

REPORT OF THE PRESIDENT

December 16, 2021

**RESOLUTION APPROVING AND ADOPTING A COVID-19 MANDATORY
VACCINATION POLICY FOR THE LOS ANGELES LOMOD CORPORATION**




 Connie Loyola-Calumnag, President

 Armine Petrosyan, Secretary

Purpose: The Los Angeles LOMOD Corporation (“L.A. LOMOD”) is committed to providing and maintaining a safe workplace environment that is free of known hazards. The purpose of this item is to approve and adopt the L.A. LOMOD COVID-19 Mandatory Vaccination Policy, which shall be retroactively effective on November 1, 2021 and is consistent with this commitment. This Policy mandates that all L.A. LOMOD employees, except those with an approved accommodation, are fully vaccinated against COVID-19 as a condition of employment.

Issues: According to the Center for Disease Control and the Los Angeles County Department of Public Health, COVID-19 and its variants continue to pose a significant public health risk. Vaccination is known to be the most effective way to reduce the risk of spreading the virus and limit COVID-19 hospitalizations and deaths. Notably, on August 23, 2021, the Food and Drug Administration fully approved the Pfizer-BioNTech COVID-19 Vaccine. Moreover, under Occupational Safety and Health Administration (“OSHA”) guidance, employers are responsible for providing a safe and healthy workplace free from recognized hazards likely to cause death or serious physical harm. Consistent with this, L.A. LOMOD seeks to protect its employees from COVID-19 and its variants when they are in the office, performing duties outside of the office, or attending L.A. LOMOD events, by creating a mandatory COVID-19 vaccination policy.

The Equal Employment Opportunity Commission announced that employers may require vaccines as a condition of employment, provided accommodations are made in accordance with the Americans with Disabilities Act. The proposed policy requires all L.A. LOMOD employees to be vaccinated except those with reasonable accommodations due to a serious medical condition, disability or sincerely held religious belief. The proposed policy states:

1. Employees who are not Fully Vaccinated by October 31, 2021 due to an approved accommodation must undergo COVID-19 testing at least weekly.
2. Employees who are not Fully Vaccinated by October 31, 2021 and have not been approved for a medical or religious accommodation will be provided a grace period through November 15, 2021 to become Fully Vaccinated, and must undergo COVID-19 testing at least weekly.

The mandatory testing is at L.A. LOMOD’s expense.

Board approval of the policy was delayed pending further guidance from HUD regarding Performance Based Contract Administrator's compliance with the federal Executive Order vaccination mandate. During this time, L.A. LOMOD implemented the policy according to the timelines stated above and all employees are in full compliance.

Funding: The Chief Administrative Officer confirms the following:

Source of Funds: L.A. LOMOD receives Section 8 administrative fees under the PBCA ACC for administering Housing Assistance Payments to owners of Section 8 project-based buildings.

Budget and Program Impact: The administrative fees received will cover the costs associated with mandatory testing for employees who have been granted reasonable accommodations under the policy.

Attachments:

1. Proposed Mandatory Vaccination Policy for L.A. LOMOD
2. Resolution

RESOLUTION NO. _____

RESOLUTION APPROVING AND ADOPTING A COVID-19 MANDATORY VACCINATION POLICY FOR THE LOS ANGELES LOMOD CORPORATION

WHEREAS, in 1973, the Housing Authority of the City of Los Angeles (“HACLA”) created the Los Angeles LOMOD Corporation (“L.A. LOMOD”), a nonprofit corporation, to increase affordable housing in the City of Los Angeles;

WHEREAS, on December 1, 2003, U.S. Department of Housing and Urban Development (“HUD”) and L.A. LOMOD entered into an Annual Contributions Contract (“ACC”) whereby L.A. LOMOD operated as the contract administrator for providing contract administration services for Project-Based Section 8 HAP contracts in ten Southern California counties;

WHEREAS, according to the Center for Disease Control, and the Los Angeles County Department of Public Health, COVID-19 and its variants continue to pose a significant public health risk;

WHEREAS, there exists a health emergency that requires action to safeguard and employees against risks of infection, illness, hospitalization, and death from COVID-19;

WHEREAS, vaccination is known to be the most effective way to reduce the risk of spreading the virus and limit COVID-19 hospitalizations and deaths;

WHEREAS, under Occupational Safety and Health Administration (“OSHA”) guidance, employers are responsible for providing a safe and healthy workplace free from recognized hazards likely to cause death or serious physical harm;

WHEREAS, L.A. LOMOD seeks to protect its employees from COVID-19 and its variants when they are in the office, performing duties outside of the office, or attending a L.A. LOMOD event;

WHEREAS, for the reasons set forth herein and in the Board report presented to the Board of Directors at its meeting held this date, it is in the best interest of L.A. LOMOD to adopt the proposed “COVID-19 Mandatory Vaccination Policy” (“Policy”) applicable to all L.A. LOMOD employees, except those with reasonable accommodations due to a serious medical condition, disability, or sincerely held religious belief;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors approves and adopts the attached COVID-19 Mandatory Vaccine Policy.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

APPROVED AS TO FORM:

LOS ANGELES LOMOD CORPORATION



BY: _____

BY: _____

12/3/21

General Counsel

Chairperson

DATE ADOPTED: _____

Los Angeles LOMOD Corporation

COVID-19 Mandatory Vaccination Policy

The Los Angeles LOMOD Corporation (“L.A. LOMOD”) is committed to providing and maintaining a safe workplace that is free of known hazards. To achieve this goal, L.A. LOMOD shall mandate vaccination against COVID-19.

I. PURPOSE & APPLICABILITY

- A. The COVID-19 Mandatory Vaccination Policy (“Policy”) serves to safeguard the health and well-being of the employees and their families, and any Third Party doing business with L.A. LOMOD from the risks associated with COVID-19.
- B. This Policy applies to all L.A. LOMOD employees.

II. DEFINITIONS

Definitions used in this Policy include:

- A. **Fully Vaccinated:** 14 or more days must have passed since the employee received either (1) the second dose of a two-dose COVID-19 vaccine series; or (2) a single-dose COVID-19 vaccine. To be Fully Vaccinated also means that, in addition to receiving the original vaccine series, one has received all COVID-19 vaccine booster shots approved by the U.S. Food and Drug Administration (“FDA”) at intervals recommended by the Center for Disease Control (“CDC”). Reasonable time shall be provided to employees to receive boosters as they become available.
- B. **Interactive Process:** The collaborative effort involving an employer and employee to conduct an individualized assessment of both the essential duties and the specific physical or mental limitations of the individual that are directly related to the need for reasonable accommodation.
- C. **Reasonable Accommodation:** Under Title I of the Americans with Disabilities Act (“ADA”), a reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process.
- D. **Third Party:** A Third Party is defined as any individual that is not a L.A. LOMOD employee, who an employee may have contact with during the course of employment. A Third Party may be, but is not limited to one of the following: property owners, management agents, vendors, contractors, and tenants.

III. POLICY

Consistent with its duty to provide and maintain a workplace that is free of recognized hazards, L.A. LOMOD has adopted this Policy to safeguard the health and well-being of employees and their families, and any Third Party from infectious conditions, specifically COVID-19, that may be mitigated through an effective vaccination program.

Los Angeles LOMOD Corporation

COVID-19 Mandatory Vaccination Policy

IV. GENERAL PROVISIONS

- A. Effective November 1, 2021, all L.A. LOMOD employees, except those with an approved medical or religious accommodation shall be Fully Vaccinated against COVID-19 as a condition of employment, and submit proof of vaccination.
- B. The vaccine shall be approved by the FDA for COVID-19, have an emergency use authorization from the FDA, or, for persons vaccinated outside the United States, be listed for approved or emergency use by the World Health Organization.
- C. Vaccinations may be taken during working hours. Employees who are getting vaccinated during work hours must submit the applicable paid leave request form to the Sr. Administrative Manager and coordinate with their supervisors to minimize operational impact.
- D. Employees who are not Fully Vaccinated by October 31, 2021 due to an approved accommodation must undergo COVID-19 testing at least weekly.
- E. Employees who are not Fully Vaccinated by October 31, 2021 and have not been approved for a medical or religious accommodation will be provided a grace period through November 15, 2021 to become Fully Vaccinated, and must undergo COVID-19 testing at least weekly.
- F. COVID-19 testing shall be made available for eligible employees at 2600 Wilshire. Time spent testing at 2600 Wilshire shall be compensable.

V. REASONABLE ACCOMMODATIONS

- A. Exemption from this Policy shall be considered due to a serious medical condition, disability or because of a sincerely held religious belief.
- B. Any employee who has a qualifying medical condition/disability that contraindicates the vaccination, or who objects to being vaccinated on the basis of sincerely held religious beliefs and practices, must submit a request for exemption to the Housing Authority of the City of Los Angeles' Human Resources Department by or before September 27, 2021. L.A. LOMOD will engage in an interactive process to determine if a reasonable accommodation can be provided.
- C. Accommodations will be granted where they do not cause L.A. LOMOD undue hardship or pose a direct threat to the health and safety of others.
- D. An employee may request an accommodation without fear of retaliation.

Los Angeles LOMOD Corporation

COVID-19 Mandatory Vaccination Policy

VI. VIOLATION OF THE POLICY

Violation of this Policy, including but not limited to submission of falsified documents, will be subject to disciplinary action, including termination in accordance with the L.A. LOMOD Employee Handbook.

VII. PROCEDURES

The President or designee has the authority to adopt any additional procedures necessary to implement or improve this Policy.

VIII. LEGAL COMPLIANCE

This Policy is intended to comply with all state and local laws. It is based upon guidance provided by the Occupational Safety and Health Administration (“OSHA”), the CDC, and other public health and licensing authorities, as applicable.

IX. AMENDMENT TO THE POLICY

This Policy may only be amended by the Board of Directors.