

**PLEASANT VALLEY RECREATION & PARK DISTRICT  
ADMINISTRATION OFFICE – ROOM #6  
1605 E. BURNLEY ST., CAMARILLO, CALIFORNIA**

**PERSONNEL COMMITTEE  
AGENDA**

**Wednesday, January 26, 2022  
3:00 pm**

Please Note: Under current orders from the Ventura County Health Officer, all individuals, (whether vaccinated or unvaccinated) are required to wear a face covering at all times in indoor public settings and businesses. PVRPD thanks you for your cooperation and understanding.

This meeting will take place both in person and remotely in accordance with Government Code section 54953(e) et seq. (AB 361). Members of the public can participate in the meeting by choosing one of the following options:

1. Attend in person or
2. Join via Zoom -

**Meeting Link:** <https://us06web.zoom.us/j/82389351698>

**Webinar ID:** 823 8935 1698

**Phone Number:** 1-669-900-6833

- a. Cell Phone/Computer with Microphone: Click on the Zoom link included above. Enter your name so we may call on you when it is your turn to speak. The Chair will ask if anyone wishes to speak on the item. At that time, raise your hand by clicking the “Raise Hand” button. Follow the instructions below regarding speaking.
- b. Phone – If you wish to make a comment by phone during the public comment section of the meeting or on a specific agenda item, please call in to the listed phone number above and when prompted, enter the Webinar ID. You will then be admitted to the meeting and your line will be muted. The Chair will ask if anyone wishes to speak on the item. At that time, raise your hand by dialing \*9. Then, follow the speaking instructions below.

**Speaking Instructions**

When it is your turn to speak, the Chair will call your name or the last four digits of the phone number you are calling from. You will have three minutes to address the Committee. **Please ensure all background noise is muted (TV, radio, etc.)** You will be prompted to unmute your microphone/phone. Unmute your device and begin by stating your name. After three minutes has elapsed your microphone will be muted and the next speaker will be invited to speak.

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC/COMMITTEE COMMENTS**
- 4. RANGER MANUAL**

**5. DISCUSSION ITEM: VACCINATION POLICY**

**6. ORAL COMMUNICATIONS**

**7. ADJOURNMENT**

**Note:** Written materials related to these agenda items are available for public inspection in the Office of the Clerk of the Board located at 1605 E. Burnley Street, Camarillo during regular business hours beginning the day preceding the Committee meeting.

**Announcement:** Should you need special assistance (i.e. a disability-related modification or accommodations) to participate in the Committee meeting or other District activities (including receipt of an agenda in an appropriate alternative format), as outlined in the Americans With Disabilities Act, or require further information, please contact the General Manager at 482-1996, extension 114. Please notify us 48 hours in advance to provide sufficient time to make a disability-related modification or reasonable accommodation.

**PLEASANT VALLEY RECREATION AND PARK DISTRICT  
STAFF REPORT / AGENDA REPORT**

**TO: PERSONNEL COMMITTEE**

**FROM: MARY OTTEN, GENERAL MANAGER**  
**By: Kathryn Drewry, Human Resources Specialist**

**DATE: JANUARY 26, 2022**

**SUBJECT: REVIEW RANGER MANUAL**

**SUMMARY**

The intent of this report is to provide the Personnel committee with updated information regarding the Park Patrol/Ranger Program and to discuss potential changes to the use of force and the operations manual as well as provide staff direction as to next steps and/or goal of the Park Patrol Program.

**BACKGROUND**

The District's Park Patrol/Ranger Program was implemented in 2008. The Park Patrol Program was developed to establish a uniformed presence within our District. The original intent was many fold: 1) to serve as public relations liaison between the District and representatives of the community, 2) to provide a presence of safety and protection for park visitors. 3) to verify park permits, 4) to investigate violations, complaints, trespass/encroachments, and 5) to provide the ability to enforce District ordinances and issue citations and warnings.

The Board approved the Park Patrol Procedures/Operations Manual in March 2010. The purpose of the manual was to provide guidelines to staff regarding the Pleasant Valley Recreation and Park District (District) Park Patrol Program. Rangers for the District are responsible for preserving and maintaining facilities, parks, equestrian trails, and open space lands throughout the District. To provide the best possible outdoor experience for the park visitor, a ranger must be prepared to provide information, enforcement, and maintenance.

Currently, Park Patrol is scheduled during peak hours of operation, late afternoons, weekends, and holidays. Their presence provides park users with an enhanced sense of safety and they serve as a community ambassador for the District.

In 2015 the Board gave staff direction to assess the Park Patrol program along with the manual and potential use of force. Staff worked with the attorney as well as local law enforcement, local prosecutor(s) and court administration on these issues and to determine whether the best course of action is to move the Park Patrol program from an ambassador type program to that of trained peace officers. If the District were to move in the direction of law enforcement, the Park Patrol would have the same powers as the police officers with the ability to cite, gather evidence, preserve

a crime scene, carry weapons, and arrest violators, as provided by the California Penal Code within the District's properties.

### **ANALYSIS**

Currently, Section 103 of the Pleasant Valley Recreation and Park District's (the "District") Ordinance No. 8 Governing Use of Parks, Recreation Areas and Facilities (the "Ordinance") describes the park rangers' primary duties as well as their enforcement authority. The District also maintains a lead park ranger and park ranger job description, listing the essential duties, and necessary qualifications, education, certificates, physical demands, and work environment involved with the position.

After years of discussion and staff changes within the Park Patrol program, we have narrowed the need of the rangers. It has been determined that in order to keep the rangers safe from harm the ability to carry and use pepper spray would assist in keeping the rangers safe. While the use of pepper spray would not cause additional authority for our rangers, it would require that the rangers undergo safety training on the use of pepper spray as well as research any additional training and District liabilities that would be attributed to the Park Patrol/Rnager program.

### **FISCAL IMPACT**

The cost for pepper spray is an average of \$20.00 per cannister, and on-line training is an average of \$40.00 per ranger. Total cost of implementation would be approximately \$600.00 for materials and training only.

### **RECOMMENDATION**

Staff requests that the Personnel Committee review the attached Ranger Manual and provide direction towards the next step.

### **STRATEGIC PLAN COMPLIANCE**

Meets 2021 Strategic Plan Goal 1.5 G.: Evaluate and Provide Necessary Tools

### **ATTACHMENTS**

- 1) Ranger Manual

Pleasant Valley Recreation and Park District  
Park Ranger Procedures / Operations Manual

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# PARK RANGER PROCEDURES / OPERATIONS MANUAL

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Pleasant Valley Recreation and Park District  
Park Ranger Procedures / Operations Manual

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# Pleasant Valley Recreation and Park District

## Park Ranger Procedures / Operations Manual

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### I. PURPOSE

The purpose of this manual is to provide guidelines to staff regarding the Pleasant Valley Recreation and Park District (PVRPD) / (District) Park Ranger Program and Park Rangers (Ranger). Every Ranger is expected to know the information contained in this manual. Sections of the California Penal Code are referred to herein, and Rangers are to familiarize themselves with these Sections.

All policies issued to Park Patrol Rangers are District property and must be returned upon termination of employment with the District.

A Ranger, using this manual as a guide, is expected to do the assigned job in such a manner as to inspire the confidence and respect of the public in the Park Ranger Program.

Rangers for Pleasant Valley Recreation and Park District are responsible for promoting and maintaining an orderly and congenial atmosphere among visitors to the District's, parks, equestrian trails, and open space lands. A lack of preparedness on our visitor's part requires that Rangers be versed in a variety of outdoor skills. To provide the best possible outdoor experience for park visitors, a Ranger must be ready to provide information, and to enforce compliance with the District's ordinances, rules, regulations, and applicable state laws. Visitors to equestrian trails and open space areas are generally not prepared or informed for a wilderness experience. These urban wilderness areas are often more inhospitable than the casual visitor would expect.

The public generally view Rangers in a special light. Pleasant Valley Recreation and Park District wishes to perpetuate that image. To that end, Rangers must be above reproach in their conduct and appearance. The following sections will provide guidelines for conduct and work performance essential to the maintenance of employee safety, efficiency, and integrity.

### II. COMPLIANCE WITH RULES AND POLICIES

1. It shall be the duty of every member of the Park Ranger Program to be thoroughly familiar with the guidelines set forth in this manual. Rangers shall conform to and abide by such rules and policies, observe all laws and ordinances, and render their services to the community with enthusiasm, discretion, and loyalty.
2. No Ranger shall commit any act or omission which constitute a violation to the rules or policies of the District.

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**III. GENERAL CONDUCT**

1. Park Rangers will at all times, on duty or off duty, conduct themselves in such a manner that they will not bring discredit to themselves or the District;
2. No Park Ranger will knowingly violate any rule or ordinance of the District, city, or county, or any state or federal law.
3. A Park Ranger will promote and practice effective public relations at all times while on duty;
4. Maintain good relations with other District employees;
5. Not use language which is threatening or insulting in contacts with the public while on duty;
6. Refrain from accepting or soliciting gifts or bribes;
7. Use District property only in the performance of duties;
8. Accept and perform in a competent manner any special assignment which is not a normal part of the Park Ranger work;
9. Observe domestic obligations concerning family support, credit, indebtedness and the like to the extent that deficiencies in these matters may reflect upon or prevent the performance expected of a Park Ranger;
10. Unless in the process of investigating a crime in conjunction with law enforcement, a Park Ranger will not enter a bar or any other premises or establishment where a Park Ranger's presence in uniform might bring discredit to the District, and
11. A Park Ranger will know the means and procedures for seeking the services of other agencies such as fire, police, sheriff, health, civil defense, ambulance, hospital, and other services which may be needed in emergencies.

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**Deleted:** District rules, city or county, ordinances, state and federal laws; ¶

**IV. CONDUCT TOWARD OTHERS**

Park Rangers will conduct themselves in a manner that will foster the greatest harmony and cooperation between themselves, other units of the District, and the public.

Park Rangers will not intentionally antagonize any person with whom they come in contact, and will treat all persons in a respectful, courteous, and civil manner.

Park Rangers will not at any time, or for any reason, willfully subject any person or animal to cruel treatment or willfully neglect necessary humane action. The penalty for any Park Ranger found guilty of willful inhumanity or oppression toward any person is punishable by a fine not exceeding \$2000 and by removal from office (Cal. Penal Code §147).

In addition, the victim may also bring a civil action against the Park Ranger.



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V. RELATIONS WITH THE PRESS

1. Release of Information: Until approval has been given to do so by the General Manager or his/her designee, no Park Ranger will release any information to the press or other news media.
2. Information on Patrons: At no time will any information be given to anyone concerning the actions of minors or the actions of anyone in the parks unless the report is given to the police department, sheriff's department or authorized District staff. All members of the press should be referred to the police department, sheriff's department or the Park Superintendent.

VI. PARK RANGER AUTHORITY

In accordance with Public Resource Code, the District "may confer on designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a recreation facility and in the presence of the employee issuing the citation." (Pub. Resources Code, § 5786.17(c).)

A Ranger's primary duty is to promote and maintain an orderly and congenial atmosphere among park visitors by assisting in providing information to the general public and ensuring compliance with District rules and regulations.

A Ranger's authority is limited to issuance of citations for misdemeanor and infraction violations of District ordinances, rules, regulations, and pertinent laws of the State of California when committed on District Lands and in the presence of the Ranger issuing the citation.

VII. DISCHARGE OF DUTIES

1. Members of the unit shall patrol parks, sports fields, facilities, equestrian trails and open space lands under the care of the Pleasant Valley Recreation and Park District.
2. Rangers in the performance of their duties shall not discriminate against others because of age, race, religion, sex, national origin, or political affiliation.
3. Rangers are required to discharge their duties in a firm but compassionate manner and shall act together to assist and protect each other in maintenance of their duties.

**Deleted:** The Park Ranger will have the power and authority of a peace officer (CPC Section 830.31) and be charged with the responsibility of enforcing all applicable laws, regulations and ordinances within all recreation areas and facilities, owned, operated or under the jurisdiction of the Pleasant Valley Recreation and Park District. ...

**Deleted:** In accordance with the State of California Penal Code, Section 830.31(b), "Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein." In addition Section 5782.26 of the California Public Resource Code provides that¶ the police appointed or employed by the Board shall have, within the Park District for which they are employed, all the powers of police officers of municipal corporations....

**Commented [MCH1]:** This should be reviewed for the level of authority as this authority will necessitate an update of the specific job descriptions and practical duties. As worded the job description does not mention the primary duty of protecting District property and preserving the peace.

**Deleted:** have the same authority as local police relative to anything happening on Park District property or at District operated programs. The Park District's Park Rangers have the same powers as a police officer with the ability to cite, gather evidence, preserve a crime scene, carry weapons, and arrest violators, as provided by the California Penal Code.¶

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4. In carrying out the functions of the unit, Rangers shall direct and coordinate their efforts in such manner as will tend to establish and maintain the highest standard of efficiency.
5. Any Ranger who shall in the performance of his/her official duties display reluctance to properly perform their assigned duties, or who acts in a manner tending to bring discredit upon themselves or the District, or who fails to assume responsibility or exercise diligence, intelligence, and interest in the pursuit of their duties may be deemed incompetent and shall be subject to reduction in grade, suspension, or dismissal from the District. (See PVRPD Employee Policies and Procedures Manual.)
6. Rangers shall have regular hours assigned to them for duty and when not so engaged shall be considered "off duty."
7. A Ranger shall report and take proper action in any situation requiring enforcement action within a reasonable time after arriving on the scene.
8. A Ranger's first line of support is a fellow Ranger. Any Ranger who knowingly fails to answer a call for backup may be subject to disciplinary action, up to and including termination.
9. Park Rangers shall not at anytime willfully subject any person or animal to cruel treatment or willfully neglect necessary humane action. The penalty for any Ranger found guilty of willful inhumanity or oppression toward any person in his/her custody, is punishable by administrative action, which could include dismissal and may be turned over to the County of Ventura District Attorney's Office for prosecution.
10. Rangers are responsible for educating the public regarding proper conduct in the parks. Therefore, enforcement will be low key, escalating only as the situation dictates.

**Commented [M02]:** Rangers typically work alone so not sure we need this statement in the manual or if this should even be in the manual.

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**Commented [M03]:** Language is similar to the 3<sup>rd</sup> paragraph – conduct towards other (4 pg). Information is nearly identical with acceptance of Discharge of Duties.

Levels of enforcement are as follows:

- a. Uniform Presence – The first level of force is a uniform presence. The simple presence of a Ranger in uniform is considered the best way to resolve a situation.
- b. Verbal Contact – The second level of enforcement is verbal contact. Ranger making contact and advising verbally to the subject violating park policy and giving instructions on how to stop the violation. This is done in a calm, non-

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threatening way. A firm word is frequently sufficient to point out the offense and correct the offender's behavior.

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c. Verbal Warning – The third level of enforcement is the verbal warning. Ranger making contact and giving a verbal warning to a subject that is in violation of the policy. The Ranger is to advise the subject of the consequences of not complying with the Ranger's warning and be prepared to follow through with those consequences.

**Deleted:** It is utilized to inform the visitor he/she is expected to refrain from some activity or suffer certain consequences. Be certain you have the authority to follow through with the threatened consequence....

d. Violation Notice (Citation) – The forth level of enforcement is used to issue a citation. The Ranger following up on his/her verbal warning by issuing a citation. It is the Ranger's discretion to issue a citation when a subject fails to comply with a Ranger's instruction.

e. Physical Arrest – The fifth level of enforcement is used as a last resort and must be effectuated by the Camarillo Police Department or other appropriate law enforcement agency.

**Deleted:** <#>Expulsion – The fourth level may be accomplished with or without the issue of a citation. The violator is escorted to the park boundary and warned not to return until they agree to adhere to park rules.¶

**Deleted:** must be called to assist in this process.

11. No Ranger shall solicit any reward for the performance of their duties, nor seek or ask for a gratuity of any kind, individually or collectively, nor shall any Ranger accept such a reward or gratuity if offered.

12. No supervisor shall fail, neglect, or refuse to take action on a potential violation of this manual or any misconduct brought to his/her attention.

13. When writing a citation, the issuing officer is solely responsible for the ticket. Do not be influenced by the opinions of others. If you are called upon to testify in court, you must feel the ticket was correct as written.

#### VIII. RESPECT AND COOPERATION

1. Rangers shall conduct themselves in a manner that will foster the greatest harmony and cooperation between each other, and all departments/divisions of the District.
2. Rangers shall treat another member of the District or a citizen respectfully, and they shall not publicly criticize any official act of any individual in this or any other department of the District, city, county, state or federal government.
3. Courtesy is a key attribute within a Ranger's job of visitor services. A Ranger must strive to exhibit common courtesy in all dealings with visitors, regardless of the

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provocation to do otherwise. A Ranger must refrain from the use of threatening or insulting language. Courtesy is exhibited through the Ranger's approach to the visitor by:

- a. Choice of words
- b. Tone of voice
- c. Manner of walking or stance
- d. Facial expressions
- e. Use of hands

4. Rangers must project an air of authority, but must be cautious to eliminate any aura of "pushiness."

**IX. USE OF HABIT FORMING SUBSTANCES**

1. Rangers are examples for the community and must be above reproach in their conduct. Rangers should always avoid such activities as:
  - a. Excessive alcohol use
  - b. Use of illegal drugs
2. No Ranger shall report for regularly scheduled work while under the influence of liquor or drugs or be unfit for work because of their use. The odor of alcohol on the breath will be considered presumptive evidence.
3. If a Ranger on duty is found to be intoxicated or under the influence of a controlled substance, they will be suspended immediately pending results from a drug and alcohol screening, and an investigation by the District.

**X. PERSONAL APPEARANCE**

1. Rangers should be in their uniforms when representing the District, including giving interpretative talks, court appearances or while on their duty for the day.
2. To perpetuate a positive image to the public, Rangers should be neat and orderly in their appearance. Uniforms (consisting of a patch, badge, radio, gloves, flashlight, and pepper spray / mace) must be kept clean and neat at all times.
3. The Ranger uniform should only be worn while on duty or going to and from work.

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4. While in uniform, a Ranger must be well-groomed and neatly shaven. Extra long hair or untrimmed moustache and beards are not appropriate.
5. Rangers should have their badge attached to their shirt over the left shirt pocket. Rangers should not have any other pins/badges attached to their uniform without the permission of the Park Services Manager or the General Manager.
6. A white crew style t-shirt is to be worn under the uniform shirt. The t-shirt should not have writing on it that can be seen through the uniform shirt.
7. Only black shoes or black boots are to be worn when in uniform.
8. The badge must be worn on the outermost garment.

**XI. RECORDS AND COMMUNICATIONS**

1. Rangers shall not make false official reports, or knowingly enter, or cause to be entered, any inaccurate, false, or improper information or matter in any department records.
2. Rangers shall not make false statements to a supervisor when questioned or interviewed.
3. It shall be the duty of every Ranger to properly report any information given to him in good faith by any citizen regarding matters which indicate the need for action by the District.
4. No one shall use county communication facilities or District equipment for personal, social, or unofficial purposes.
5. All communications made by Ranger staff must be of a highly professional nature. The ten code should be used to reduce radio traffic whenever possible.
6. Any breach of radio conduct by a Ranger will be subject to disciplinary action.

**Deleted:** in any department records,

**XII. OPERATION OF DISTRICT VEHICLES**

It is the responsibility of the driver of each District vehicle to drive safely and prudently at all times. Vehicles shall be operated in compliance with the California Motor Vehicle Code. The driver of the District vehicle is responsible for its safe operation at all times. All District employees are required to use seat belts at all times when operating a District vehicle

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equipped with seat belts. Anyone riding as a passenger/ attendant in a District vehicle is also required to use seat belts. All personnel shall ride only in regular seats provided with seat belts. Riding on tailboards or other exposed positions is not permitted on any vehicle at any time.

When stopped at the scene of an incident, vehicles should be placed to protect personnel who may be working in the street and warning lights shall be used to make approaching traffic aware of the incident. At night, vehicle mounted floodlights and any other lighting available shall be used to illuminate the scene. All personnel working in or near traffic lanes shall wear high visibility vests.

If it is not necessary to park vehicles in or near traffic lanes, the vehicle should be pulled off the road to parking lots, curbs, etc., whenever possible.

The driver of the vehicle is responsible for the safety of all vehicle operations and managing compliance of this procedure.

Emergency Response

District vehicles shall be operated in a manner that provides for the safety of all persons and property. Safe arrival shall always have priority over unnecessary speed and reckless driving enroute to an emergency incident.

Prompt, Safe Response shall be attained by:

1. Leaving the location in a standard manner
  - a. Enter vehicle in a quick manner
  - b. All personnel on board, seated, and seatbelts on
  - c. Vehicle doors fully closed
  - d. Using vehicle mirrors, ensuring no one is behind the vehicle and it is safe to operate the vehicle
2. Driving defensively and professionally at reasonable speeds.
3. Knowing where you are going.

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Emergency Response Criteria

1. Do not exceed the maximum posted speed limit
2. Observe posted speed limit when entering intersections with green light

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3. Observe complete stop at all red lights and stop signs.

### **XIII. PEPPER SPRAY USE POLICY**

The use of Pepper Spray is considered to be a Non-Deadly defensive tool. Pepper Spray is a chemical, with an active ingredient derived from the Cayenne pepper plant. Exposure to Pepper Spray in aerosol form has physiological effects including inflammation and swelling of the mucus membranes of the eyes, nose, and throat, and involuntary closure of the eyes. Rangers, who have completed the required training and have PVRPD approval, are authorized to carry and use Pepper Spray as a self-defense measure while on duty. Occupational use of the Pepper Spray must be in accordance with the guidelines and procedures set forth in this document. Pepper Spray is considered an available self-defense option to facilitate a Ranger's ability to withdrawal from an assault by a person or attack by an animal.

#### Authorization

1. Only Rangers who have completed the required training are authorized to carry Pepper Spray.
2. The PVRPD will supply the Pepper Spray canister to the Rangers.
3. Training will be performed by an approved instructor. Training will include review of this policy and procedures document, the instructions accompanying the Pepper Spray canister, and California Penal Code section 22810. Rangers must demonstrate a thorough understanding of these items in order to receive authorization to carry Pepper Spray. Training will also include test deployment of the Pepper Spray canister.
4. Rangers are only authorized to carry and use Pepper Spray canisters approved and issued by the PVRPD. The use of any other Pepper Spray equipment or product is expressly prohibited, except under exigent circumstances, which must be justified and documented as soon as is practical under the circumstances. The purpose of this procedure is to ensure adequate district control over what Pepper Spray its Rangers use. The "exigent circumstances" provision allows for the rare situation where a Ranger may have to rely on an additional supply of Pepper spray from another law enforcement organization, or outside supplier, and may not have sufficient time to properly inventory it.
5. PVRPD will control and document the issuance of every Pepper Spray canister procured, including the brand, model, serial number, date of issue, purpose of

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issuance (personal defense, or training), and names and signatures of the issuing individual, and person to whom it is issued. This procedure provides for inventory control and documentation of all Pepper Spray products procured by the District. The distribution of Pepper Spray canisters with intact safety tabs ensures that only new and unused canisters are issued.

Usage Criteria

1. Pepper Spray may be used for self-defense when a Ranger reasonably believes that it is necessary to protect him or herself from an imminent physical threat posed by a person, or an animal. Pepper Spray may be used to incapacitate a person attempting an assault or an attacking animal, in order to avoid physical harm, and facilitate escape from danger.
2. Once the assailant or attacking animal is incapacitated, the use of Pepper Spray is no longer justified.
3. Use of Pepper Spray shall strictly be a defensive measure. If a person strikes or assaults a Ranger then ceases the assault and retreats or is removed from the scene so as not to pose a further threat to the Ranger's safety, the Ranger may not pursue and use the Pepper Spray against the individual.

Reporting Criteria

It is the policy of the District to account for, and document, the discharge of Pepper Spray by personnel in the performance of their duty.

1. After any discharge of an issued Pepper Spray canister, regardless of the amount and whether intentionally, or accidentally, in the performance of a Ranger's duties, where a person or animal was affected by the discharge, the Ranger issued the Canister will submit the canister as evidence and submit an incident report outlining the reason for the discharge.
2. If the discharge was accidental and no person or animal was affected, or if the discharge was for training, or to test the device, the Ranger will submit a discharge Memorandum.
3. Any intentional use of Pepper Spray shall be reported to the supervisor on the day of the incident, either by phone or in person. A written incident report shall be completed by the end of the work day or shift.

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4. Submitting all Pepper Spray canisters, as evidence, where there has been an intentional discharge, or an incident report in the case of an accidental discharge, provides the necessary chain of custody and documentation as for any other evidence. It also ensures that Pepper Spray canisters have been controlled as evidence as a matter of policy prior to any question or allegation that arises over their use. Most importantly, the Pepper Spray canisters are then available for scientific examination of the remaining contents should such an examination be necessary. The amount of expended Pepper Spray can be objectively and conclusively determined by calculating the quantity of the remaining content and subtracting that from the initial volume as established by manufacturer specifications.
5. After a Pepper Spray canister has been submitted into evidence either in house, or to an outside law enforcement agency, a new and unused canister will be issued as a replacement as soon as practical. Issuing new and unused Pepper Spray canisters ensures the District, and the Rangers using the Pepper Spray for personal defense, the ability to control and document each and every usage.
6. Pepper Spray canisters that have been held for evidentiary purposes will not be destroyed or returned to inventory for training purposes until the associated case has been officially concluded, and there is no longer a requirement to retain it.

Inspection and Replacement

1. Pepper Spray equipment shall be maintained in an operational and charged state by authorized employees or vendors.
2. Employees are responsible for following the manufacturer's instructions for care and storage of Pepper Spray equipment.
3. Employees are responsible for requesting a replacement of a damaged, inoperable, or empty device.

## COVID-19 VACCINATION AND TESTING POLICY

### **1. Purpose**

In accordance with guidance from the Centers for Disease Control (CDC) and California Department of Public Health (CDPH), COVID-19 remains a serious public health threat, and approved COVID-19 vaccines are a vital tool to reduce the presence and severity of COVID-19 cases in the workplace and communities.

The Pleasant Valley Recreation & Park District has adopted this COVID-19 Vaccination and Testing Policy to safeguard the health of our employees and the public from the hazard of COVID-19. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501). Please refer to the CDC's "*Key Things to Know About COVID-19 Vaccines*," provided as part of this Policy.<sup>1</sup>

### **2. Scope**

This Policy applies to all employees of the District, including full-time, part-time, temporary, and seasonal employees, interns, and volunteers ("Covered Employees"). This Policy does not apply to employees who do not report to a workplace where other individuals (such as coworkers or customers) are present; employees while working from home; and employees who work exclusively outdoors.

All Covered Employees are required to be fully vaccinated as a term and condition of employment with the District. Employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine, with, if applicable, at least the minimum recommended interval between doses. For example, this includes two weeks after a second dose in a two-dose series, two weeks after a single-dose vaccine, or two weeks after the second dose of any combination of two doses of different COVID-19 vaccines as part of one primary vaccination series.

All Covered Employees are required to report their vaccination status and to provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if applicable, their testing results. Employees not in compliance with this policy will be subject to discipline, up to and including termination.

Covered Employees may request an exception from this Policy if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Covered Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated (as otherwise required by this Policy) because of a disability, or if the provisions in this Policy for vaccination conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by the Covered Employee in accordance with the District's **Employee Handbook**. All such requests will be handled in accordance with applicable laws and regulations and District's policies and procedures.

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<sup>1</sup> Available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>

Covered Employees who are not fully vaccinated will be required to provide a negative COVID-19 test at least once every seven days.

### **3. Policy**

#### **3.1 Vaccination Requirement**

All Covered Employees must be fully vaccinated no later than [Date]. To be fully vaccinated by [Date], an employee must obtain the second dose of a two-dose vaccine or the single dose of a one-dose vaccine no later than [Date minus 14 days]. Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine. An employee will be considered partially vaccinated if they have received only one dose of a two dose vaccine.

Covered Employees subject to this policy may obtain the COVID-19 vaccine at a vaccination site of their choosing. Information on the COVID-19 vaccines and how to obtain vaccination is available at <https://covid19.ca.gov/vaccines/>.

#### **3.2 Vaccination Status and Acceptable Forms of Proof of Vaccination**

**Acceptable Forms.** All vaccinated employees are required to provide proof of COVID-19 vaccination to Human Resources. Acceptable proof of vaccination status includes one of the following:

- The record of immunization from a healthcare provider or pharmacy;
- A copy of the COVID-19 Vaccination Record Card;
- A copy of medical records documenting the vaccination;
- A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) administering the vaccine(s).

Proof of vaccination generally should include the employee's name, the type of vaccine administered, the date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) that administered the vaccine.

**Self-Attestation.** If an employee is unable to produce one of the foregoing acceptable forms of proof of vaccination, the employee may provide a signed and dated Self-Attestation Form, which is a statement attesting to their vaccination status (fully vaccinated or partially vaccinated), that they have lost and are otherwise unable to produce one of the other forms of acceptable proof, and including the following language:

“I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties.”

An employee who attests to their vaccination status in this way should, to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) administering the vaccine.

**Vaccination Status.** All Covered Employees are required to provide a signed and dated Vaccination Status Form, which is a statement attesting to their vaccination status or that they decline to provide their vaccination status. Any Covered Employee who does not provide their vaccination status will be treated as non-fully vaccinated under this Policy.

### **3.3 COVID-19 Testing for Non-Fully Vaccinated Covered Employees**

If a Covered Employee is not fully vaccinated, or if the Covered Employee's vaccination status is unknown such that they will be treated as not fully vaccinated, the Covered Employee is required to comply with this Policy for COVID-19 testing.

Covered Employees who report to on-site work at least once every seven (7) days, must do the following:

- a. Be tested for COVID-19 at least once every seven (7) days; and
- b. Provide documentation of the most recent COVID-19 test result to Human Resources no later than the seventh day following the date on which the employee last provided a test result.

Any Covered Employee who does not report to on-site work during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to the workplace), must do the following:

- a. Be tested for COVID-19 within seven (7) days prior to returning to the workplace; and
- b. Provide documentation of that test result to Human Resources upon reporting to on-site work.

If a Covered Employee does not provide documentation of a COVID-19 test result as required by this Policy, they will be removed from the workplace until they provide a test result.

Covered Employees who have received a positive COVID-19 test, or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.

## **4. COVID-19 Vaccination Leave**

An employee may take up to four hours of paid leave per dose to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of duty time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of duty time will be granted. Employees who take longer than four hours to get the vaccine must provide an email to Human Resources documenting the reason for

the additional time. Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated.

Employees may utilize up to two workdays of sick leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to two days of additional sick leave immediately following each dose if necessary.

## **5. New Employee Vaccinations**

All new employees are required to comply with the vaccination requirements outlined in this policy as soon as practicable and as a condition of employment. Potential candidates for employment will be notified of the requirements of this Policy prior to the start of employment.

## **6. Confidentiality and Privacy**

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

## **7. No Retaliation**

If a Covered Employee is not fully vaccinated or is presumed not to be fully vaccinated, the District will not retaliate against, intimidate, or threaten any employee regarding vaccinations or their vaccination status. Further, the District will not retaliate against any employee for exercising any rights under any federal, state, or local laws or regulations.



**TO: MARY OTTEN AND KATHRYN DREWRY**

**FROM: TIFFANY ISRAEL AND PAM K. LEE**

**DATE: NOVEMBER 5, 2021**

**RE: COVID-19 EMPLOYMENT UPDATE: OSHA'S VACCINATION AND TESTING EMERGENCY TEMPORARY STANDARD**

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On September 9, 2021, President Biden announced that the Department of Labor's Occupational Safety and Health Administration (OSHA) was developing a rule requiring all employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work.

On November 4, 2021, OSHA filed its Emergency Temporary Standard (ETS) in the Office of the Federal Register and was scheduled to be published on November 5, 2021 making it effective immediately upon publication. The ETS requires all covered employers to either: (i) develop, implement, and enforce a mandatory COVID-19 vaccination policy (subject to medical and religious exemptions), or (ii) develop, implement, and enforce a vaccination policy that allows employees who are not fully vaccinated to undergo weekly COVID-19 testing and wear a face covering in the workplace. Covered employers must comply with many of the requirements within 30 days and begin required testing within 60 days of the November 5, 2021, effective date.

Although OSHA generally regulates private sector employers, California has an OSHA-approved State Plan (Cal/OSHA) covering both private and state and local government workers. State Plans are monitored by OSHA and must be at least as effective as OSHA in protecting workers and preventing work-related injuries, illnesses, and deaths. It is anticipated public employers will be covered through implementation in the State Plan. *Cal/OSHA has 15 days to notify OSHA of how it plans to comply with the ETS and 30 days to adopt the same or comparable standard.*

**A. Covered Employers**

The ETS covers all employers with a total of 100 or more employees at any time the ETS is in effect.<sup>1</sup> In determining the number of employees, employers must include all employees regardless of their location. This includes part-time employees. Temporary and seasonal workers employed directly by the employer (i.e., not obtained from a temporary staffing agency) are also

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<sup>1</sup> The ETS does not cover employers subject to the Safer Federal Workforce Task Force COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors or healthcare employers that participate in Medicare and Medicaid programs. Those employers have similar but separate guidance.

counted in determining if the employer meets the 100-employee threshold, provided they are employed at any point while the ETS is in effect.

The OSHA ETS FAQ's clarify that the determination of whether an employer falls within the scope of this ETS should initially be made as of the effective date of the standard (November 5, 2021). If the employer has 100 or more employees on the effective date, this ETS applies for the duration of the standard. If the employer has fewer than 100 employees on the effective date of the standard, the standard would not apply to that employer as of the effective date. However, if that same employer subsequently hires more workers and hits the 100-employee threshold for coverage, the employer would then be expected to come into compliance with the standard's requirements. Once an employer has come within the scope of the ETS, the standard continues to apply for the remainder of the time the standard is in effect, regardless of fluctuations in the size of the employer's workforce.

#### **B. Vaccination Policies**

Covered employers must develop and implement one of the following policies:

- (i) a written policy requiring all employees to be fully vaccinated against COVID-19, subject to disability- or religious-based exemptions, or
- (ii) a written policy allowing employees to choose either:
  - (a) to be fully vaccinated against COVID-19, or
  - (b) to provide proof of regular testing for COVID-19 (at least once a week) and wear a face covering while indoors in the workplace, subject to disability- or religious-based exemptions.

If an employer adopts a mandatory vaccination policy to comply with the ETS, it must require vaccination of all employees (and of all new employees as soon as practicable) other than those (i) for whom a vaccine is medically contraindicated; (ii) for whom medical necessity requires delay in vaccination; or (iii) who are legally entitled to a reasonable accommodation under federal civil rights laws, because they have a disability or sincerely held religious beliefs, practices, or observances that conflict with the vaccination requirement.

The ETS does not apply to employees: (i) who do no report to a workplace where other coworkers or customers are present, (ii) while working from home, or (iii) who work exclusively outdoors.

#### **C. Determining Employee Vaccination Status**

The employer must determine the vaccination status of each employee and must require each vaccinated employee to provide acceptable proof of vaccination status. Acceptable proof of vaccination status includes any of the following:

- record of immunization from a health care provider or pharmacy;
- a copy of the COVID-19 Vaccination Record Card;
- a copy of medical records documenting the vaccination;
- a copy of immunization records from a public health, state, or tribal immunization information system; or
- a copy of any other official documentation verifying vaccination with information on the vaccine name, date(s) of administration, and the name of healthcare professional or clinic site administering the vaccine.

In instances where an employee is unable to produce acceptable proof of vaccination, a self-attestation may be acceptable if the employee signs and dates a statement (a) attesting to their vaccination status; (b) stipulating that they have lost or are otherwise unable to provide proof; and (c) acknowledging that providing false information regarding vaccination status may subject the employee to criminal penalties.<sup>2</sup> If providing a self-attestation, the employee should, to the best of their recollection, include information regarding the type of vaccine administered, date or dates of vaccination, and the name of health care professional or clinic site administering the vaccines. Employers that have *previously* verified an employee's vaccination status prior to the effective date of the ETS through proof or a self-attestation and have maintained such record, ***do not need to re-verify that employees vaccination status.***

#### **D. Maintaining and Availability of Records**

Employers must maintain a record of each employee's vaccination status and must preserve acceptable proof of vaccination for each employee who is fully or partially vaccinated. The ETS further requires employers to maintain a roster of each employee's vaccination status. These records and roster are considered medical records and must be maintained as such. They must be maintained and preserved while the ETS remains in effect.

The ETS also requires employers to make available for examination and copying an employee's COVID-19 vaccine documentation and any COVID-19 test results to that employee and to anyone having written authorized consent of that employee, by the end of the next business day after the request. Employers are also required to make available to an employee, or an employee representative, the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace.

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<sup>2</sup> The attestation should include the following language "I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties."



**E. Time Off to Get Vaccinated**

Employers are required to provide a reasonable amount of time for employees to get vaccinated, including up to four (4) hours of paid time at the employee's regular rate of pay (including travel time). Employers may not require an employee to use personal time or sick leave to get vaccinated. If an employee chooses to receive a vaccination dose outside of work hours, employers are not required to grant paid time to the employee for the time spent receiving the vaccine during non-work hours.

**F. Time Off for Recovery After Vaccination**

Employers must provide reasonable time and paid sick leave for employees to recover from side effects experienced following any primary vaccination dose. The ETS does not provide a definition of what is considered "reasonable" in this context, but OSHA indicated that if an employer offers up to two days of paid sick leave per vaccination dose, the employer would be in compliance this requirement.

The OSHA ETS FAQs clarify that if an employee already has accrued paid sick leave, an employer may require the employee to use that paid sick leave when recovering from side effects experienced following a primary vaccination dose. If an employer does not specify between different types of leave (i.e., employees are granted only one type of leave), the employer may require employees to use that leave when recovering from vaccination side effects. If an employer provides employees with multiple types of leave, such as sick leave and vacation leave, the employer can only require employees to use the sick leave when recovering from vaccination side effects. Employers cannot require employees to use advanced sick leave to recover from vaccination side effects (i.e., an employer may not require an employee to accrue negative paid sick leave or borrow against future paid sick leave).

**G. COVID-19 Testing for Employees Not Fully Vaccinated**

Employees who are not fully vaccinated must submit to testing at least weekly if present in the workplace at least once a week or within seven days before returning to work if away from the workplace for a week or longer.

Employees who are not fully vaccinated or fail to provide documentation of a COVID-19 test result as required above, must be removed from the workplace pending a test result.

If an employee tests positive for or has been diagnosed with COVID-19, the employer must not require that employee to undergo COVID-19 testing as required above, for a 90-day period following the date of their positive test or diagnosis.

Employers are required to maintain a record of each test result provided by each employee, and such test results are considered medical records to be maintained while the ETS is in effect.

#### **H. Who Pays for Testing?**

The ETS does not require employers to provide or pay for tests. However, employers may be required to pay for testing because of other laws, regulations, or collective bargaining agreements.

#### **I. What Types of Tests are Required?**

According to the ETS, the COVID-19 test must be:

- Cleared, approved, or authorized, including in an Emergency Use Authorization, by the Food and Drug Administration to detect current infection with the SARS-CoV-2 virus (e.g., a viral test);
- Administered in accordance with the authorized instructions; and
- Not both self-administered and self-read, unless observed by the employer or an authorized telehealth proctor.

Examples of tests that satisfy this requirement include tests with specimens that are processed by a laboratory (including home or on-site collected specimens that are processed individually or as pooled specimens), proctored over-the-counter tests, point-of-care tests, and tests where specimen collection and processing is done or observed by an employer.

#### **J. Positive COVID-19 Test and Removal**

Regardless of vaccination status, employees who test positive for COVID-19 or who are diagnosed with COVID-19 by a licensed healthcare provider must be removed from the workplace until they meet certain return-to-work criteria. The ETS does not require paid leave for employees who are removed, but acknowledges that other laws or collective bargaining agreements may impose such obligations.

An employee who tests positive for or is diagnosed with COVID-19 may when return to work if the employee: (i) receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing; (ii) meets the return to work criteria in the CDC's "Isolation Guidance"; or (iii) receives a recommendation to return to work from a licensed healthcare provider.

#### **K. Face Coverings and Masks**

Employees who are not fully vaccinated must wear a face covering when indoors and when occupying a vehicle with another person for work purposes, except:

- when an employee is alone in a room with the door closed.
- while the employee is eating or drinking in the workplace or for identification purposes to comply with safety and security requirements.
- when an employee is wearing a respirator or facemask.
- where the employer can show the use of a face covering is infeasible or creates a greater hazard that would excuse compliance.

An employer may not prevent any employee from voluntarily wearing a face covering or facemask unless the employer shows it creates a hazard. Also, the ETS does not require the employer to pay for face coverings, but employer payment may be required by other laws or collective bargaining agreements.

**L. Information to Be Provided to Employees**

The ETS requires employers to provide employees with certain information. Employers must provide employees the following in a language and literacy level the employee understands: (i) information about the requirements of the ETS and workplace policies and procedures established to implement the ETS; (ii) the CDC document “Key Things to Know About COVID-19 Vaccines,” (iii) information about protections against retaliation and discrimination<sup>3</sup>; and (iv) information about laws that provide criminal penalties for knowingly supplying false statements or documents.<sup>4</sup>

**M. Employer Reporting Requirements**

The ETS requires employers to report work-related COVID-19 fatalities to OSHA within 8 hours of learning about them and to report work-related COVID-19 in-patient hospitalization within 24 hours of learning about the in-patient hospitalization.

When requested, employers must provide the Assistant Secretary of OSHA a copy of the employer’s written policy adopted pursuant to this ETS and the employer’s aggregate vaccination numbers (i.e., number of people of vaccinated and total number of employees in a workplace) within 4 business hours of the request. Any other documents requested by the Assistant Secretary related to the ETS must be provided by the end of the next business day after the request.

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<sup>3</sup> The employer must provide information on the requirements of 29 CFR 1904.35(b)(1)(iv) and section 11(c) of the OSH Act

<sup>4</sup> The employer must provide information on the prohibitions of 18 U.S.C. 1001 and of section 17(g) of the OSH Act).

**N. Preemption**

OSHA's ETS intends to preempt any inconsistent state or local laws, including laws that ban or limit an employer's authority to require vaccination, masks, or testing.

Note: OSHA provides minimum standards. Therefore, nothing in the ETS prevents an employer from adopting and enforcing provisions that are more protective than required by the ETS (e.g., a State Plan requiring masks regardless of vaccination status).

**O. Penalties**

A citation for violating or failing to follow the ETS could result in a citation with a fine up to \$13,653. If OSHA determines the violation is willful and the employer deliberately disregarded OSHA's direction, the fine could be up to \$136,532.

**P. Compliance Deadlines**

Covered employers must adopt their vaccination policy and offer paid leave to employees to receive and/or recover from the COVID-19 vaccine within 30 days of November 5, 2021 (i.e., by December 5, 2021). *All employees must be fully vaccinated or begin weekly COVID-19 testing by January 4, 2022.*

**Q. Comment Period**

OSHA has initiated a 30-day public comment period. Within the comments, OSHA is encouraging the commenters to explain why they prefer or disfavor particular provisions, and to also include specific background materials supporting their stance.

Under the Occupational Safety and Health Act, an emergency temporary standard can only remain in effect for six months. Then, it must be replaced with a permanent standard.

[END]

## SELF-CERTIFICATION OF EMPLOYEE COVID-19 VACCINATION STATUS

Please note that you are required to provide accurate information about your vaccination status in response to the questions below, or alternatively may decline to provide your vaccination status. If you decline to provide information about your vaccination status, we will be required to assume you are unvaccinated for purposes of rules or requirements in the workplace that are different for vaccinated or unvaccinated employees.

For purposes of this form, “full vaccination” or “fully vaccinated” means at least 14 days after completing the second dose of a two-dose vaccine or two weeks after receiving a single dose of a one-dose vaccine.

I, \_\_\_\_\_, declare as follows:  
*Name of employee signing self-attestation*

1. I am an employee of the District in the following position and department:

Title: \_\_\_\_\_ Department: \_\_\_\_\_

2. I declare the following:

I am fully vaccinated.

I have not been fully vaccinated.

I decline to answer whether I have been vaccinated.

3. I declare under penalty of perjury under laws of the State of California that the foregoing is true, correct, and complete to the best of my knowledge and belief. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties. I also understand that if I stated that I am fully vaccinated, my employer must request documentation of my vaccination status (e.g., a copy of my vaccine card or other similar official document confirming vaccination status).

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed at the above city in California

## SELF-ATTESTATION COVID-19 VACCINATION FORM

**Purpose: Per Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS), all fully vaccinated employees who are unable to produce an acceptable form of proof of vaccination may provide a signed and dated self-attestation form.** For purposes of this form, “full vaccination” or “fully vaccinated” means at least 14 days after completing the second dose of a two-dose vaccine or two weeks after receiving a single dose of a one-dose vaccine.

I, \_\_\_\_\_, declare as follows:  
*Name of employee signing self-attestation*

1. I am an employee of the District in the following position and department:

Title: \_\_\_\_\_ Department: \_\_\_\_\_

2. I declare the following:

I have provided proof of vaccination (vaccine card, image of vaccine card or health care document showing vaccination status); OR

I have provided proof of vaccination (presented proof, but not the vaccine record itself); OR

I have lost and are otherwise unable to produce one of the forms of acceptable proof of vaccination and self-attest that I am fully vaccinated.

Type of vaccine administered: \_\_\_\_\_

Date(s) of vaccination: \_\_\_\_\_

Pharmacy / Hospital / Clinic where vaccine was administered: \_\_\_\_\_

3. I declare under penalty of perjury under laws of the State of California that the foregoing is true, correct, and complete to the best of my knowledge and belief. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed at the above city in California

**PLEASANT VALLEY RECREATION AND PARK DISTRICT  
STAFF REPORT / AGENDA REPORT**

**TO: PERSONNEL COMMITTEE**

**FROM: MARY OTTEN, GENERAL MANAGER**  
**By: Kathryn Drewry, Human Resources Specialist**

**DATE: JANUARY 26, 2022**

**SUBJECT: CONSIDERATION AND REVIEW OF VACCINATION  
AND TESTING POLICY**

**SUMMARY**

District Staff have been closely monitoring the protocols and procedures throughout the state as it relates to COVID-19 and the variants.

**BACKGROUND**

On November 4, 2021, OSHA filed its Emergency Temporary Standard (ETS) in the Office of the Federal Register and was scheduled to be published on November 5, 2021 making it effective immediately upon publication. The ETS requires all covered employers to either: (i) develop, implement, and enforce a mandatory COVID-19 vaccination policy (subject to medical and religious exemptions), or (ii) develop, implement, and enforce a vaccination policy that allows employees who are not fully vaccinated to undergo weekly COVID-19 testing and wear a face covering in the workplace. Covered employers must comply with many of the requirements within 30 days and begin required testing within 60 days of the November 5, 2021, effective date. A stay on this mandate was filed immediately with the U.S. Court of Appeals for the Fifth Circuit and subsequently lifted by the Sixth Circuit.

On January 13, 2022, the United States Supreme Court restored the nationwide stay of the U.S. Department of Labor's OSHA ETS for large employers with 100 or more employees. Their ruling does not prevent employers to implement their own internal policies regarding COVID-19 safety or COVID-19 vaccination, so long as those policies are created and implemented in compliance with applicable local, state, and federal laws.

**DISCUSSION**

Topics:

- 1) Vaccination Mandate vs Non-Vaccination/Testing Policy
- 2) New Hire Vaccination Mandate
- 3) Current Employee Vaccination Mandate
- 4) Financial Impact of Mandate

### **FISCAL IMPACT**

No fiscal impact at this time however District staff will need to review the cost of weekly testing and/or time off for vaccinations.

### **RECOMMENDATION**

Consider and review the possibility of the District implementing a mandatory vaccination policy and/or a testing policy.

### **ATTACHMENTS**

- 1) Client Alert Memorandum from Tiffany Israel and Pam Lee at the offices of Aleshire & Wynder LLP.
- 2) Draft COVID-19 Vaccination Policy
- 3) COVID-19 Self-Attestation Vaccination Form
- 4) COVID-19 Vaccination Status Form