



MEMORANDUM

Date: September 14, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner 
County Administrator

Re: **Additional Information for the Board of Supervisors September 6, 2022 Meeting – Human Resources Issues – Addendum Item No. 2**

During the Board of Supervisors meeting of September 6, 2022 there were questions regarding the status of Merit Commissions hearings and religious or medical exemptions requested by County employees. The following responds to those requests for information.

Merit Commission

In a June 21, 2022 memorandum to the Board of Supervisors, I reported on the Merit Commission hearings related to 20 employees who worked with vulnerable populations and were terminated on or about January 1, 2022, under the vaccine mandate adopted by the Board of Supervisors on December 7, 2021 for failure to be vaccinated against COVID-19. Of the terminated employees there were 19 employees from the Sheriff's Department, and 1 from the Health Department.

The status of the hearings that have already taken place are:

- The Merit Commission reinstated 14 employees upon the employee either providing proof of vaccination status or when the policy expires on September 24, 2022;
- The Merit Commission denied the appeal of 1 employee (termination of employment upheld);
- The Merit Commission reinstated 1 employee with back pay and is currently back at work, with no required vaccine;
- 1 case was heard by a Hearing Officer and is pending a decision by the Merit Commission; and
- The 3 remaining hearings are scheduled for September 21, 22 and 23, 2022.

Currently, the Pima County Sheriff's Department has appealed the Commission's decision to the Superior Court in 5 of the heard cases.

Vaccine Exemptions

During the time period when COVID-19 vaccines were mandated, an employee could request a medical or religious exemption from vaccination. Human Resources Department received at total of 284 such requests:

- Medical – 27 medical requests were received. Of these, 26 were approved, of which 14 of the 26 requests were temporary deferrals. A temporary deferral was granted for individuals who provided medical documentation evidencing their need to “defer” or delay the receipt of the vaccine, i.e. monoclonal antibody therapy, recommendation by healthcare provider due to recent COVID-19 infection or pregnancy, etc. The 1 denial of a medical accommodation was due to a rescission of an offer of employment.
- Religious – 257 religious requests were received. Of these, 70 requests were incomplete, and no response was received after a follow up email from Human Resources advising them that the form was incomplete. Of the remaining 187 requests, 149 accommodations were granted to current employees and 38 accommodations were granted to new hires or employees seeking promotional opportunities. There were 19 religious exemptions that were subsequently denied and 11 employees who requested and received religious accommodations that later became vaccinated (all 11 are still employed with Pima County); and 8 employees withdrew their request for religious accommodations.

Resignation in Lieu of Vaccination

From the Sheriff’s Department, 6 employees appear to have either resigned or retired for failure to become vaccinated against COVID-19. For the remaining County employees, 7 could be identified as coded with being dissatisfied with the County’s Pandemic Policy as reason for leaving their County employment.

JKL/dym

- c: Carmine DeBonis, Jr., Deputy County Administrator
Francisco Garcia, Chief Medical Officer and Deputy County Administrator
Steve Holmes, Deputy County Administrator
Cathy Bohland, Director, Human Resources