



Committee Joint GO/HHS
Committee Review: At a future date
Staff: Christine Wellons, Legislative Attorney
Purpose: To receive testimony – no vote expected

AGENDA ITEM #6
October 19, 2021
Public Hearing

SUBJECT

Expedited Bill 34-21, Personnel and Human Resources – COVID-19 Vaccination Required

Lead Sponsors: Councilmembers Riemer and Jawando

Co-Sponsor: Council Vice-President Albornoz

EXPECTED ATTENDEES

Public speakers

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A; receive testimony

DESCRIPTION/ISSUE

Expedited Bill 34-21 would:

- require the vaccination of County employees against COVID-19;
- permit medical accommodations to the COVID-19 vaccination requirements;
- exempt the COVID-19 vaccination requirements from collective bargaining; and
- generally amend the County personnel and human resources law.

SUMMARY OF KEY DISCUSSION POINTS

- N/A; receive testimony

This report contains:

Staff memorandum
Expedited Bill 34-21
LRR

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M E M O R A N D U M

October 14, 2021

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Expedited Bill 34-21, Expedited Bill 34-21, Personnel and Human Resources – COVID-19 Vaccination Required

PURPOSE: Public Hearing – no Council votes required

Expedited Bill 34-21, Personnel and Human Resources – COVID-19 Vaccination Required, sponsored by Lead Sponsors Councilmembers Riemer and Jawando with Co-Sponsor Council Vice-President Albornoz, was introduced on September 28, 2021. A worksession of a joint GO/HHS Committee will be scheduled for a future date.

Expedited Bill 34-21 would require all County employees to be vaccinated against COVID-19 as a condition of employment. Accommodations to the requirement would be available for medical reasons.

Procedurally, an employee who fails to provide proof of vaccination (or to apply for a medical accommodation), within 7 days of notification from the County, would be placed on unpaid leave. The employee placed on leave would have 7 leave days in which to provide proof to the County that the employee has received at least one dose of a COVID-19 vaccine. The employee would have to provide proof of full vaccination within 40 days of having been placed on unpaid leave. Ultimately, an employee who fails to fulfill the vaccination requirement (or to secure a medical accommodation) after having been placed on leave would be subject to dismissal from County employment.

The requirements and implementation of Expedited Bill 34-21 would be expressly exempt from collective bargaining and provisions of the Code related to collective bargaining.

This packet contains:

Expedited Bill 34-21
LRR

Circle #

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©5

Expedited Bill No. 34-21
Concerning: Personnel and Human
Resources – COVID-19 Vaccination
Required
Revised: 09/24/2021 Draft No. 3
Introduced: September 28, 2021
Expires: March 28, 2023
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Riemer and Jawando
Co-Sponsor: Council Vice-President Alborno

AN EXPEDITED ACT to:

- (1) require the vaccination of County employees against COVID-19;
- (2) permit medical accommodations to the COVID-19 vaccination requirements;
- (3) exempt the COVID-19 vaccination requirements from collective bargaining; and
- (4) generally amend the County personnel and human resources law.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Section 33-22

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Sec 1. Section 33-22 is amended as follows:

33-22. [Reserved.] COVID-19 Vaccination Required.

(a) Definitions. For purposes of this section, the following words have the meanings indicated.

COVID-19 Vaccine means a vaccine authorized or approved by the federal Food and Drug Administration to prevent or reduce the transmission of SARS-CoV-2.

Employee means an individual employed by the County, regardless of the individual's merit system status or representation by an employee organization.

Fully vaccinated means having received all doses of a COVID-19 vaccine.

(b) Vaccination Required. As a condition of employment by the County, an
employee must:

(1) be fully vaccinated and provide to the County proof of vaccination
under subsection (c); or

(2) receive an accommodation under subsection (d).

(c) Procedures; remedies for noncompliance.

(1) Within 7 days after notification by the County to an employee of
the requirements of this section, the employee must:

(A) provide to the County proof that the employee is fully vaccinated; or

(B) apply for an accommodation under subsection (d).

(2) An employee who fails to comply with paragraph (1) must be
placed on unpaid leave.

(3) Within 7 days after being placed on unpaid leave under paragraph (2), an employee must:

(A) provide to the County proof that the employee has received at least one dose of a COVID-19 vaccine; or

(B) apply for an accommodation under subsection (d).

(4) An employee under subparagraph (3)(A) must provide to the County, within 40 days of being placed on unpaid leave, proof that the employee is fully vaccinated.

(5) An employee who fails to comply with paragraphs (3) or (4) of this subsection, or with paragraph (3) of subsection (d), must be dismissed from County employment.

(d) Health-based accommodation.

(1) An employee may apply for an accommodation to the requirements of this section based on the health of the employee.

(2) The Director of Human Resources, or the Director's designee, must approve an application for an accommodation if the accommodation is required for the health of the employee, as documented by a licensed physician.

(3) Within 7 days after the denial of an application for an accommodation under paragraph (1), the employee must provide to the County proof that the employee has received at least one dose of a COVID-19 vaccine. Within 40 days after the denial of the application, the employee must provide to the County proof that the employee is fully vaccinated.

(e) Exemption from Collective Bargaining. The requirements and implementation of this section:

(1) are not subject to collective bargaining; and

(2) are exempt from Sections 33-80, 33-107, and 33-152.

Sec. 2. Expedited Effective Date; Transition. The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date that it becomes law.

LEGISLATIVE REQUEST REPORT

Bill 34-21

*Expedited Bill 34-21, Personnel and Human Resources –
COVID-19 Vaccination Required*

DESCRIPTION:	<p>Expedited Bill 34-21 would:</p> <ul style="list-style-type: none">• require the vaccination of County employees against COVID-19;• permit medical accommodations to the COVID-19 vaccination requirements;• exempt the COVID-19 vaccination requirements from collective bargaining; and• generally amend the County personnel and human resources law.
PROBLEM:	Protect employees and residents against the global COVID-19 pandemic
GOALS AND OBJECTIVES:	Maximize number of County employees who are vaccinated against COVID-19
COORDINATION:	DHHS; Human Resources
FISCAL IMPACT:	OMB
ECONOMIC IMPACT:	Office of Legislative Oversight (OLO)
EVALUATION:	To be done.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Applies to all County employees
PENALTIES:	Discipline up to and including dismissal from employment