MANAGING MEMBERS
ACTION ITEM

Item No. 9E

Date of Meeting November 2, 2021

DATE: October 26, 2021

TO: Managing Members

FROM: Dana Henderson, General Counsel

Sponsor: Dana Henderson, General Counsel

Project Manager: Jean West, Chief Human Resources Officer, Port of Tacoma

SUBJECT: COVID – 19 Vaccination Policy

A. ACTION REQUESTED

Seeking Managing Members' policy decision on COVID-19 vaccinations as mandatory for employees to meet the requirements of Executive Order 14042, which requires federal contractors like the NWSA adopt and enforce a mandatory vaccination policy. Also seeking further direction on implementation of the Port of Tacoma's policy and procedures requiring all employees to become fully vaccinated against COVID-19 by December 8, 2021 as a condition of employment, unless they have sought and received an accommodation due to a medical disability or sincerely held religious belief as required by applicable law.

B. BACKGROUND

On September 9, 2021, President Biden issued Executive Order 14042 requiring federal contractors to incorporate safeguards against COVID-19 transmission as part of the federal procurement process. The Executive Order includes adoption of mandatory vaccination requirements for qualifying federal contractors and provides that such vaccinations must be complete by December 8, 2021. It does not include an option for COVID testing as an alternative to vaccination. The mandate provides for the possibility of exemption for medical disability or sincerely held religious belief that precludes vaccination, but does not include other exemptions or exceptions. Guidance on interpretation and application of this Executive Order was not issued until September 24, 2021 with additional information provided on October 8, 2021.

NWSA staff and legal counsel have reviewed the Executive Order and implementing federal agency guidance and have concluded that the NWSA is a covered federal contractor, making the federal COVID-19 mandate in the Executive Order applicable.

In order for the NWSA to ensure it can comply with Executive Order's December 8, 2021, deadline for employees to be fully vaccinated, the NWSA would need to implement a policy in very short order.

On October 21, 2021, the Port of Tacoma directed the Port's Executive Director to implement a mandatory vaccine policy under the federal mandate. The Port of Seattle Executive Director previously implemented a vaccine requirement under Policy HR-34 on or about September 14, 2021 with an effective date of October 1, 2021.

Typically, human resources services for NWSA employees are handled under the service agreement between the NWSA and the Port of Tacoma such that implementation and administration of such policies is handled by the Port of Tacoma HR Department. In response to the Port of Tacoma Commission action on October 21, 2021, homeport staff is completing a policy and procedure document to provide details on the administration of the vaccine policy and is prepared to handle and respond to requests for accommodation under the allowed bases for exemption. It is staff's recommendation that the NWSA follow the forthcoming Port of Tacoma procedures for implementation to be consistent with prior practice and for ease of administration.

C. ATTACHMENTS TO THIS REQUEST

Slide deck.

D. PREVIOUS ACTIONS OR BRIEFINGS

None at Managing Members' meetings.
See: Port of Seattle Policy No HR-34
See: Port of Tacoma meeting of 10/21/21, action item no. 7A