with their healthcare providers about personal risk factors and circumstances to determine whether extra precautions are warranted.

Adults of any age **with certain underlying medical conditions** are at increased risk for severe illness from the virus that causes COVID-19. Severe illness from COVID-19 is defined as hospitalization, admission to the ICU, intubation or mechanical ventilation, or death.

Adults of any age with the following conditions **are at increased risk** of severe illness from the virus that causes COVID-19:

- Cancer
- Chronic kidney disease
- COPD (chronic obstructive pulmonary disease)
- Heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies
- Immunocompromised state (weakened immune system) from solid organ transplant
- Obesity (body mass index [BMI] of 30 kg/m² or higher but < 40 kg/m²)
- Severe Obesity (BMI ≥ 40 kg/m²)
- Pregnancy
- Sickle cell disease
- Smoking
- Type 2 diabetes mellitus

COVID-19 is a new disease. Currently there are limited data and information about the impact of many underlying medical conditions and whether they increase the risk for severe illness from COVID-19. Based on information available at this time, adults of any age with the following conditions might be at an increased risk for severe illness from the virus that causes COVID-19:

- Asthma (moderate-to-severe)
- Cerebrovascular disease (affects blood vessels and blood supply to the brain)
- Cystic fibrosis
- Hypertension or high blood pressure
- Immunocompromised state (weakened immune system) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines
- Neurologic conditions, such as dementia
- Liver disease
- Overweight (BMI > 25 kg/m², but < 30 kg/m²)
- Pulmonary fibrosis (having damaged or scarred lung tissues)
- Thalassemia (a type of blood disorder)
- 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 or other public health authorities.

III. **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.

IV. Process for Accommodation Request

If an employee is identified as people at increased risk by the CDC or 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 Human Resources Division regarding a potential workplace accommodation.

A request for accommodation under this policy is separate and distinct from a request for a reasonable accommodation under the ADA.

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.

The City may require additional information, including, but not limited to, documentation from the employee's health care provider regarding the length of time an accommodation is needed or whether the employee's underlying condition necessitates an additional accommodation when the employee returns to the workplace.

V. Potential Accommodations

Determinations regarding accommodations under this Policy will be made on a case-by-case basis by the City's Human Resources Division. Accommodations may include, but are not limited to, the following:

- Alternative work assignments or locations
- Remote work
- Use of accrued leaves
- Paid leave advancement (pursuant to terms established for employee parents with child care issues)
- Unpaid leave

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

If an employee has a disability under the ADA, the potential accommodation will be determined pursuant to the City's reasonable accommodation policy and after an interactive process.

V. No Right of Appeal

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

VI. 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.