



ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

Master Minute Order

File Number: 21-468a

Report ID: 21-468a

Type: Regular - Operations

Status: Received

**Agenda
Section:**

Meeting Body: Board of Directors -
Regular Meeting

Report Created: 11/17/2021

Final Action: 12/08/2021

ded Action: Receive a report on employee vaccination rates and discussions with labor regarding vaccination requirements; and consider whether or not to implement a vaccine mandate for all District employees, Board officers and Board members. [Continued by the Board at the October 13, 2021 Board of Directors Meeting]

Sponsors:

Enactment Date:

Attachments: STAFF REPORT, RED FOLDER Vaccine Mandate
Presentation, Letter from EBTRU Re Vaccination

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	12/08/2021	Received				Pass
<p>Action Text: MOTION: PEEPLES/BECKLES that AC Transit mandate vaccination of all its employees, that it be done without a testing option, and that it be done with absolutely the minimum exemptions that are legally required, and direct management to meet and confer with the unions on implementation and the effects. The motion carried by the following vote:</p> <p>Notes: [Written comment received prior to the meeting is incorporated into the file by reference.]</p>						

Executive Director of Human Resources Sebron Flenaugh presented the staff report.

Public Comment:

E. Sanchez, D2 Mechanic, noted opposition to the vaccination mandate and cited conflicting information about the effectiveness of the vaccine.

Eden Gerson, Acting Marketing Manager, AFSCME 3916, expressed concerns which the Board should consider before choosing to authorize a vaccine mandate: (1) Not every person will receive the same level of protection from the vaccine; (2) vaccination rates are lower among black and Latino populations compared to white populations so there may be a higher percentage of staff firings from minority

employee groups; and (3) without a meet and confer statement, AFSCME 3916 members concerns may not be considered.

Brittany Dobbs, AFSCME 3916 member, was opposed to a vaccine mandate which terminates employees who decline vaccination. Dobbs cited that the lack of a “meet and confer” clause in the labor agreement further hampers AFSCME 3916 members from vaccine mandate discussions with management and asked the Board to direct management to negotiate a modification to the labor contract.

Lisa Harlow, Business Agent, AFSCME 3916 member, urged the Board to meet and confer with union leadership about medical and religious exemptions despite omission of the meet and confer provision. Harlow noted that AFSCME 3916 members strongly support allowing non-vaccinated employees to work while wearing masks and be regularly tested at free Covid-19 testing sites.

Nathaniel Arnold, Safety Chairperson, ATU 192, commented that many non-vaccinated drivers who are approaching retirement have other options outside the District and that a 10 or 15 percent drop off in Bus Operator staffing will seriously impact the District’s ability to serve the public. Arnold urged the Board to review the District’s employee vaccination levels as it considers its vaccination mandate.

Dionte Delcambre does not support the vaccine mandate for religious reasons and views the vaccine mandate as unconstitutional. Delcambre expressed the viewpoint that the wearing of PPE, washing your hands, and having staff hold each other accountable has been effective in the workplace. Delcambre requested the Board develop a better plan to combat the spread of the virus.

Marco C commented that the choice of waiting for more scientific results before deciding to be vaccinated may conflict with a vaccine mandate. Marco C commented that putting jobs on the line for not following a vaccine mandate is inappropriate and that imposing a vaccine mandate is a political act.

Christine Rayo noted disapproval of a vaccine mandate which enforces the loss of employment for non-compliance.

Jay Hernandez, Operator, expressed opposition to the vaccination mandate and noted many points about the ineffectiveness of Covid-19 vaccines.

Quella Thompson noted that a vaccination mandate is not a solution but the restoration of Article 4 of the AFSCME 3916 labor agreement to allow Union Members to meet and confer with management on issues like the vaccine mandate is needed.

Connie opposed a vaccination mandate and believed that termination for violating this mandate is a punitive act. Connie noted that being vaccinated does not prevent employees from getting infected so regular testing should be made available, preferably at the workplace.

Safety and Freedom supports statements made by previous speakers saying that Safety and Freedom noted that a vaccination mandate without informed consent is wrong and unfair and presents an appearance of political expediency rather than a real solution.

Sultana Adams, D3 Bus Operator, Assistant Shop Steward, does not support a vaccination mandate that is forced on employees. Adams expressed disappointed that no town hall or forum with employees which would serve to better inform the

facts of vaccination was held. Adams commented that without more specialized information, a vaccination mandate will force dedicated employees to choose between their own health and continued employment.

John Minot, East Bay Transit Riders Union (EBTRU), expressed support of AC Transit's plan to institute mandatory vaccinations and suggested the District allow for the use of the submission of proof of vaccination via QR Code as well.

David Berman, AFSCME 3916 member, expressed support of a vaccination mandate and use of QR Codes for verification of vaccination.

Shauna Badger, AFSCME 3916 member, expressed support of a vaccination along with concurrent Covid-19 testing and the use of QR code for improved privacy. Badger asked the Board to keep in mind that many people have young children who cannot be vaccinated, increasing the possibility of Covid-19 exposure at home, and was hopeful that a hybrid work plan would be implemented.

Nathan Landau, AFSCME 3916 Member, noted that its union's executive board and its membership supported a vaccination mandate. Landau commented that AC Transit needs to do the best for public good and, while not a 'magic bullet', there are far fewer instances of sickness and death from vaccinated people versus unvaccinated people. Landau compared speakers' comments that getting vaccinated is a choice to a drunk driver choosing to drive; both choices have consequences affecting other people.

Katy Scott-Smith noted concerns about the lack of facts for many statements presented today. Scott-Smith commented on previous speakers' views on the facts about Covid-19 vaccination efficacy and offered counterpoints and clarification to previously stated reporting. Scott-Smith noted that bus service serves the disabled community, including the immuno-compromised, who cannot get vaccinated and would otherwise have to face bus drivers who may not be vaccinated if not required to do so.

Board Discussion:

Director Peeples moved to impose a vaccination mandate onto all AC Transit employees, without the option of testing and with the minimum legally required exemptions and direct management to meet with the unions on how to implement and address the effects of the mandate. Director Peeples further commented about the impact of the virus on front line workers, adding that hazard pay is being thoroughly considered but unfortunately does nothing to protect the employees, and he urged front line workers to protect themselves by vaccinating. Director Beckles seconded the motion and opened the floor for discussion.

Director Williams asked the General Manager to clarify the communication that has been done by the District to educate employees about vaccines. General Manager Hursh explained that the District has a multi-faceted approach to debunking vaccination hesitancy: from monetary incentives and educational clinics to YouTube channel and videos. Media Affairs Manager Robert Lyles added that the District partnered with community-renowned physicians to record informational videos for AC Transit employees, delivering culturally competent content with the goal of demystifying the effects of vaccines and educating employees about their safety. He

continued to mention the digital and print newsletter which informs employees about AC Transits internal initiatives that has been circulated to all divisions on a regular basis for the past two years. Mr. Lyles reiterated that internal outreach about the safety of vaccines has been quite thorough and extensive.

Director Shaw commented that although she didn't like the idea of mandates, she would support the vaccination mandate. Director Shaw added that as a vaccinated immuno-compromised rider she doesn't feel comfortable on transit knowing that vaccination rates are low. Director Shaw further added that the District has depleted its strategies to achieve voluntary vaccination compliance so the mandate would be the next step toward safety of employees and riders.

Ayes: 5 President Ortiz, Director Walsh, Director Beckles, Director Shaw, Director Peeples

Nayes: 2 Vice President Young, Director Williams
