



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

Master Minute Order

File Number: 21-468

Report ID: 21-468

Type: Regular - Operations

Status: Received

Agenda
Section:

Meeting Body: Board of Directors -
Regular Meeting

Report Created: 09/23/2021

Final Action: 10/13/2021

ded Action: Consider receiving background information on public and private employee vaccination initiatives, and provide direction to staff on whether to develop a plan to implement further measures to increase vaccination rates among District employees. [Requested by Director Walsh - 9/8/21]

Sponsors:

Enactment Date:

Attachments: STAFF REPORT, RED FOLDER Vaccination
Measures

Enactment Number:

Hearing Date:

Effective Date:

History of Legislative File

Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
Board of Directors - Regular Meeting	10/13/2021	Received				Pass
Action Text:	MOTION: ORTIZ/PEEPLS to discuss a vaccine mandate with the labor unions and come back to the Board by December 8, 2021, after the General Manager has had discussions with labor partners. Director Young requested an update on the impact of San Francisco's vaccine mandate on SFMTA's workforce as part of the December update. The motion carried by the following vote:					
Notes:	[A presentation on the District's vaccination measures was provided at the meeting for the Board's consideration. In addition, written comment received prior to the meeting is incorporated into the file by reference.]					

General Counsel Jill Sprague presented the staff report.

Public Comment:

John Minot, East Bay Transit Riders Union (EBTRU), urged AC Transit to mandate all AC Transit employees be vaccinated for COVID-19 without a testing option, presented reasoning for this position, and emphasized that employee representation needs to be at the table for these discussions.

Allison Phillips commented that the reported bus operator vaccination level is unacceptable, saying that transit workers must do everything to prevent coworkers

and bus riders from getting sick. Phillips added that management must work with labor unions to discuss future action for improving vaccination initiatives.

Lisa Harlow, AFSCME Local 3916, would like to meet and confer with District management to discuss any vaccine mandate.

Shamone, D3 Operator, commented on vaccine mandates and is concerned of the elevated health risks on buses because the windows on buses are closed.

Sheela Gunn-Cushman noted concerns about vaccine mandates and advocated robust vaccination education for everyone.

Frederick, D4 Bus Operator, voiced that not enough is being done to ensure operator safety.

Board Discussion:

Vice President Young asked if staff had analyzed the impact of imposing a vaccine mandate on the workforce. Ms. Sprague advised that while staff has some variable information regarding possible exemption requests, it doesn't have concrete data on potential impacts and whether the mandate would cause resignations. Vice President Young mentioned that SFMTA had purportedly lost 300 bus operators due to the vaccine mandate and asked if a similar reaction was anticipated given the high attrition rate at the District. Another concern was how a 5, 10 and 15% loss in the workforce would affect bus service. General Manager Hursh commented that AC Transit has been conducting an aggressive recruitment effort to offset the standard attrition rate and that any loss in the number of available operators would dampen the efforts. Chief Operating Officer Salvador Llamas added that the District is on a path to add more operators and any loss would pause the current progress in hiring but believed the District would find a way to overcome adversity.

Director Peeples commented that he is fully vaccinated and that all AC Transit employees have health insurance benefits that covers vaccinations and Covid implications. Director Peeples further commented that the City of Oakland had mandated vaccinations and heard from their staff that they didn't experience adverse effects of the mandate in terms of resignations. Director Peeples favored Option 1 of the staff report, adding that it needs to be clear that the matter of vaccination is not a contract negotiation but stressed that conversations with the unions are critical.

Director Williams asked about feedback from the unions on the issue of vaccinations. General Manager Hursh advised that no official conversations have taken place; however, the Board will ultimately decide on the direction. Mr. Hursh further added that he had learned that some union members support the notion while others are opposed. Director Williams asked for clarification about closed windows on coaches mentioned by one of the speakers, to which Mr. Hursh responded by explaining the results of a smoke test done earlier in the pandemic. He clarified that closed windows and air conditioning provided the most fresh air throughput but added that staff would ensure more signage on coaches to educate riders. Director Williams asked about the number of the workforce eligible for retirement. General Manager Hursh advised that before the pandemic, about 40%

were eligible but would follow up with more accurate data. Director Williams commented about the recent news regarding the resignation of bus operators at SFMTA due to the vaccine mandate. Mr. Hursh commented that the City and County of San Francisco mandated the vaccine, not the SFMTA Board, and that the situation was still unfolding.

Director Walsh believed that vaccines were a safe and effective way to keep the community safe and bring riders back to public transit. She applauded staff's robust efforts to educate and incentivize employee vaccinations at the District, but felt a mandate was now necessary to boost vaccination rates beyond current levels regardless of the opposition or fear of resignations, believing that more staff would adhere to the mandate once it is in place. Director Walsh expressed support of Option 1 (with no option for testing) to be implemented as soon as possible, preferably by mid-November, saying that AC Transit has an opportunity to lead on this issue and influence other organizations to take similar action.

Director Beckles supported Option 1 with the caveat to meet and confer with the labor unions, saying that vaccine mandates are not new, that vaccines have been historically mandated, and that covid will become a part of the mandate. Director Beckles also commented that it is imperative to care about others and combine collective efforts to benefit the entire community. Director Beckles praised staff for encouraging and incentivizing vaccination, adding that everything has been done to dispel the myths and educate about the benefits of the covid vaccine, but was disappointed that lives are still being lost. Director Beckles felt that it was her and the District's responsibility to ensure that the public is safe, saying that despite the loss of employees and service, riders too will be lost if they feel unsafe.

Ms. Sprague asked for the Board's direction in the event a mandate is received through CalOSHA or the Federal Government and whether their standard would take precedence over the Board's direction. Director Peeples clarified that the Board's position should be for the most vaccine-supportive position, and should CalOSHA or the Federal Government issue a mandate, that staff come back to the Board.

MOTION: WALSH/PEEPLS to impose a vaccination mandate and meet with labor partners to discuss how it will be implemented. The motion failed by the following vote:

Ayes: Walsh, Peeples, Beckles

Noes: Williams, Young, Ortiz

Absent: Shaw

MOTION: ORTIZ/PEEPLS to discuss a vaccine mandate with the labor unions and come back to the Board by December 8, 2021, after the General Manager has had discussions with labor partners.

MOTION TO AMEND: WALSH/BECKLES to amend the motion to have management

discuss with labor partners and come back to the Board at the November 10th Board meeting.

Director Peeples commented that he would not support the amendment on the grounds that discussions with the unions take time and cannot be completed by the next Board meeting. Director Beckles believed a vaccine mandate was an important issue that needed to be urgently addressed.

The amended motion failed by the following vote:

Ayes: Walsh, Beckles

Noes: Williams, Peeples, Young, Ortiz

Absent: Shaw

Ayes: 6 President Ortiz, Vice President Young, Director Walsh, Director Beckles,
Director Williams, Director Peeples
Absent: 1 Director Shaw
