



CITY OF COALINGA
The Sunny Side of the Valley

March 17, 2022

The Honorable Wicks, Assemblymember, District 15
The Honorable Aguilar-Curry, Assemblymember, District 4
The Honorable Low, Assemblymember, District 28
The Honorable Akilah Weber, Assemblymember, District 79
State Capitol
Sacramento, CA 95814-4900

RE: Assembly Bill 1993 (Wicks Aguilar-Curry, Low, and Akilah Weber) Employment: COVID-19 Vaccination Requirements - OPPOSE

Dear Assemblymembers Wicks, Aguilar-Curry, Low, and Akilah Weber:

On behalf of the Coalinga City Council, this letter is intended to document our unequivocal opposition to Assembly Bill 1993 (Wicks, et al.).

The State of California ("State") recognized the limitations of the vaccine in *Marciano Plata, et al. v. Gavin Newsom, et al.* In arguing that the Ninth Circuit Court of Appeals should continue the stay of the U.S District Court's order mandating vaccinations for certain employees in the California Department of Corrections and Rehabilitation's prisons, the Office of the Attorney General stated the following:

...Because vaccinated staff can nonetheless transmit infection, the mandate will not eliminate virus transmission among prison workers...¹

Given this, it is unclear why AB 1993 seeks to require all employees and independent contractors to become vaccinated when doing so would not have the effect of eliminating virus transmission within the workplace.

Moreover, it seems antithetical for the State to mandate vaccination for employees without a testing alternative when that very requirement is under litigation in the Ninth Circuit Court of Appeals in *Plata*.

If employees are still unvaccinated almost a year after COVID-19 vaccines became available, the City must presume employees have a legitimate reason to not be vaccinated. The City cannot instead require these employees to be vaccinated.

¹ *Defendants-Appellant's Reply Brief* filed on February 3, 2022 in *Marciano Plata, et. al., v. Gavin Newsom, et. al.*

Requiring all employees to be vaccinated absent a religious or medical exemption would result in the loss of additional employees that are not easily replaceable in a tight labor market. The City of Coalinga has lost employees in difficult-to-fill positions because of requirements in the State Public Health Officer Orders released last year. Additional employee losses due to new vaccine mandates would additionally hamper the City's ability to provide legally required services to the community.

There are several endemic diseases in California such as tuberculosis, the flu, and certain types of pneumonia. No employer is required to mandate vaccination of its employees for these illnesses. This is true even in hospitals and skilled nursing facilities where transmission of such diseases to those at risk for complications is much higher than in normal workplace settings.

For our part, the City of Coalinga has made it easy for employees to get vaccinated, if they choose to do so, since the COVID-19 vaccines became available. For example, the City has offered paid time off to employees to get vaccinated even before it was required by law and has hosted vaccination clinics, including, but not limited to, having our emergency medical personnel trained to administer the vaccines.

Finally, the proposal to impose a penalty on employers for any violation of the provisions set forth in AB 1993 unfairly places the burden of proof on employers. Many employers, including the City, would be hard-pressed to produce the resources to inquire, verify, and maintain records for employees separate from regular personnel files where such separate files do not already exist for all employees. The inclusion of language indicating a penalty of an "unspecified amount" for violations seems contradictory when our State, Counties and Cities promote pro-business ideals.

For these reasons, among others, we strongly oppose AB 1993.

Sincerely,

Ron Ramsey, Mayor

Ray Singleton, Mayor Pro-Tem

Adam Adkisson, Councilmember

James Horn, Councilmember

Jose Ramirez, Councilmember