



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

AGENDA ITEM # 9A
September 28, 2021
Introduction

SUBJECT

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

Lead Sponsors: Councilmembers Riemer and Jawando

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A; Introduction

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

This report contains:

Staff memorandum
Expedited Bill 34-21

Page 1
©1

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

MEMORANDUM

September 24, 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: Introduction – no Council votes required

Expedited Bill 34-21, Personnel and Human Resources – COVID-19 Vaccination Required, sponsored by Lead Sponsors Councilmembers Riemer and Jawando, is scheduled for introduction on September 28, 2021. A public hearing is tentatively scheduled for October 19, 2021 at 1:30 p.m. 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

Circle #
©1

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

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmembers Riemer and Jawando

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:

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

2 **33-22. [Reserved.] COVID-19 Vaccination Required.**

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

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

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

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

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

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

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

18 (c) Procedures; remedies for noncompliance.

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

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

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

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

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

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

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

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

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

37 (d) Health-based accommodation.

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

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

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

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

52 (1) are not subject to collective bargaining; and

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

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