

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the Healthiest State in the Nation

September 24, 2021

Via Certified Mail, Return Receipt Requested

Lauren Poe, Mayor
City of Gainesville
200 East University Ave.
Gainesville, FL 32601
Poelb@cityofgainesville.org

Re: COVID-19 Employer Vaccination Requirement

Dear Mayor Poe:

As you know, on May 3, 2021, Governor DeSantis signed into law SB 2006, which created Section 381.00316, Florida Statutes. Effective July 1, 2021, Section 381.00316 specifically prohibits a governmental entity from requiring persons to provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, or entry upon, the governmental entity's operations in this state. The Department of Health is authorized to impose a fine of \$5,000 per individual violation of Section 381.00316.

It has come to our attention that the City of Gainesville adopted a resolution, referenced in the attached document, requiring all City of Gainesville employees "to attest (including proof of vaccination) to their vaccination status..." **This discriminatory policy infringes upon the fundamental rights and privacies of Floridians and is a direct violation of Section 381.00316, Florida Statutes.**

The City of Gainesville will be subject to fines for each individual violation of Section 381.00316, Florida Statutes, under Florida Administrative Code Rule 64-8.001. Please immediately provide the current total number of employees who are subject to the requirement.

Sincerely,

A handwritten signature in blue ink that reads "Doug Woodlief".

Doug Woodlief
Division Director

Emergency Preparedness and Community Support

Attachment

Copies to: Louise St. Laurent, General Counsel, Florida Department of Health



City of Gainesville

Office of the City Manager

City Manager Memorandum No. 210040

To: The Honorable Mayor and City Commission

From: Lee R. Feldman, ICMA-CM, City Manager

Date: August 12, 2021

Re: Implementation of Commission Motion on COVID-19 – August 5, 2021, City Commission Meeting

At its meeting of August 5th, the City Commission adopted an eight-part motion in response to the COVID-19 surge in the City of Gainesville. The chart shown below delineates six (6) specific elements of the adopted motion that relate to employees (community builders) and access to City facilities and the implementation plan associated with each element.

This memorandum further serves to formalize directives among all charters of the City and will be implemented in its entirety across the city organization.

City Commission supports Charter Officers masking requirements for employees and public.	<p>Effective August 5, 2021:</p> <ol style="list-style-type: none">1. All City facilities will have single point of entry with temperature screening for all employees and individuals (neighbors and other third parties doing business with the City) entering regardless of vaccination status.2. All employees and individuals must be masked when in common areas of City facilities.3. Employees must be masked when in City vehicles with other employees and/or individuals.4. Employees and third-party vendors contracted by the City must be masked when working outdoors and cannot be socially distant.5. All individuals and employees must be masked upon entry and remain masked while riding in any RTS vehicle. Non-complying individuals will first be offered a mask, then be asked to leave the vehicle if a mask is then not worn.6. On premises other than City facilities, individuals interacting with GRU employees, and its agents, must
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	be masked to receive service. Non-complying individuals will first be offered a mask, then service will be denied if a mask is then not worn.
Direct charter officers to create and implement a plan to require that all city employees receive the COVID vaccine. Charters to determine reasonable dates to have vaccinations. Have an exemption for employees for medical/ADA reasons.	<ol style="list-style-type: none"> 1. All employees will be required to attest (including proof of vaccination) to their vaccination status by September 7, 2021. Those employees who have already furnished proof of vaccination to Employee Health Services (EHS) shall be considered to have fulfilled this requirement. 2. All employees who have not provided evidence of vaccination through the attestation process will be required to demonstrate that they have received, at a minimum, the first dose the vaccine by 5 pm, September 14, 2021. Any employee who fails to meet this condition of employment, shall be subject to progressive disciplinary action in accordance Personnel Policy E-3 (Code of Conduct/Disciplinary Procedures) and their respective collective bargaining agreements. 3. All employees who have not provided evidence of vaccination through the attestation process will be required to demonstrate that they received the final dose of the vaccine by 5 pm, October 14, 2021. Any employee who fails to meet this condition of employment, shall be subject to progressive disciplinary action in accordance Personnel Policy E-3 (Code of Conduct/Disciplinary Procedures) and their respective collective bargaining agreements. 4. Employees may request accommodation for medical or religious reasons, in accordance with State and Federal law, upon presentation to EHS (for medical) or Human Resources (for religious) of sufficient documentation to demonstrate the need for the accommodation.
Give PTO day to all vaccinated employees.	Since the definition of leave (paid time off) varies among employees based upon hours work and leave classification, the Charter Officers will implement a \$250 cash incentive to all employees who have demonstrated that they received the first dose of a vaccine by 5 pm, September 14, 2021.
Restrict travel for all unvaccinated employees.	Effective the date of this memorandum, any employee traveling outside of Alachua County, involving an over-night stay on official city business, shall be required to be fully vaccinated. Each Charter Officer will be responsible to enforce this directive.

Direct charter officers to bring back a plan for employees to work virtually.	Employees will continue to have the option of applying for tele-work privileges in accordance with existing City policy and procedures. All employees who are tele-working as of the date of this memorandum will be required to work from their normal city worksite no less than 20 percent of the workweek.
Have EHS and Communications create and implement a plan to encourage employees to get vaccinated & work with unions on this. Implement plan as soon as a quality plan can be put together.	Upon promulgation of this memorandum, General Government Communications and Engagement and GRU Communications will coordinate with Human Resources to meet with representatives of the CWA, ATU, FOP, PBA and IAFF leadership to develop a communications plan.

The following Charter Officers have reviewed this recommendation and concur with the implementation directives contained herein:

- City Manager
- General Manager for Utilities
- City Clerk
- City Attorney
- City Auditor
- Acting Equal Opportunity Director

cc: Ed Bielarski, General Manager for Utilities
Virginia Bigbie, City Auditor
Omichele Gainey, City Clerk
Nicolle Shalley, City Attorney
Sylvia Warren, Acting Equal Opportunity Director
Deborah Bowie, Assistant City Manager
Fred Murry, Assistant City Manager
Philip Mann, Interim Assistant City Manager
Steve Varvel, Risk Management Director (and Interim Human Resources Director)
Shelby Taylor, Communications & Engagement Director