

MEMORANDUM

Office of the City Manager



DATE: August 11, 2021
TO: All City Employees
FROM: Steve McHarris, City Manager *Steve McHarris*
SUBJECT: Mandatory Weekly Testing Effective August 23, 2021

In our ongoing effort and commitment to keep employees safe, the City is implementing new weekly testing protocols for all unvaccinated employees. Questions regarding this directive should be discussed with your supervisor and/or Human Resources.

Guidance for Departments on Testing Protocols for Unvaccinated Employees:

The City of Milpitas requires employees to either provide proof of full vaccination for COVID-19 or a negative COVID-19 diagnostic test on a weekly basis, as a condition of employment, effective August 23, 2021.

Employees who have had COVID within the past 90 days may still test positive. Employees who are concerned about weekly testing because of having a recent case of COVID should either contact their DICO (for police and fire) or contact Human Resources. Proof of a prior positive COVID test, with date, will be required to be excused from the weekly testing requirement for the 90 days following the date of the test yielding the positive test result.

Vaccination Information: <https://covid19.sccgov.org/covid-19-vaccine-information>
Information on SARS-CoV-2 testing is also [available](#).

Type of Test

COVID-19 RT-PCR tests, with an Emergency Use Approval by FDA are acceptable tests. **Self-collection or self-testing for SARS-CoV-2 virus is prohibited and will not be accepted to meet the testing requirement, except in the presence of authorized City personnel within the Fire Department.**

Employees shall provide results using an FDA approved or Emergency Use Authorized approved diagnostic molecular test (PCR) (1-3-day results).

Cost related to Testing

Employees may obtain COVID-19 testing at any COVID-19 testing site or through their own health care provider.

There is no up-front cost for testing. At most testing sites, medical insurance is not required to get tested, however, employees should bring their insurance card to testing, in case it is requested.

If an employee chooses to get tested through their health care provider, a co-pay may be charged for the visit. The City will not pay for the out-of-pocket co-pay expenses.

Employees who are required to get tested may use work time for testing and should arrange a time that minimizes interference with the City's operational needs by testing at the nearest site available to the employee's work location. If an employee uses their personal vehicle to drive to a test site, they are eligible for mileage reimbursement in accordance with the City policy. Requests for overtime will need to be pre-approved by the Department Head in advance.

Testing and Workplace Protocols

A doctor's referral or note is not required to be tested. Sites offer accessible services for people with disabilities and those with other access or functional needs. Employees shall be provided time during their normally scheduled work shift to obtain a COVID test. It is anticipated that an hour of time should be sufficient to attend an appointment, complete a test, and return to the workplace. See Procedures for Specific Employees for additional detail.

Test results need to be submitted to the Manager or Shift Supervisor once every week.

All staff who submit to surveillance testing may continue to work pending test results, and following a negative RT-PCR result, as long as they follow all current PPE, respiratory, symptom monitoring, and hand hygiene guidelines. Employees who test positive must follow City policy and County Public Health Protocols for quarantine.

Employees shall continue to complete the City COVID-19 personal medical screening process prior to entry into facilities as well as shall badge in using the security access or badging in kiosk.

Employees experiencing COVID-19 symptoms should not report for work, exercise responsible protective measures and seek professional medical advice. Symptoms of COVID-19 include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, loss of taste or smell, nausea/vomiting, or diarrhea.

Protocols for Employees with COVID-19 or Exposed to COVID-19

The City is obligated to notice employees who may have been exposed to COVID-19 when:

1. a person has either tested positive or otherwise been diagnosed with COVID-19
2. a person is subject to a public health isolation order resulting from COVID-19
3. a person was at the City's premises during the infectious time period and has since died of COVID-19.

If there is a confirmed COVID-19 case in the workplace, the City will implement the following procedures:

1. Department Head/Supervisor alerts Human Resources and begins collecting information regarding employee work locations and contacts. Identifies all the employees the employee came into contact with during the high exposure period (2 days prior to onset of symptoms or if asymptomatic, 2 days prior to test). Identifies all work locations of the positive employee 14 days prior to last day worked before positive test. Works with HR to calculate maximum number of potential employees during lookback period (45 days) for each workplace. Identifies employees in contact with COVID-19 case. Conduct Individual case contacts, including subcontractor employees.
2. HR/FIRE/PD sends notice to exposed employees mandating testing. Exposed employees who have not been vaccinated, shall be excluded from the workplace in accordance with OSHA and

CDC guidelines. Exposed employees who have been vaccinated are able to continue working. Notice includes benefits employees may be entitled to, such as Workers' Compensation, sick leave, EPSL, FMLA/CFRA, anti-retaliation and anti-discrimination protections, safety measures and disinfection program.

3. Within 1 business day: HR/FIRE/PD notifies employees (HR Template A) and employers of subcontractors (HR Template B) at worksite of positive COVID-19 Case and Labor Organizations (HR Template C). Notice restricts employees from returning to the workplace if close contact to COVID positive case has occurred or if employee has been exposed to a person outside of workplace who has tested positive from COVID from returning to City worksite. Supervisor determines if employee has teleworking opportunity.
4. Within 3 business days: HR notifies Workers Compensation provider of a positive case. HR works with IT and Department to identify maximum number of employees at each work location within 45 days. [CCR3205(c)(3)(B)]

The COVID-19 positive employee should not report to work in person until (1) at least ten days have passed since the first appearance of the person's symptoms; (2) the person has gone at least 24 hours without a fever (without the use of fever-reducing medication); and (3) the person's other symptoms of COVID-19 are improving (excluding loss of taste and smell). If a person has tested positive but never experiences symptoms, then the person can stop isolating after ten days from the date of their positive test. If a licensed healthcare provider recommends a longer period of isolation for a particular employee, the City shall abide by those longer periods rather than returning the employee to work after ten days.

If an employee has a confirmed positive test, are otherwise diagnosed with COVID-19, or become subject to a public health isolation order unrelated to his/her employment, the employee is not required to report this medical information to us as the employer, although this would be desired as a means of helping keep the staff and community safe.

Testing Procedures for Specific Employees

Fire Department Shift employees will access department provided PCR testing at their Station at the beginning of each tour of duty. The Test will be administered by the Paramedic or EMT as approved by SCCEMS and delivered by the Engine Company to IGenEX at 556 Gibraltar Drive promptly. Out of District transport of the PCR test shall be coordinated with the Duty Battalion Chief. Results will be provided to the EMS Battalion Chief who will notify the On-Duty Battalion Chief if further action is necessary. The Shift Battalion Chief will track weekly test results in a confidential file and report weekly to the Deputy Chief of Operations.

Police Department Shift employees will be required to self-schedule PCR testing to occur during on-duty hours, on the first day of their work week. Supervisors may authorize release time, flex time, or overtime based on an individual employee's schedule and/or circumstances. Schedule accommodations must be approved in advance. Employees shall submit proof of testing (date and time) to a supervisor when received. Employees shall report the result to a department Designated Infectious Control Officer (DICO) before reporting for duty the following week. The DICO will determine if further action is necessary. In the event of a positive test, the employee will not be allowed to return to the workplace until approved by a DICO.

All Other Unvaccinated employees will self-schedule PCR testing to occur during the work period from local providers, coordinate testing with their Supervisor and access approved testing on a weekly basis (Monday-Friday) every week until the order is rescinded, or the employee becomes vaccinated (14 days after last vaccination shot) and has submitted such proof to human resources. Testing times shall be approved by the direct Supervisor and shall occur during the employee's regular work schedule, at the start of their work week or shift.

Employees will report their test date and result to their Supervisor upon receipt. Employees shall retain test results for 90 days and make results available upon request. Test results shall be submitted weekly. Employees who cannot demonstrate proof of testing, will be deemed insubordinate. Supervisors shall track weekly results in a confidential file. Supervisors will forward tracking records to their Department Head at the end of each week.

COVID-19 Testing sites in Milpitas testing can be located on the Santa Clara County Public Health web site for "free COVID-19 testing sites" (links below)

<https://covid19.sccgov.org/covid-19-testing>

Or

<https://www.solvhealth.com/ca/c/milpitas-ca-srv-covid-vaccine>

Or

457 E. Calaveras Blvd at the Community Center (Mondays) [Appointments](#) are available on a weekly basis from 10am-6pm. Those tested will be notified that their results are available and can then log in to view results. Results are usually available 72 hours after testing.

Or

Milpitas Sports Center <https://covid19.sccgov.org/covid-19-testing>

1325 East Calaveras Blvd, Milpitas, CA 95035

Appointments are once a month from 9:30am – 4:00pm at the availability of the County. Appointments will be open for scheduling 7 days before the testing date. Once all appointments are filled, this location will no longer appear for scheduling on the website.

Results will be delivered electronically via Healthvana. Patients will be notified by email or text when test results are ready – usually in 1 to 3 days.

If your test is positive for COVID-19, employees will also be contacted by Public Health with instructions on what to do next and how long to stay isolated from others. Employees should ensure the phone number provided to City staff is accurate and to answer calls from numbers they might not recognize.

Or

[Drop in](#) sites are also available but should be a last testing resort for when other testing is not available

Mask Requirement – Reminder and Clarification

The City requires all employees at work and visitors to City facilities wear face coverings in indoor settings, regardless of vaccination status. We also require all employees to wear face coverings at work in outdoor settings, when social distancing is not possible. N-95 masks will be made available to all employees upon request and in the future, we may consider requiring unvaccinated employees wear N-95 masks, based on the case rates in the County.

Exemptions to masks requirements include:

- Persons with a medical condition, mental health condition, or disability that prevents wearing a mask. This includes persons with a medical condition for whom wearing a mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a mask without assistance*.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication*.
- Persons for whom wearing a mask would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines*.
- While eating, drinking, or taking medication for brief periods of time.
- Persons who are alone in a private space. A private space includes a private office or being alone in a conference room. A cubicle is not considered a private space, as it is a defined area within a larger room shared by others.

*Individuals who have a medical disability that precludes them from wearing a mask must submit a request for reasonable accommodation with supporting medical verification to Human Resources. Human Resources will schedule an interactive meeting before such a request can be authorized.