

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 1/13/2021

Staff Report No. 21-031

TO: AC Transit Board of Directors
FROM: Jill A. Sprague, General Counsel
Michael A. Hursh, General Manager
SUBJECT: AC Transit Vaccination Plan

BRIEFING ITEM

RECOMMENDED ACTION(S):

Consider receiving a preliminary report on the development of AC Transit's Vaccination Plan for COVID-19 vaccinations.

STRATEGIC IMPORTANCE:

Goal - Safe and Secure Operations

With the Food and Drug Administration's (FDA) emergency use authorization for two COVID-19 vaccines, and the Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices' (ACIP) identification of public transit workers as a high priority group to be included in Phase 1b of vaccine prioritization, it is imperative that the District have a plan for the implementation and administration of vaccines to its employees.

BUDGETARY/FISCAL IMPACT:

The fiscal impact of a Vaccination Plan is currently unknown, but may include costs associated with administering vaccinations, education and communication campaigns, and pay associated with "on the clock" vaccinations.

BACKGROUND/RATIONALE:

After many long months of the COVID-19 pandemic, there are now two COVID-19 vaccines approved by the FDA for emergency use. The vaccines will be a vital tool for controlling and eventually ending this pandemic that has caused so much loss, pain, and disruption. This next essential step in the fight against COVID-19 will take time - but things are moving in the right direction.

Vaccine distribution has been separated into phases, based on ACIP's identification of high-risk, high priority groups, who will receive vaccines first:

- **Phase 1a - approximately 24 million people:**
 - Health care workers - because of their higher risk for exposure, and to help prevent them from transmitting COVID-19 to patients

- Residents of long-term care facilities - because they represent 40% of COVID-19 deaths
- **Phase 1b - approximately 51 million people:**
 - People age 75 years and older
 - Essential frontline workers
- **Phase 1c - approximately 199 million people:**
 - People ages 65 to 74
 - People ages 16 to 64 with high-risk health conditions
 - Other essential workers

ACIP has included public transit workers in Phase 1b's "essential frontline workers." Following this announcement on December 20, 2020, the District formed a Phase 1b Vaccine Task Force to develop and implement a Vaccination Plan for District employees. The Task Force is made up of leaders from several departments, including Operations, Human Resources, Marketing, Communications & Legislative Affairs, Media Affairs, Legal, Safety, Finance, Planning, and Civil Rights & Compliance.

The District and BART staff are also working together to develop an East Bay Paratransit (EBP) Vaccine Distribution Plan. Specific to EBP, Transdev's (the EBP Broker) CEO has submitted a letter advocating for the prioritization of all transit workers, including Paratransit operators, in the States in which they hold contracts. Likewise, the Chair of AC Transit's Accessibility Advisory Committee, Pam Fadem, has issued a letter to the Governor and appropriate local elected officials advocating support of prioritization for fixed-route and Paratransit operators to receive the vaccine. Finally, the Teamsters, representing 2 of the 3 EBP service providers, has joined ATU in issuing a letter of support for all transit workers.

In anticipation of the imminent availability of the vaccine to public transit workers, the District is developing its Vaccination Plan to address multiple considerations, as follows:

A. Vaccine Administration (Human Resources, Operations, Safety):

Vaccine allocation will be managed by the California Department of Public Health, which has established a State Community Advisory Committee to provide input and feedback to the planning efforts and resolve barriers to equitable vaccine implementation and decision-making.

While there are many open questions regarding how the vaccine will be administered to District employees, the Task Force is working closely with current providers, Kaiser and Healthnet, to determine availability and access for employees. Both providers have advised that vaccinations will be provided to members at no cost.

The Task Force is also exploring whether District vendors for drug and alcohol testing will be able to administer the vaccines to employees, and has learned that one vendor may be able to provide a technician to administer the shots (but does not currently have the ability to store the vaccines), and another vendor, California Cardiovascular Consultants & Medical Associates (CCCMA), will be providing the COVID-19 vaccine and hopes to have them by mid-January. There will be a cost associated with the provision of this vaccine.

Another option for vaccine administration being explored by the Task Force is to arrange for a secondary medical provider to administer the vaccine to our employees at each of the District operating properties. The process will be similar to the annual flu vaccine program offered by the District. Staff can coordinate with the

vaccine provider to schedule necessary visits for employees to receive both doses as required. The Task Force is exploring the availability of third-party partners such as Walgreen's and CVS Pharmacy to administer the vaccine at either the worksite or other sites, as well. Both are currently administering Phase 1a vaccinations to Long Term Care Facility employees at their worksites.

Finally, Alameda County has developed a vaccine plan (Attachment 2) ([attached <https://covid19.acgov.org/covid19-assets/docs/vaccines/covax-plan-2020.11.30.pdf>](https://covid19.acgov.org/covid19-assets/docs/vaccines/covax-plan-2020.11.30.pdf)) utilizing community points of dispensing (PODs) for flu vaccine to prepare for and refine the approach to COVID vaccine PODs. Partners in this endeavor include community-based organizations, COVID-19 testing sites, local elected officials, cities, and community clinics. Specifically, the County has identified and is evaluating 40 POD sites for suitability as vaccination sites. The County has 90 Public Health Nurses on staff, who are all eligible to vaccinate. Its Medical Reserve Corps has 50 vaccinators, and it is identifying additional support through Disaster Service workers, Community Emergency Response Teams (CERT) and Search and Rescue Teams for nonmedical POD positions. The District's Safety Officer will work directly with the County regarding the potential administration of vaccines through the County.

B. Employee Communications Campaign (Media Affairs, Marketing & Communications & Legislative Affairs)

Communication and education will be critical to address institutional and cultural fear, uncertainty and doubt regarding the safety and effectiveness of the vaccines. The Task Force is currently working on frequently asked questions (FAQs) to provide information to employees regarding the vaccination itself and the District's Vaccination Plan. On December 30, 2020, the General Manager issued a bulletin advising of the Phase 1b designation for public transit workers and announcing the formation of the Phase 1b Vaccine Task Force.

The Task Force is working on a communications campaign to allay fear and suspicion of the vaccine. Communications tactics and channels may include bulletins, FAQs, video, GM NEWSLTR, social media, and other digital communications. The Task Force will also be partnering with the Unions to develop communication materials. Marketing and Communications expects to roll out a comprehensive communication plan by the middle of January.

C. Partnership with Labor (Human Resources/Labor, Legal)

The Task Force will be working closely with Labor to identify roadblocks to vaccination, develop effective communication strategies, and to meet and confer over any vaccine-related working conditions. On December 29, 2020, Task Force members from HR and Legal had an initial meeting with ATU, and met with AFSCME leaders on January 6, 2021. A meeting with IBEW is scheduled for the second week of January. The Unions' partnership has been critical in obtaining vaccine priority for transit workers and will be even more critical in engaging and communicating with employees regarding the necessity for vaccinations.

D. Legal Considerations (Legal, Civil Rights & Compliance)

Employment law and civil rights considerations will be included in the Vaccination Plan. These considerations include pay issues associated with "on the clock" vaccinations, designation of "essential frontline workers," and potential liability issues associated with vaccinations. The Task Force's focus will be on encouraging

voluntary vaccination among the workforce.

E. Post-Vaccine Protocol (Safety, Operations)

The Vaccination Plan will recognize and follow CDC guidance regarding continued use of personal protective equipment (PPE) and other COVID-safety protocol even once vaccines have been made available to District employees. The Task Force (Safety and Operations) will monitor CDC guidance to determine what PPE the District will continue to provide its employees and the public following employee vaccinations and once the vaccine is more widely available to the public.

While many questions have yet to be answered, the Task Force is meeting weekly to update information as it becomes available and flesh out the District's Vaccination Plan. Staff will update the Board during the January 27th Board meeting and will present the Vaccination Plan to the Board no later than the February 10th Board meeting.

ADVANTAGES/DISADVANTAGES:

The advantage to receiving this report is that it provides information regarding the District's proactive approach and commitment to the safety of its employees and the public through a vaccination plan. There are no disadvantages to receiving this report.

ALTERNATIVES ANALYSIS:

There is no alternative analysis provided.

PRIOR RELEVANT BOARD ACTION/POLICIES:

None.

ATTACHMENTS:

1. COVID-19 - What employers need to know
2. COVID-19 Vaccination Plan - Alameda County

Prepared by:

Jill A. Sprague, General Counsel

Approved/Reviewed by:

Lynette Little, Director of Civil Rights & Compliance

Claudia Burgos, Director of Legislative Affairs & Community Relations

Beverly Greene, Executive Director of External Affairs, Marketing & Communications

Salvador Llamas, Chief Operating Officer

Nathaniel Kramer, Acting Executive Director of Human Resources

Linda A. Nemeroff, District Secretary

Michael A. Hursh, General Manager

Nichele Laynes, Acting Director of Marketing and Communications