

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE ADMINISTRATION TO REINSTATE THE COVID-19 GUIDELINES REQUIRING ALL CITY EMPLOYEES, REGARDLESS OF VACCINATION STATUS, TO WEAR FACIAL COVERINGS INDOORS IN THE WORKPLACE, WITH A LIMITED EXEMPTION WHERE THE FACIAL COVERING REQUIREMENT MAY BE WAIVED BY AN EMPLOYEE VOLUNTARILY DISCLOSING THEIR FULLY VACCINATED STATUS TO THE CITY'S HUMAN RESOURCES DEPARTMENT AND REQUESTING A WAIVER OF THE FACIAL COVERING REQUIREMENT; AND FURTHER, DIRECTING THE ADMINISTRATION TO DEVELOP A PROCEDURE FOR IMPLEMENTATION OF A "CLEAR PASS" PROGRAM THAT WILL PERMIT FULLY VACCINATED EMPLOYEES WHO VOLUNTARILY DISCLOSE THEIR VACCINATION STATUS TO BE READILY IDENTIFIABLE, AND EXEMPT FROM, THE CITY'S FACIAL COVERING REQUIREMENT FOR EMPLOYEES IN THE WORKPLACE.

WHEREAS, the highly contagious Delta variant has prompted a new surge of the COVID-19 virus around the U.S.; and

WHEREAS, the Center for Disease Control ("CDC") has confirmed the highly contagious Delta variant is the dominant COVID-19 strain in the U.S.; and

WHEREAS, on July 16, 2021, CDC Director Dr. Rochelle Walensky warned that the outbreak in the U.S. is becoming "a pandemic of the unvaccinated" because such a high percentage of hospital admissions and deaths are among people who hadn't been immunized; and

WHEREAS, according to the Mayo Clinic's COVID-19 tracking map, as of June 22, 2021, the U.S. COVID-19 testing positivity rate has risen to 7.27%, representing a significant increase from the 1.65% positivity rate in mid-June 2021; and

WHEREAS, as of July 20, 2021, the average COVID-19 positivity rate in Florida is 10.94%, and the Florida Department of Health reported 8,107 new daily cases; and

WHEREAS, during the month of July 2021, the number of COVID-19 positive inpatients at Miami's Jackson Memorial Hospital has increased 178%, with more than 95% of the new patients being unvaccinated, and more than 40% being under age 50; and

WHEREAS, in less than a month, positive tests have increased from 3.6% to 8.6% in Miami-Dade County; and

WHEREAS, since the onset of the COVID-19 pandemic, the City of Miami Beach has developed COVID-19 guidelines in accordance with CDC Guidelines, to provide direction for all employees on procedures and protocols to ensure that the workplace remains safe during the COVID-19 pandemic; and

WHEREAS, on May 28, 2021, the City's Human Resources Department issued Administrative Order of the City Manager (HR.03.02) dated May 21, 2021 (the "Administrative Order") pertaining to COVID-19 Employee Guidelines Procedures; and

WHEREAS, the Administrative Order provided the following mandatory requirements pertaining to facial coverings: (1) fully vaccinated employees are no longer required to wear face coverings indoors in the workplace, including in vehicles while with other employees; (2) unvaccinated persons are required to wear a mask according to CDC guidelines and workplace safety standards; (3) unvaccinated persons who work in a private office do not need to wear a mask if the door is closed; and (4) all employees are no longer required to wear a mask outdoors unless social distance cannot be maintained or unless they are in a large crowd; and

WHEREAS, in light of the recent surge of the highly contagious Delta variant that is targeting people under 50 with no existing health conditions, the Mayor and City Commission direct the Administration to issue an Administrative Order with the following requirements:

- 1) Requiring all City employees, regardless of vaccination status, to wear facial coverings indoors in the workplace, including in vehicles while with other employees, in common areas, and if others are in their workplace and social distancing cannot be achieved; and
- 2) Permitting a limited circumstance where the mask requirement may be waived by an employee voluntarily disclosing their **fully vaccinated** status to the City's Human Resources Department and requesting a waiver of the facial covering requirement; and

WHEREAS, the Mayor and City Commission further direct the Administration to develop a procedure for an implementation of a "Clear Pass" program that will permit fully vaccinated employees who voluntarily disclose their vaccination status to be readily identifiable, and exempt from, the City's facial covering requirement for employees in the workplace; and

WHEREAS, implementation of voluntary facial covering exemptions are not novel: City of Gainesville, Florida, City of Montclair, California, Erie County, New York, and private employers such as Amazon and Fox News have implemented similar procedures exempting employees who voluntarily disclosed their fully vaccinated status and requested a waiver of the facial covering requirement; and

WHEREAS, the Mayor and City Commission further encourage employees to continue wearing facial coverings regardless of their vaccination status in the face of a

highly contagious Delta variant that has been noted to infect previously vaccinated persons.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the Administration to reinstate the COVID-19 guidelines requiring all City employees, regardless of vaccination status, to wear facial coverings indoors in the workplace, with a limited exemption where the facial covering requirement may be waived by an employee voluntarily disclosing their fully vaccinated status to the City's Human Resources Department and requesting a waiver of the facial covering requirement; and further, direct the Administration to develop a procedure for an implementation of a "Clear Pass" program that will permit fully vaccinated employees to voluntarily disclose their vaccination status to be readily identifiable, and exempt from, the City's facial covering requirement for employees in the workplace.

PASSED and **ADOPTED** this _____ day of _____, 2021.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(sponsored by Mayor Dan Gelber)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

7-26-21
Date