

August 26, 2021

Committee on Accountability, Finance and Personnel

Item 4, Action on Resolution 2122R-009 By Director Peterson on Mandated Vaccines

WHEREAS, While the COVID-19 pandemic continues to upend life as we know it, the education of our children must not be interrupted; and

WHEREAS, There has been a strong preference for children to return to full in-person learning, a preference that was supported by the Board in its June 1, 2021, action directing five-day, in-person learning beginning with the start of the 2021-22 school year; and

WHEREAS, There is no approved vaccine for children under age 12 but students are consistently exposed to adults – those who work in the school environment, as well as visitors to the building; and

WHEREAS, Currently only 51.99% of the population in Wisconsin is fully vaccinated and, in Milwaukee County specifically, only 46.17% of the population is fully vaccinated; and

WHEREAS, The Delta variant is the fastest, most formidable version of the coronavirus that causes COVID-19 and, currently the Delta variant represents about 83% of new infections; and

WHEREAS, At the Federal level, the Department of Veterans Affairs will require 115,000 of its frontline health care workers to be vaccinated against the coronavirus in the next two months, making it the first federal agency to mandate that employees be inoculated; and

WHEREAS, Urban areas across the nation are starting to implement vaccination mandates, for example, in New York, where Mayor Bill de Blasio stated that all municipal workers would be required to be vaccinated against the coronavirus by the time schools reopen in September or face weekly testing, a decision backed by the United Federation of Teachers, the largest teachers' union in New York; and

WHEREAS, Hospitals and health care systems nationwide have compelled their employees to get vaccines, and recent court decisions have upheld employers' rights to require vaccinations; and

WHEREAS, The U.S. Equal Employment Opportunity Commission (EEOC) has determined that employers can require vaccines for employees to return to work, as long as the requirement does not violate federal discrimination laws and so long as reasonable accommodations are made for employees who are exempt from mandatory immunization based on the Americans with Disabilities Act, Title VII of the Civil Rights Act and other federal laws; now, therefore, be it

RESOLVED, That the Board hereby directs the Administration to explore the feasibility of implementing mandatory COVID vaccinations for all employees; and be it

FURTHER RESOLVED, That the exploration include information on

- The legality and enforceability of such a mandate;

- The means by which employees may request an accommodation or waiver pursuant to the requirements of the ADA, Title VII of the Civil Rights Act, and other federal and state laws that may require a waiver option;
- The means by which employees who are not vaccinated will be required to be tested weekly for COVID, in a manner that protects their privacy rights under the Health Insurance Portability and Accountability Act (HIPAA);

and, be it

FURTHER RESOLVED, And the plan include a component to offer an incentive to eligible students and staff who have been or will be vaccinated; and be it

FURTHER RESOLVED, That based on the investigation in these matters, the Administration include any recommendations and any adjustments to protocols that may be necessary to lessen the likelihood of staff and students contracting COVID 19; and be it

FURTHER RESOLVED, That the Administration report its findings and recommendations to the Board no later than the ~~September-October 2021~~ Board cycle at a Special meeting of the Board to be called by the Board President, the week of September 6, 2021.

Introduced July 29, 2021