

Memo

Date: 10/15/2021

[REDACTED]

From: Ivan Cuevas, Senior HR Business Partner

CC: Confidential Medical File

Subject: Reasonable Accommodation Unavailable for Religious Exemption

SDOT was informed that you have a sincerely held religious belief or practice which exempts you from the City of Seattle's mandatory vaccination requirement, effective October 18, 2021. On **9/27/2021**, **SDOT** received notice of your approved exemption and acknowledged your request for accommodation.

Your request was evaluated, and an individualized assessment was undertaken to identify a reasonable accommodation that does not result in an undue hardship. For employees with religious exemptions, an undue hardship is one that involves more than a *de minimis* cost or burden on operations, such as accommodations that infringe on other employees' job rights or benefits, compromise workplace safety, decrease workplace efficiency or productivity, or require other employees to do more than their share of potentially hazardous or burdensome work.

After considering a number of factors including, but not limited to: current CDC and public health recommendations, the frequency, proximity, and duration of contact your position typically has with other employees and non-employees, such as customers, the public, business partners and others; the type of work environment(s) in which you work; the available ventilation; and the space available for social distancing; and the risk of you having contact with other people who are ineligible for vaccination, who are vaccinated but immunocompromised, or whose vaccination status is unknown; and what types of protective measures that can reasonably and consistently be put in place to create a safe work environment for you and the people you will be around, **SDOT** is unable to identify a reasonable accommodation for you at this time.

You have frequent unavoidable or unpredictable interaction with members of the public and City employees, as you are one of only two employees who conduct landslide inspections in the field. Moreover, the City of Seattle is entering peak season for landslides.

Current public health data in King County shows that people who are not vaccinated are 8x more likely to test positive for COVID-19, 46x more likely to be hospitalized for COVID-19, and 78x more likely to die of COVID-19 related illness. See <https://kingcounty.gov/depts/health/covid-19/data/vaccination-outcomes.aspx>. The CDC says the greatest risk of transmission of COVID-19 is among unvaccinated people who are much more likely to get infected, and therefore transmit the virus. Unvaccinated individuals who get infected with COVID-19 are able to transmit the virus to others for a longer period of time than unvaccinated people. See <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/fully-vaccinated-people.html#infections-fully-vaccinated>

Wearing a mask and/or periodic testing is not an effective reasonable accommodation. Employees who do become infected with COVID-19 are contagious prior to symptom onset, or may be asymptomatic, and in either case unknowingly spread COVID-19. Even weekly or more frequent testing is not sufficient to detect infection and adequately minimize the risk of transmission. False negative test results can occur, and frequent testing is very expensive, as well as being very burdensome operationally. Masks, by themselves, are not sufficient to adequately minimize the risk of COVID-19 transmission in the workplace and to members of the public. Wearing

a mask indoors is currently required regardless of vaccination status, and is only one part of the City's layered COVID-19 prevention. OSHA says that "vaccination is the key element in a multi-layered approach to protect workers." <https://www.osha.gov/coronavirus/safework>. Without this key element, and since your essential job functions require close contact, we cannot say that masking by itself is sufficient. Moreover, it is not realistic to require, monitor, and enforce proper and continuous mask wearing at all times during every shift for all unvaccinated employees.

Due to your specific job duties, as well as the significant risk of unvaccinated people getting infected themselves and then transmitting the highly contagious Delta variant to others, **SDOT** is unable to identify a reasonable accommodation that would enable you to safely perform your job without compromising workplace safety or imposing more than a minimal cost or burden on other employees or overall operations. It is also not possible for you to perform the essential functions of Radio Dispatcher from home.

If you have questions or would like to propose a reasonable accommodation that does not result in undue hardship, please contact Ivan Cuevas at 206-445-9874 or ivan.cuevas@seattle.gov within three (3) business days.

If you decide to comply with the vaccine requirement, you must submit acceptable proof of your first dose of the COVID-19 vaccine to the City within two weeks from the date of this memorandum. You must submit acceptable proof of your second COVID-19 vaccine dose (if applicable) within eight weeks after the date of this memorandum. If you wish to pursue this option, you may be required to use your own qualified paid or unpaid leave while you are going through the eight-week process to become fully vaccinated.

If you choose not to comply with the vaccine requirement, following October 18, 2021, you will be required to use your qualified paid or unpaid leave while awaiting next steps.

Prepared By:

Ivan Cuevas
Sr. HR Business Partner

10/15/2021

Approved by:

Director

Date