

AZTA Presentation Vaccine Mandate Program

November 16, 2021



Background



Transdev has not implemented mandatory vaccine program nationwide to all 13,000 employees; however, we did pilot with one complete division –which has locations in multiple states



This particular division has experienced very generous COVID policy since day 1 of the pandemic. Nearly all quarantines fully paid.



In partnership with client, we started offering on-site weekly Covid testing early on (June 2020); so regular testing was already a practice for over a year.

Efforts to Encourage

- Incentives
 - (3) \$10K cash giveaways;
 - \$5k other electronics prizes
- Disincentives
 - Changed Quarantine policy
 - Not eligible for any promotion unless fully vaccinated
 - Very strong messaging that they would be “ineligible for work for TAS” after deadline
- On-site vaccination clinics
- Distributed maps/hours of operation for locations who offered vaccines in areas near each of our locations
- Communications
 - Near weekly live video conferences to share progress and repeat deadlines
 - Employee surveys to determine where there were at in the process, if they were planning to vaccinate
 - Had some “shot champions” – frontline employees that would chat up the benefits of vaccination
 - Online Covid Vaccine Policy portal with FAQ’s, important dates, etc.
 - Constant emails
 - To All TAS to share messaging
 - Also targeted email messaging to those who still were not fully vaccinated
- Educational efforts
 - Medical Expert guest speaker
 - Shared statistical information along the way of what was trending with Covid/Vaccines in each of areas we operate

Timeline



DATE/Time Period	Action/Activity	Notes
8/13/21	Announced Vaccine Mandate	Had 9 weeks from start to finish – started at 46% compliance
8/30/21	“Take Your Shot” Campaign Announcement – (3) \$10k cash prize giveaways	The earlier you showed proof of vaccination; the more chances to win
8/30/21	Not eligible for any promotion opportunity unless fully vaccinated	
9/7/21	Deadline to submit Accommodation request	We received requests from nearly 8% of workforce. Approved ~52%
9/13/21	Hosted medical expert in a live video conference to address all employees	Extremely well received
9/14/21	Conducted the first of 5 onsite vax clinics	Low participation at these 10-20 employees
9/15/21	All new hires must be fully vax'ed upon hire date	
10/11/21	Conducted cash prize raffles; announced enhanced benefits for 2022 as another incentive to stay employed (add'l vac day; better healthcare plan)	
10/15/21	Deadline to receive vax. Implemented plan to tally results, pull those off shift who did not meet deadline and inform non-vax to report to office on 10/18/21	Placed employees on unpaid “Vaccine Status Leave” until 1/15/21. If employees choose to get vax'ed and come back, will need to come back at start of pay band and start new company seniority

Incentives Campaign



BIG prize
giveaways!

Take your shot at \$10,000!

Enter the TAS vaccination Mega-Raffle for a chance to win one of three \$10,000 cash prizes!

Winners randomly drawn from all raffle tickets on 10/1/21.

Get 2 chances to win for every week that you are vaccinated during the 6-week promotional period. Show your proof of vaccine as soon as possible maximize chances to win big!



*Only 1 mega-raffle win per person possible; Must show proof of at least 1-shot to receive your weekly raffles tickets, but proof of full vaccination status to redeem your cash prize.

Vaccine Raffles



Prizes

55" TV - Samsung	4
Roomba i3	2
JBL Wireless Earbuds	2
Samsung Wireless Earbuds	2
Sonos Speaker	2
Google Nest Thermometer	2
Fitbit Charge 4	2
Fitbit Luxe	2
Google Home device	4

Policy



Attention! All Policies are subject to Transdev and Waymo Non-Disclosure Agreement! DO NOT SHARE.

 TAS Policy Portal

[Home](#) [Workplace Health Policies](#) [How to Use this Site](#) 

COVID-19 Vaccination Policy & FAQ's

© Transdev Alternative Services COVID-19 Vaccination Policy



FAQ's

Transdev Alternative Services COVID-19 Vaccination Policy

As part of the TAS health and safety program to combat COVID-19 in the workplace, TAS will be requiring COVID-19 vaccines to enter the workplace.

Timeline

Employees will be required to show proof of vaccination status by uploading their vaccination card to [Healthy at Work](#). Employees must be fully vaccinated by October 31, 2021. Beginning November 1, 2021, employees will not be allowed in buildings without proof of full vaccination.

New Hires

Beginning with the hire date of September 15, 2021 new employees must at a minimum show proof of their first vaccination on the date of hire. Beginning November 1st, all new employees and vendors must be fully vaccinated on their first day of work. Additionally, all employees must be fully vaccinated by November 1, 2021 in order to enter facilities.

Employee Refusal

Safety is our shared responsibility. If an employee chooses not to be vaccinated and has not been granted an accommodation, the employee will not be permitted to enter the workplace and subsequently will no longer be eligible for work. All refusal cases will be carefully reviewed by Human Resources.

Employee Accommodations

If the employee is unable to vaccinate due to a medical reason or religious belief, the employee should immediately file a [Request for Accommodation](#). If the individualized assessment determines that the employee is ineligible for exemption, proof of vaccination may still be required or the employee may be subject to termination should they continue to choose not to get the vaccination.

Safety Policy/Protocols

All employees, regardless of their vaccination status, must adhere to established [TAS policies](#) for masking and other safety protocols. All local policies and procedures are being monitored constantly and subject to change and adjustment as required to address local conditions to keep employees safe.

Visitors/Vendors

All vendors and visitors will be required to go through normal symptomatic screening procedures before entering the building and will be required to follow the established PPE requirements. If the building is the permanent place of work for the vendor, the mandatory vaccine policy will be the same for said vendors (i.e. security personnel).

Non-discrimination Policy

TAS is an Equal Opportunity Employer, committed to creating and maintaining a qualified and diverse workforce. TAS will afford equal employment opportunities to employees and applicants, and will not tolerate discrimination based on gender, race, sex, religion, color, creed, age, national origin, ancestry, marital status, citizenship status, veteran status, disability, sexual orientation or any other factor prohibited by applicable federal, state or local law.

Quarantine Pay Change Reminder

New
quarantine
pay plan
effective
9/1/21

Paid quarantine time if you
test positive for Covid.

Unpaid if quarantined for any
other reason, if you are not
vaccinated.

Detailed examples to follow
in comms.



Educational Campaign

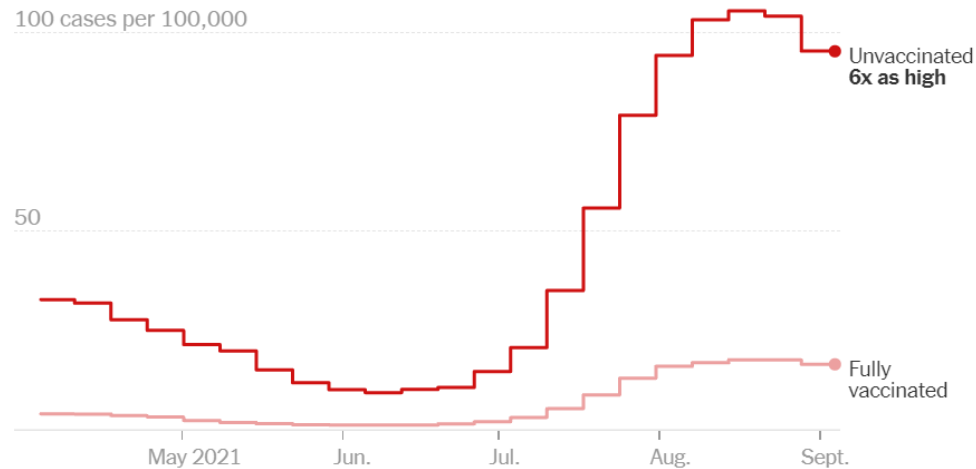


Why Vaccinate?

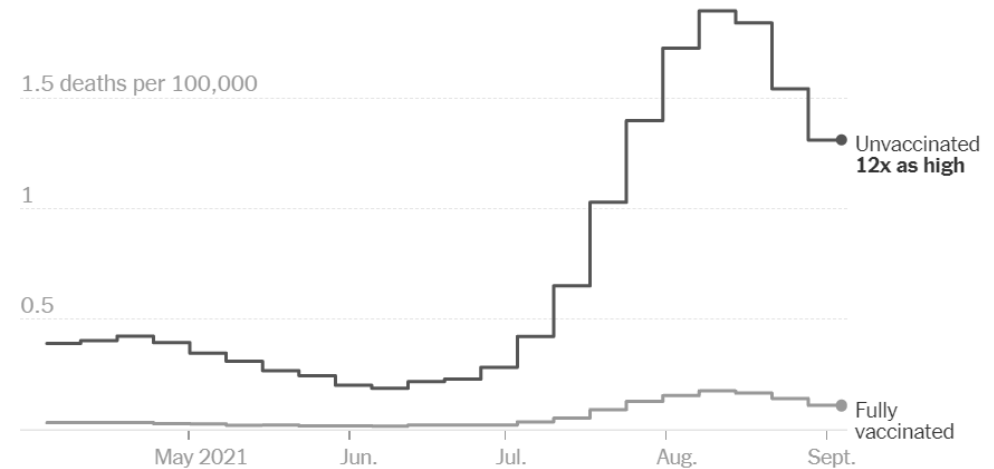
Rates for vaccinated and unvaccinated

Data from the Centers for Disease Control and Prevention shows that people who are unvaccinated are at a [much greater risk](#) than those who are fully vaccinated to test positive or die from Covid-19. These charts compare age-adjusted average daily case and death rates for vaccinated and unvaccinated people in the 14 states and two cities that provide this data. Learn more about [who had breakthrough cases here](#).

Average daily cases



Average daily deaths



Where can I get vaccinated?

Easiest: simply Google - Covid vaccine near me

Resource for MI:

[Michigan COVID-19 Vaccine Scheduling, Restrictions & Next Steps](#)

sf.gov/vaccine-sites

Google search results for "covid vaccine near me" in Chandler, AZ. The map shows several pharmacy locations including Walgreens Pharmacy, CVS Pharmacy, Albertsons Pharmacy, Fry's Pharmacy, Safeway Pharmacy, Walmart Pharmacy, and Costco Wholesale. The left sidebar provides details for the top results:

- Walgreens Pharmacy**: Pharmacy · 5975 W Ray Rd · (480) ... Has appointments (4 min ago) Drive-through. Instructions: Appointments are not required to receive a COVID-19 vaccine. walk-ins are accepted at this time. Source: walgreens.com
- Safeway Pharmacy**: Pharmacy · Phoenix, AZ · (480) 7... Appointment required. Instructions: Now immunizing 12 to 18 year olds when Pfizer product available. Use the appointment link above or stop by the pharmacy during...
- Fry's Pharmacy**: Pharmacy · 1950 W Ray Rd · (480) ... Walk-ins may be available
- CVS Pharmacy**: Pharmacy · 3425 W Frye Rd · In T... Has appointments (1 min ago)

SO MANY OPTIONS!!

Screenshot of the sf.gov/vaccine-sites website. The page displays search filters and a list of vaccine sites. A yellow box contains a disclaimer: "If you are under 18, you should get permission from a parent or guardian to be vaccinated. Consent can be provided in-person, pre-signed or over the phone. If a parent or guidance cannot be reached, you can still get a vaccine." The search filters include:

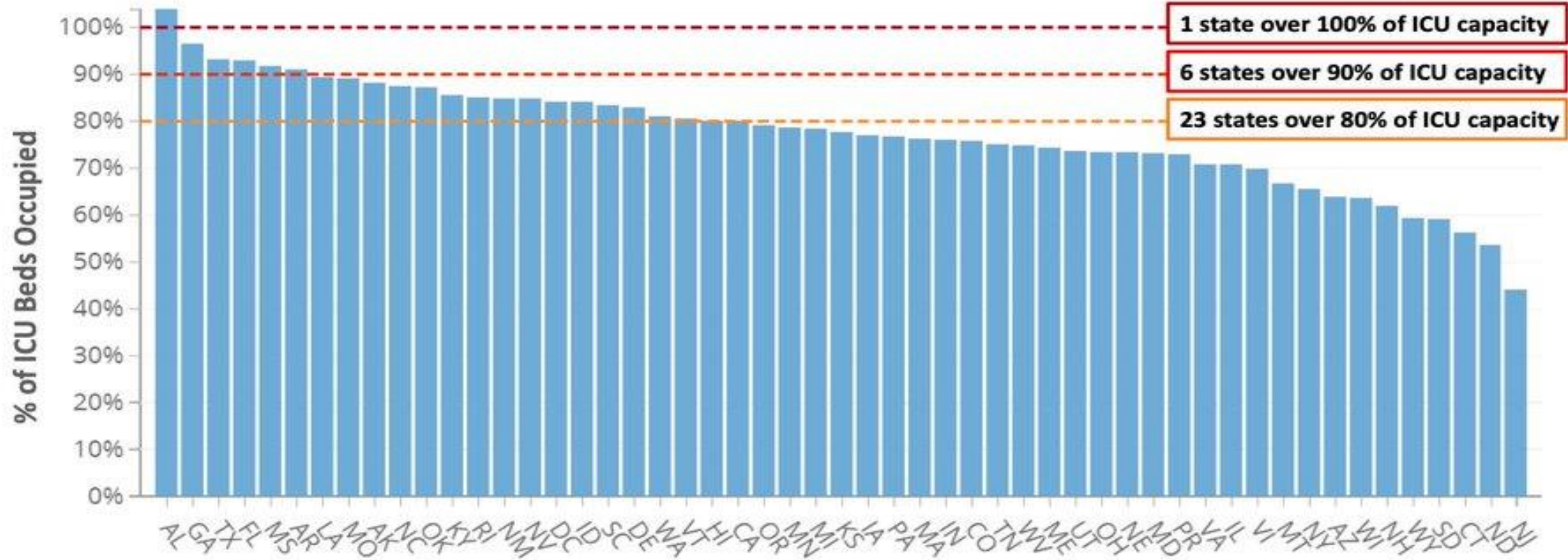
- Only show sites open to the general public
- Only show sites with confirmed availability
- Wheelchair accessible
- Any language (dropdown)
- Drive-thru or walk-thru (dropdown)
- Sort by distance: Any distance (dropdown) from
- Enter address or zip (input field)
- Apply (button)
- Back to top (button)

The search results list includes:

- 101 Grove St, Room 102, San Francisco
- Expected vaccines: Pfizer, Moderna
- Languages spoken: English, Spanish, Chinese, Live phone line interpreters
- Access: Walk-thru, Wheelchair accessible
- [Learn more about this location](#)

This is real

ICU Utilization by State



Data updated daily and provides the latest values reported by each facility within the last four days. No statistical analysis is applied to account for non-response and/or to account for missing data.

<https://protect-public.hhs.gov/pages/hospital-utilization>

Aug 29, 2022

Final Results

•96% Success Rate!



OSHA ETS STATUS???



OSHA ETS – What Is Going On? (Frequently Asked Questions)

- **What does the OSHA ETS require?** Vaccination or Test Option for employers of at least 100 Employees.
- **Now that the OSHA ETS is stayed, is it still effective until there is an injunction or are the mandates not in effect?** The rule is presently stayed nationally (Without the court saying so explicitly, it is believed this was the Court's intent even prior the OSHA press release Saturday (November 13, 2021).
- **What is the expected timing of the cases getting consolidated and us getting a Court ruling?** Should be consolidated and assigned to a random circuit on November 16; assume whatever circuit gets the nod will move relatively quickly on the question of whether temporary stay becomes a PI pending full adjudication.
- **Substantively, many seem to be contending that, it appears that the mandate, as written, has a good chance of withstanding scrutiny because of all of the exemptions and testing – TRUE?** I don't disagree, but, for a host of reasons---history being one of them, would not say it is a definite winner.
- **Do we think the US Supreme Court will take up this case?** I find it hard to believe that they will be able to avoid this one, but it depends on the strength of the Circuit Court's opinion, whether it's a unanimous decision or a strong dissent, etc.
- **What to do next?** Decide between your Options. Prepare a Policy. Pragmatically consider the logistics. LOGISTICS ARE KEY!!!!

Summary Of General ETS Requirements

General Requirements

- On November 4, 2021, the Occupational Safety and Health Administration (OSHA) announced a new emergency temporary standard (ETS).
- The ETS requires certain employers adopt a policy mandating employees be vaccinated (Med/Religious Exemptions) or undergo weekly COVID-19 testing.

Timelines

- The ETS is effective November 5, 2021, but employers have an additional 30 days (until December 5, 2021) to put their policies in place.
- Employers must require employees be vaccinated or undergo weekly COVID-19 testing no later than January 4, 2022.

Applicable Employers

- The ETS applies to employers with 100 or more employees.
- The ETS clarifies that it does not matter whether an employer drops below 100 employees, so long as it has 100 employees *at any time the ETS is in effect*.
- For a single corporate entity with multiple locations, all employees at all locations are counted for purposes of the 100-employee threshold.
- Part-time employees are included in determining whether the employer has 100 total employees.

Vaccine and Testing Policy

- Among other requirements, employers subject to the ETS must collect and maintain proof of vaccination or proof of weekly testing.
- Employers must provide paid leave for employees to obtain the vaccine (up to four hours of paid time for each dose) and time to recover from ill effects of the vaccine.
- Employers are NOT required to pay for testing but some States may require payment for same.

Penalties for Violation of the ETS

- If an employer violates the ETS, it can be fined up to **\$13,653 per violation**. If the violation is willful or repeated, it can be fined up to **\$136,532 per violation**.

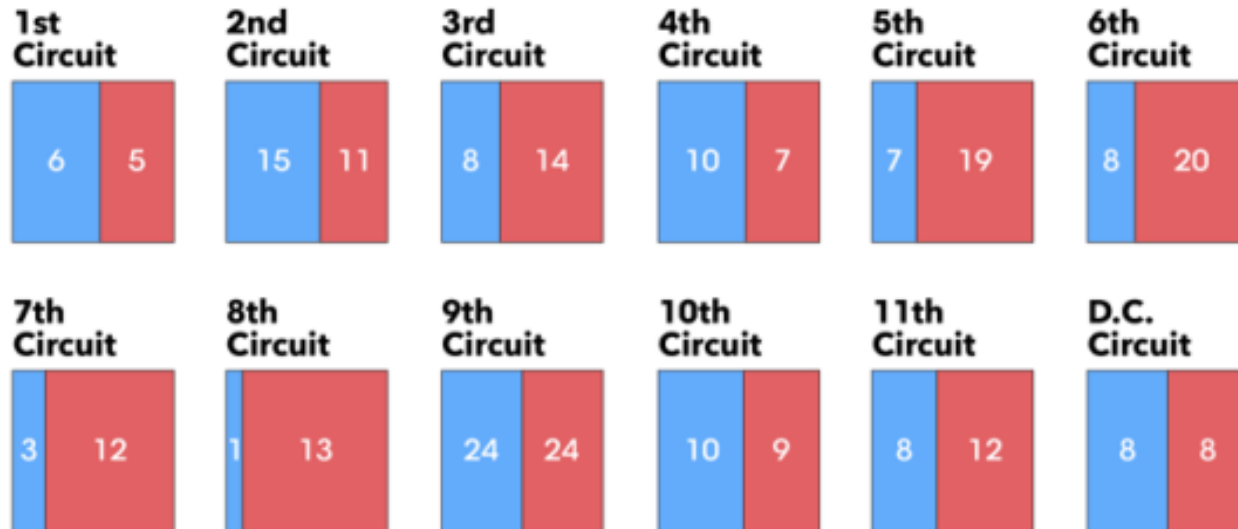
5th Circuit Stay Order -V- OSHA Enforcement Plans

- The New Orleans-based 5th Circuit is considered one of the country's most conservative appeals courts.
- The 5th Circuit noted the below about the mandate:
 - ***“Grossly exceeds OSHA’s statutory authority.”***
 - ***“Rather than a delicately handled scalpel, the Mandate is a one-size fits-all sledgehammer that makes hardly any attempt to account for differences in workplaces (and workers) that have more than a little bearing on workers’ varying degrees of susceptibility to the supposedly ‘grave danger’ the Mandate purports to address.”***
 - ***“The Mandate imposes a financial burden upon them by deputizing their participation in OSHA’s regulatory scheme, exposes them to severe financial risk if they refuse or fail to comply, and threatens to decimate their workforces (and business prospects) by forcing unwilling employees to take their shots, take their tests, or hit the road.”***
- Judicial Lottery = **The 5th Circuit may not be the final word** because a judicial lottery will be held to consolidate several challenges to the mandate before a single appeals court. The Judicial Panel on Multidistrict Litigation will conduct the Lottery.

Which Circuit Court Shall Win The Lottery?

Circuit Court Judges Based on Party of Appointing President

Includes both active and senior status judges in each federal circuit



- Blue = Judges Appointed by a President from the Democratic Party
- Red = Judges Appointed by a President from the Republican Party

Location Of The Appellate Court

- 1st Circ = Boston
- 2nd Circ = New York City (**Union filed challenge**)
- 3rd Circ = Philadelphia
- 4th Circ = Richmond (**Union filed challenge**)
- 5th Circ = New Orleans
- 6th Circ = Cincinnati
- 7th Circ = Chicago
- 8th Circ = St. Louis
- 9th Circ = San Francisco (**Union filed challenge**)
- 10th Circ = Denver
- 11th Circ = Atlanta
- DC Circ = District of Columbia

The Labor Union filing in the chosen districts (more Democratically leaning), by some accounts is seen as an attempt to increase the odds that the ETS will be upheld.

History of OSHA ETS challenges

(OSHA was formed in 1970 under President Nixon)

- **1973: Organophosphorous Pesticides (Successfully Challenged)**

OSHA issued this ETS regulating worker exposure to organophosphorous pesticides. The court blocked the rule, finding that *OSHA failed to provide enough scientific evidence* that the specific pesticides presented grave danger to workers.

- **1973: 14 Carcinogens (Successfully Challenged)**

OSHA's emergency rule regulating worker exposure to potentially carcinogenic chemicals used in manufacturing dyes and. Citing the *lack of evidence that those chemicals presented a grave harm to workers*, the court blocked the ETS.

- **1976: Diving Operations (Successfully Challenged)**

OSHA's emergency rule regulating diving safety standards was challenged by commercial diving companies because it was prohibitively expensive or impossible for them to comply with many of the provisions. The court blocked the ETS because if were permitted, *commercial diving companies would likely be successful in challenging the substance of the regulation*.

- **1977: Benzene (Successfully Challenged)**

OSHA's emergency rule requiring a reduction in worker exposure to benzene. Manufacturers won their argument that *OSHA failed to show the rule was reasonably necessary to protect workers from grave harm*.

- **1978: Acrylonitrile (Unsuccessfully Challenged)**

OSHA issued its emergency rule on a chemical used in rubber manufacturing after studies showed a cancer link. The Court agreed to this ETS finding that there *was a rational relationship to the chemical in the cancer increase after exposure*.

- **1983: Asbestos (Successfully Challenged)**

OSHA's second emergency rule regulating worker exposure to asbestos was issued well after the risks of cancer associated with asbestos were widely known and accepted. This ETS was intended to further limit worker exposure while OSHA engaged in notice and comment rulemaking to establish a permanent standard. The court acknowledged that asbestos may present a grave danger to workers, but blocked the rule, stating that *OSHA failed to show that it was necessary to alleviate a grave risk of worker deaths during its six-month applicability*.

- **2021: Covid-19 (?????????)**

It has been nearly 40 years since a court considered the validity of an ETS. Even if Covid-19 seems very different from the risks addressed in the past, the legal standard has not changed. It's *very likely that courts will view the coming ETS with the same skepticism with which they viewed benzene, asbestos, and other risks in the past*. It won't be enough for OSHA to show that Covid-19 is harmful to workers or that hundreds of thousands of Americans have died from the virus. Instead, the agency will have to show that, more than a year into the pandemic, with vaccine rates risings and other precautions already in place, workers are still at risk of grave harm from the disease and the specific ETS issued is necessary to keep workers safe.

Recommendations

Stay

Stay Close to your Legal & HR Departments



Decide

Decide = Either Binary or Test Option



Prepare

Prepare The Policy (OSHA Website has very good Sample Policies & Employee Communications)



Consider

Strongly consider the logistics before or while you are deciding Binary –v- Test Option(s). There are vendors entering the market to help administer the process

Appendix



Accommodation Requests

- We have initially reviewed your request and need the following additional information.
- 1. Personal statement requesting this religious exemption
 2. Religious principle(s) that guide objections to vaccination, and
 3. The religious basis that prohibits the COVID-19 vaccination
- Religious basis should come from a religious organization and be signed by an official member.

4. What is the reason for your exemption request? *

Mark only one oval.

- Medical accommodation
- Religious accommodation

5. For medical accommodations, please provide a doctor's note clearly outlining your inability to receive a vaccination due to a medical reason. Do not provide medical diagnosis. For religious accommodations, please upload a letter from your religious leader clearly outlining your inability to receive a vaccination due to a religious reason. *

Files submitted:

Vaccine Status Survey Form

COVID Vaccination Status

* Required

1. Name/Employee Number*

2. Have you scheduled or had your first dose of vaccination for COVID-19? *

Mark only one oval.

- I have already had my first dose. *Skip to question 3*
- I have my first dose scheduled. *Skip to question 4*
- I am planning to schedule vaccination soon.
- I will not be vaccinating. I understand I will be facing termination of my employment as of 10/31/21.
- I have already received both doses, but have not been able to upload my card to my waymo.com Verily account.

First dose date

3. What was the date of your first vaccine dose? *

Example: January 7, 2019

Skip to question 5

Scheduled Date

4. What is the date of your upcoming first vaccine dose? *

Example: January 7, 2019