
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2021- 044**

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK
COUNTY, ILLINOIS, ADOPTING A CORONAVIRUS (COVID-
19) EMPLOYEE FACE COVERING, TESTING AND
VACCINATION POLICY**

**FRED BILOTTO, Mayor
RAEANN CANTELO-ZYLMAN, City Clerk
JAIRO FRAUSTO, City Treasurer**

**DEXTER JOHNSON
LUIZ MONTOYA
NANCY RITA
BILL FAHRENWALD
GABRIEL McGEE
CANDACE CARR
JOSH ROLL**

Aldermen

ORDINANCE NUMBER 2021- 044

**AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS,
ADOPTING A CORONAVIRUS (COVID-19) EMPLOYEE FACE COVERING, TESTING
AND VACCINATION POLICY**

WHEREAS, the City of Blue Island, Cook County, Illinois (the “City”) is a duly organized and existing City created under the provisions of the laws of the State of Illinois and operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefits of the residents of the City; and

WHEREAS, the Mayor and City Aldermen are charged with the responsibility of protecting the health, safety, and welfare of the employees, visitors and residents of the City; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the Corporate Authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-20-5, provides that the Corporate Authorities of each municipality may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, the Mayor and Aldermen of the City have determined that the outbreak of the coronavirus (COVID-19), and the highly contagious Delta variant of the disease, jeopardizes the public health and safety of the residents of the City; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) and the Illinois Department of Public Health (IDPH) have identified the risks associated with the outbreak of COVID-19 and the highly contagious Delta variant of the disease and made recommendations for suppression of the disease; and

WHEREAS, the Governor of the State of Illinois issued Executive Order 2021-20 (COVID-19 Executive Order No. 87) encouraging all entities to implement robust vaccination and testing programs to reduce the spread of COVID-19; and

WHEREAS, to protect the health, safety, and welfare of the employees, visitors and residents within the City, the Mayor and Aldermen of the City have further determined that the suppression of COVID-19 and the highly contagious Delta variant of the disease will be enhanced by implementing the health and safety procedures, restrictions and requirements provided for in the policy, attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Aldermen of the City of Blue Island, Cook County, Illinois as follows:

Section 1. That the above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in their entirety.

Section 2. That the Mayor and City Aldermen find and determine that the adoption of this Ordinance is in the best interests of the City as well as in the best interests of the public.

Section 3. The Coronavirus (COVID-19) Employee Face Covering, Testing and Vaccination Policy (the "*COVID-19 Policy*"), a copy of which is attached hereto and made a part hereof as Exhibit A, is hereby authorized and adopted.

Section 4. The officials, officers, employees, and attorneys of the City are hereby further authorized and directed to take such actions as are necessary to carry out the intent and purpose of this Ordinance and the COVID-19 Policy.

Section 5. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

Section 6. All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 7. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

(Intentionally left blank)

ADOPTED this 28th day of September, 2021, pursuant to roll call as follows:

	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman JOHNSON	X				
Alderman MONTOYA	X				
Alderman RITA	X				
Alderman FAHRENWALD	X				
Alderman MCGEE			X		
Alderman CARR	X				
Alderman ROLL	X				
Mayor BILOTTO					
	6		1		

APPROVED by the Mayor on September 28, 2021.

FRED BILOTTO
 MAYOR OF THE CITY OF BLUE ISLAND,
 COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
 28th day of September, 2021.

RAEANN CANTELO-ZYLMAN, CITY CLERK

PUBLISHED in pamphlet form this
 28th day of September, 2021.

RAEANN CANTELO-ZYLMAN, CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE

I, RAEANN CANTELO-ZYLMAN, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **September 28, 2021** the Corporate Authorities of such municipality passed and approved Ordinance No. **2021 - 044** Entitled:
AN ORDINANCE OF THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS, ADOPTING A CORONAVIRUS (COVID-19) EMPLOYEE FACE COVERING, TESTING AND VACCINATION POLICY.

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2021 - 044** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance posted in the municipal building commencing on **September 28, 2021** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Blue Island, Illinois, this **28th** day of **September, 2021**.

CORPORATE SEAL


CITY CLERK

Exhibit A

**CORONAVIRUS (COVID-19) FACE COVERING, EMPLOYEE
TESTING AND VACCINATION POLICY**

**CORONAVIRUS (COVID-19) FACE COVERING, EMPLOYEE
TESTING AND VACCINATION POLICY
Effective September 15, 2021**

Section 1. Statement of Purpose

The City of Blue Island, Cook County, Illinois (the “City”) has determined that the outbreak of the novel coronavirus or COVID-19, and the highly contagious Delta variant of the disease, jeopardizes the public health and safety of employees, visitors, and residents of the City. The City is committed to protecting its employees, visitors and residents who are present in the workplace and in municipal facilities. Therefore, the City hereby adopts this COVID-19 Face Covering, Employee Testing and Vaccination Policy (the “Policy”) to protect the health, safety and welfare of its employees, visitors and residents who are present or employed in municipal facilities.

Section 2. Face Covering Requirement

All persons present in City facilities, vehicles, or equipment, whether employees, visitors, or residents shall wear a mask or face covering as further specified below that covers their mouth and nose and fits snugly to their face and shall remain masked while present in any City facility, vehicle, or equipment until further determined by the City Administrator in accordance with CDC, State of Illinois or County of Cook public health recommendations, guidelines, or orders. Medical masks must be worn by Employees. N95 or KN95 mask, or such similar medical mask protection, for unvaccinated employees will be required and made available by the City in every department for use by such employees. Mask or face coverings are not required of children under two years of age, and persons with serious medical conditions that would be compromised by wearing a mask or face covering.

Section 3. Vaccination Reporting

- A. All fully vaccinated employees of the City must provide the City Administrator with verifiable proof of full vaccination. Full time employees providing verifiable proof of full vaccination in 2020 or 2021 are eligible to receive eight (8) hours of compensatory time. Part time employees providing verifiable proof of full vaccination in 2020 or 2021 are eligible to receive four (4) hours of compensatory time. All compensatory time must be taken by December 31, 2021.
- B. An employee is considered fully vaccinated against COVID-19 two weeks after receiving the second dose in a two-dose series of a COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the United States Food and Drug Administration (the “FDA”), or two weeks after receiving a single-dose COVID-19 vaccine authorized for emergency use, licensed, or otherwise approved by the FDA.

Section 4. Mandatory Testing and Vaccination Requirement

- A. All employees are required to obtain a COVID-19 PCR test if symptomatic (in addition to any rapid diagnostic test). Any employee testing positive for COVID-19 shall immediately report such result to their supervisor and the City Administrator in accordance with CDC guidelines and recommendations.
- B. Due to the rapid spread of the Delta variant amongst the unvaccinated, effective September 20, 2021, all employees of the City who do not provide verifiable proof of full vaccination to the City Administrator or who are not fully vaccinated shall be tested for the COVID-19 virus, at the employee's own expense, once per week prior to reporting to work until 14 days after the date of verifiable proof of full vaccination. A COVID-19 PCR test is required. Rapid diagnostic or antigen test results will not be accepted. Each test result shall be provided to the City Administrator, one time per week, within 24 hours of receipt. Any employee who fails to abide by this testing requirement will not be allowed to report to work until being tested for COVID-19, as required herein. An employee will be allowed to work while awaiting the results of a particular weekly COVID-19 PCR test required by this Policy, if the employee is asymptomatic.
- C. Due to the rapid spread of the Delta variant amongst the unvaccinated, all employees are required to be fully vaccinated against COVID-19 by November 1, 2021, unless required earlier to a specific employee or group of employees by Executive Order 2021-22 issued by the Governor of the State of Illinois, or unless otherwise recommended by an employee's healthcare provider or unless such employee is determined exempt, as herein provided.

Section 5. Exempt Employees

An employee may be entitled to an exemption from any portion of this Policy, if an employee has a condition based on an Americans with Disabilities Act (ADA) recognized disability or any other law applicable to a disability-related condition requiring a reasonable accommodation that prevents an employee from utilizing a face covering or obtaining the COVID-19 PCR test or COVID-19 vaccination requirements in this Policy. This exemption would be a reasonable accommodation barring no undue hardship on the City.

An employee may be entitled to an exemption from any portion of this Policy, if an employee has a condition that is medically verified, or a condition determined by a healthcare provider that compliance with the face covering, COVID-19 PCR test or COVID-19 vaccination requirements in this Policy will create a danger of serious illness or death to the employee.

An employee may be entitled to an exemption from any portion of this Policy, if an employee sincerely held religious beliefs, practices or observances that prevent the employee from the face covering, COVID-19 PCR test or COVID-19 vaccination requirements in this Policy, the City will provide a reasonable accommodation unless it would pose an undue hardship for the City, as defined by Title VII ("more than *de minimis* cost" to the operation of the employer's business, which is a lower standard than under the ADA).

If an employee is exempt from the face covering, COVID-19 PCR test or COVID-19 vaccination requirements in this Policy, the City reserves the right to require that, as part of the reasonable accommodation, the employee take additional precautions to minimize the spread of COVID-19 until applicable authorities determine that the ongoing pandemic has ceased, which may include but not be limited to maintaining social distance, use of specific personal protective equipment (PPE) in the workplace, moving workstations, temporary reassignment of duties, and other similar measures necessary to enhance the safety of the workplace.

The City reserves the right to require verification of any claimed ADA disability or medical condition that creates a real danger to the employee, and to inquire as to the basis of any sincerely held religious belief, practice or observance being asserted to claim an exemption from this Policy.

Section 6. Compliance with Laws and Establishment of Procedures

The City intends to adhere to applicable laws, regulations, and policies regarding this Policy. This Policy may be modified from time to time depending on determinations, recommendations or guidelines issued by federal, state, or local health authorities or executive orders issued by the Governor of the State of Illinois or the County of Cook. It is the intent of this Policy to fully comply with Executive Order 2021-22 issued by the Governor of the State of Illinois. The City Administrator may promulgate such rules, regulations, and procedures and amendments thereto to implement and effectuate this Policy.

Section 7. Collective Bargaining Unit Employees

This Policy shall be subject to the provisions of existing collective bargaining agreements and collective bargaining rights as to any employee within a collective bargaining unit recognized by the Village. The Director of Human Resources and Operations, or such other designated officer or official of the Village, is authorized to negotiate the implementation of this Policy, as determined appropriate under the law and in accordance with any Executive Order issued by the Governor of the State of Illinois.

Section 8. Employee Discipline

Any employee that fails to abide by this Policy or an Executive Order of the Governor of the State of Illinois pertaining to a term of employment with the Village is subject to progressive discipline up to and including termination.

Section 9. Savings Clause

If any section, provision, term, condition, clause, rule or regulation of this Policy or its application to any employee or circumstance is held invalid by any court of competent jurisdiction, this invalidity shall not affect any other section, provision, term, condition, clause, rule or regulation or application of this Policy that can be given effect without the invalid section, provision, term, condition, clause, rule, regulation, or application. To achieve this purpose each section, provision, term, condition, clause, rule, or regulation of this Policy are declared to be severable and distinct.

Section 10. Employee Acknowledgment

Employees are required to sign a written acknowledgement that they have received, read, and understand this Policy, and submit that acknowledgement to the City Administrator. The form that follows on the next page will sufficiently satisfy this requirement upon receipt.

(Intentionally Left Blank)

Employee Acknowledgment
COVID-19 Face Covering, Employee Testing and Vaccination Policy

I confirm that I have received and read the "COVID-19 Face Covering, Employee Testing and Vaccination Policy" for employees of the City of Blue Island. I understand that as an employee, it is my responsibility to abide by this Policy.

If I have questions about the Policy, I understand it is my responsibility to seek clarification from the City Administrator and/or my department head.

Employee Name: _____

Employee Signature: _____

Date: _____