

	<h2 style="margin: 0;">JUSTIFICATION FOR EXEMPTION FROM COMPETITIVE PROCUREMENT PROCESS</h2>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">PROCESS OWNER:</td> <td style="padding: 2px;">Tina Yoke</td> </tr> <tr> <td style="padding: 2px;">DOCUMENT NO.:</td> <td style="padding: 2px;">F-741-048</td> </tr> <tr> <td style="padding: 2px;">REVISION:</td> <td style="padding: 2px;">D</td> </tr> <tr> <td style="padding: 2px;">EFFECTIVE DATE:</td> <td style="padding: 2px;">August 15, 2013</td> </tr> </table>	PROCESS OWNER:	Tina Yoke	DOCUMENT NO.:	F-741-048	REVISION:	D	EFFECTIVE DATE:	August 15, 2013
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INSTRUCTIONS

Use this form to document justification for non-competitive procurements and contracts per EL-5.2.12. The unit requesting the sole source/single source acquisition must complete this form and attach a justification memo along with any other documentation supporting the request.

1. **PRIOR TO COMPLETING THIS FORM PLEASE TELEPHONE THE BAO PROCUREMENT DESIGNEE (x3021) AND DISCUSS THE PROPOSED REQUEST. PLEASE OBTAIN VERBAL APPROVAL FROM THE BAO PROCUREMENT DESIGNEE PRIOR TO COMPLETING THE FORM OR CONTACTING THE VENDOR.** The reason for this discussion is to maintain eligibility of the vendor. If the request is not approved and later when the vendor has to compete for the bid, the company will still be eligible. If one vendor has more information than other vendors as a result of our contact, the process may not be competitive and fair to all bidders.
2. **PLEASE ALSO NOTE THAT YOU DO NOT NEED TO COMPLETE THIS JUSTIFICATION IF THE PRODUCT YOU ARE REQUESTING AN EXEMPTION IS ON THE "APPROVED MATERIALS LIST" POSTED ON THE PURCHASING UNIT'S INTRANET WEB PAGE LOCATED AT <http://www.aqua.gov/organization/divisions-offices/administration/procurement-operational-services-division/unit/purchasing-consultant-contracts-war> IF THE PRODUCT IS NOT ON THE LIST YOU WILL NEED TO COMPLETE THIS FORM TO ADD THE MATERIAL ON THE LIST.** The approved materials list was compiled from previous approvals and will be updated every two years.
3. Complete the **Requesting Unit Contact Information**, the **Vendor and Product Information**, and the **Supplier Evaluation** sections.
4. Determine which standard(s) apply and click the check box next to the standard. More than one standard may apply.
5. Prepare a **Justification Memo**. The justification memo must include all specific and comprehensive information as required by this form. Prepare the memo as follows:
 - a. From: The Requester To: The BAO Procurement Designee
 - b. Subject: Include a reference to the standard and the item or service needed.
 - i. EXAMPLE: Sole Source Contract for Industrial Hygiene Services
 - ii. EXAMPLE: Single Source Purchase of A/C Compressor
 - c. Follow the instructions within the form that appear below the box you marked with an "x" in #3 above. Answer all the questions, keeping it simple, clear, and concise.
If both standards apply, include responses to the instructions and questions under both standards.
The best evidence that supports the vendor is a sole source—a letter on a manufacturer's or developer's letterhead stating that fact.
6. Add **Price Analysis** information in your memo prepared in #4 above, following the instructions that appear in this section on the form. A sole/single source procurement is also subject to price evaluation. You do not solicit bids. An explanation of why you believe the price to be reasonable is usually adequate. Include the basis for your conclusion.
7. Use the **Routing Instructions** section to indicate the approval flow.
8. The **Recommendation** must be reviewed and signed off by the initiator, his or her manager, and the unclassified officer above them.
An incomplete memo will be returned to the initiator resulting in a time delay.
9. **Approval** by the BAO or BAO Procurement Designee regarding whether the justification meets the requirements stated in EL-5.2.12 must be obtained.
10. All parties of the preparation and approval for the justification must sign the **Disclosure Statement**.

	JUSTIFICATION FOR EXEMPTION FROM COMPETITIVE PROCUREMENT PROCESS	PROCESS OWNER: Tina Yoke
		DOCUMENT NO.: F-741-048
		REVISION D
		EFFECTIVE DATE: August 15, 2013
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REQUESTING UNIT CONTACT INFORMATION	
Name of Requester: Alexander Gordon	Extension: 2637
Unit Name: Emergency, Safety and Security Division	Unit No.: 220




VENDOR AND PRODUCT INFORMATION	
Vendor Name: MOBILE-MED WORK HEALTH SOLUTIONS, INC	
Address: 2101 Forest Ave, #220A, San Jose, CA 95126	
Contact: Hailey Allen	Telephone No.: (877) 899-9959
Type of Purchase: <input type="checkbox"/> Commodity <input type="checkbox"/> Consultant Services <input type="checkbox"/> Non-Consultant Services <input checked="" type="checkbox"/> Other	
Describe the product or service: COVID-19 Medical Health Provider Services	

JUSTIFICATION MEMO	
(Check the appropriate statement[s] below. Attach a written memorandum and supporting documentation to address the questions following the statement[s])	
<input type="checkbox"/> The best interest of the District cannot be served through a competitive procurement because only one firm exists that can provide the service, supply, or equipment, and there is not an available equivalent to meet the District's minimum needs. (Sole Source) A situation created due to the inability to obtain competition. This may result because only one vendor or supplier possesses the unique ability or capability to meet the particular requirements of the solicitation. Describe the minimum needs of the District that must be met by this service, supply, or equipment. Explain why this is the only product or service that will meet those minimum needs. Describe the consequences of not meeting those needs. Which vendors were contacted and what steps were taken to verify that the goods or services are not available from another source? Describe the effort undertaken to identify whether other vendors can meet the District's minimum needs, including a list of the names and contact information of the vendors and the reasons why they cannot meet the District's needs. Attach evidences that supports the vendor is the only source that can provide the product or service. Define any cost savings realized or cost avoided by using this vendor.	
<input checked="" type="checkbox"/> The District's need for the service, supply, or equipment is of such an unusual and compelling urgency that the District would suffer substantial harm, unless it is permitted to acquire the service, supply, or equipment on a non-competitive basis. (Single Source) A procurement whereby purchases are directed to one source because of standardization, warranty, or other factors, even though competitive sources may be available. Explain why the District need for the product or service is of such an unusual and compelling urgency so as to cause the District to suffer substantial harm if it is procured on a competitive multiple source basis rather than a single source basis. When was the need for the product or service first identified? Describe the substantial harm the District will suffer, including when that substantial harm might occur. List the names and phone numbers of the vendors you contacted and the reasons for not considering them.	

PRICE ANALYSIS
(Must be included in all justification memos)
In the justification memo, please explain what efforts were made to determine the best possible price for the item or service. Why do you feel the price is fair and reasonable? Please attach pricing information.

	JUSTIFICATION FOR EXEMPTION FROM COMPETITIVE PROCUREMENT PROCESS	PROCESS OWNER: Tina Yoke DOCUMENT NO.: F-741-048 REVISION D EFFECTIVE DATE: August 15, 2013
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ROUTING INSTRUCTIONS			
SEQUENCE	NAME & EXTENSION	INITIAL	DATE
1	Requester: Alexander Gordon X2637		3/8/2022
	Name:		
	Manager:		
2	Officer: Tina Yoke		3/11/2022
3	BAO or BAO Procurement Designee: Tina Yoke		3/11/2022

RECOMMENDATION	
<i>I am aware of the District's requirements for competitive procurement and the EL-5.2.12 justifications for sole/single source procurement. I have researched and documented the required technical information and have made a thorough effort to review comparable/equal vendors, equipment, and services. The information stated in this justification meets the District's EL-5.2.12 to the best of my knowledge.</i>	
Requester: Alexander Gordon	Date: 3/8/2022
Manager: Tina Yoke, refer to approval below	Date: 3/11/2022
Officer: Tina Yoke	Date: 3/11/2022

APPROVAL	
<i>I agree this transaction meets the requirements of EL5.3.12 and approve the exemption from a competitive procurement process based on the justification provided.</i>	
BAO or BAO Procurement Designee: Tina Yoke	Date: 3/11/2022

DISCLOSURE STATEMENT	
TO ACCOMPANY JUSTIFICATION FOR EXEMPTION FROM A COMPETITIVE PROCUREMENT PROCESS PER EL-5.2.12	
<i>As an individual involved in evaluation and/or in making a recommendation to the above-mentioned purchase, to the best of my knowledge, I have no conflicts of interest and attest that I:</i>	
<ul style="list-style-type: none"> Have not received any income or gifts from this company during the past 12 months. Do not have any financial interest in this company. Do not have any immediate family member or domestic partner as defined in Ad.-2.9.104 that has any financial interest in this company. Do not have any other type of business relationship with this company. Do not know of any member of my departmental staff to have a business relationship with this company. 	
Please provide any additional information you believe should be disclosed at this time.	
Requester: Alexander Gordon	Date: 3/8/2022
Manager: Tina Yoke, refer to approval below	Date: 3/11/2022
Officer: Tina Yoke	Date: 3/11/2022
BAO or BAO Procurement Designee: Tina Yoke	Date: 3/11/2022

**MEMORANDUM**

FC 14 (08-21-19)

TO: BAO Procurement Designee**FROM:** Alexander Gordon,
Assistant Officer for
Emergency, Safety and
Security**SUBJECT:** Single Source Contract for COVID-19
Medical Health Provider Services**DATE:** 3/7/2022

Valley Water continues to maintain its business continuity during the current pandemic state of emergency and now focuses on managing COVID-19 moving forward in an endemic environment. On February 17, 2022, California Governor Gavin Newsome outlined his plan moving forward where the disease exists, the virus circulates in the community, and what we in California can do to manage it. Attached is the Board Approval Memorandum (BAM) for File No. 22-0336 that includes funding for multiple business continuity needs, including this Medical Health Provider Services. While the current state of emergency at the federal, state, and local level continues, transition to absorbing COVID-19 requirements within standard operations is vital for an agency's recovery. A key component to this transition for Valley Water is turning over its COVID-19 case management and return-to-work protocols to a contracted Medical Health service provider as soon as possible. Valley Water's current health provider for workers compensation and clinical services was unable to accommodate the needed services for COVID-19. Fortunately, a local Medical Health service provider was available and capable to the specific needs of Valley Water. The cost schedule is reasonable based on the hours and services requested, with the primary assigned staff to the contract being Registered Nurses. The single source Medical Health service provider is Mobile-Med Work Health Solutions, Inc.

DocuSigned by:

A blue ink signature of Alexander Gordon, written in a cursive style, positioned above a horizontal line.

Assistant Officer

Emergency, Safety and Security Division

cc Tina Yoke, COO Administrative Services



Santa Clara Valley Water District

CONFORMED COPY

File No.: 22-0336

Agenda Date: 2/22/2022

Item No.: *3.10.

BOARD AGENDA MEMORANDUM

SUBJECT:

Adopt Funding for Supplemental Contract Services to Enable Valley Water Business Continuity.
(Previously Listed as Item 10.1)

RECOMMENDATION:

Adopt the recommended Fiscal Year 2022 appropriations requests, to enable business continuity in the event of staffing separations from Valley Water following the March 1, 2022, COVID-19 vaccination mandate.

SUMMARY:

Santa Clara Valley Water District (Valley Water) continues to manage the business continuity of the agency by identifying disruptions and implementing strategies to overcome operational disruptions. Throughout the COVID-19 Pandemic, Valley Water's Emergency Operations Center has provided support and guidance to overcome a variety of disruptions. Some examples include loss of staff due to positive cases and close contact implications, as well as supply chain concerns due to manufacturing, production or transportation and distribution gaps. Valley Water has implemented a policy for required vaccination of employees, that includes a process to request a religious or medical exemption. While a vast majority of Valley Water employees are vaccinated, there are currently 59 employees that are unvaccinated. For planning purposes, it is reasonable to project that a percentage of the unvaccinated employee population will choose to remain unvaccinated and therefore may no longer remain employed at Valley Water. A key component of business continuity is identifying strategies to overcome the impacts of disruptions. With potential loss of staff, one critical strategy to ensure Valley Water's operations continue is to utilize more service agreements and contract staff to fulfill needed work while employee vacancies persist. Extra funding would allow for services to continue while permanent staffing recruitments can be initiated and completed.

A supplemental list of contracts and the supplemental funding amount that are requested will be provided via a supplemental board agenda memo prior to the Board meeting on February 22, 2022.

ENVIRONMENTAL JUSTICE IMPACT:

There are no Environmental Justice impacts associated with this item.

FINANCIAL IMPACT:

The total funding amount recommended for Board approval will be provided in a supplemental board agenda memo prior to the Board Meeting on February 22, 2022.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

- *Supplemental Agenda Memo
- *Supplemental Attachment 1: Contract Listing and Funding Request
- *Handout 3.10-A: VW Emp
- *Handout 3.10-B: Pianist-01
- *Handout 3.10-C: Rank File

UNCLASSIFIED MANAGER:

Tina Yoke, 408-630-2385



Santa Clara Valley Water District

File No.: 22-0330

Agenda Date: 2/22/2022

Item No.: *3.10.

SUPPLEMENTAL BOARD AGENDA MEMORANDUM

SUBJECT:

Adopt Funding for Supplemental Contract Services to Enable Valley Water Business Continuity.

REASON FOR SUPPLEMENTAL MEMORANDUM:

This report conveys additional information received after the initial report was released, consistent with Executive Limitations Policy EL-7-10-5.

RECOMMENDATION:

Adopt the recommended Fiscal Year 2022 appropriations requests, to enable business continuity in the event of staffing separations from Valley Water following the March 1, 2022, COVID-19 vaccination mandate.

SUMMARY:

Santa Clara Valley Water District continues to manage the business continuity of the agency by identifying disruptions and implementing strategies to overcome operational disruptions. Throughout the COVID-19 Pandemic, Valley Water's Emergency Operations Center has provided support and guidance to overcome a variety of disruptions. Some examples include loss of staff due to positive cases and close contact implications, as well as supply chain concerns due to manufacturing, production or transportation and distribution gaps. Valley Water has implemented a policy for required vaccination of employees, that includes a process to request a religious or medical exemption. While a vast majority of Valley Water employees are vaccinated, there are currently 59 employees that are unvaccinated. For planning purposes, it is reasonable to project that a percentage of the unvaccinated employee population will choose to remain unvaccinated and therefore may no longer remain employed at Valley Water. A key component of business continuity is identifying strategies to overcome the impacts of disruptions. With potential loss of staff, one critical strategy to ensure Valley Water's operations continue is to utilize more service agreements and contract staff to fulfill needed work while employee vacancies persist. Extra funding would allow for services to continue while permanent staffing recruitments can be initiated and completed.

ENVIRONMENTAL JUSTICE IMPACT:

There are no Environmental Justice impacts associated with this item.

FINANCIAL IMPACT:

The total supplemental funding requested is \$985,000, which is not included in the Fiscal Year 2021-2022 Budget. Assuming the Board approves this request, operating and capital reserves would provide the funding, which would ultimately be offset by salary savings due to corresponding staffing losses.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment

ATTACHMENTS:

Attachment1: Contract Listing and Suppl. Funding Requested

UNCLASSIFIED MANAGER:

Tina Yoke, 408-630-2385

ATTACHMENT 1: CONTRACT LISTING AND SUPPLEMENTAL FUNDING REQUESTED

BUSINESS UNITS	VENDOR	PO/CONTRACT TO ADMEND	DESCRIPTION OF SERVICES	FUNDING UP TO 5 MONTHS
Fleet	Peterson Truck – CAT, John Deere, Freightliner, International	100904	Heavy Equipment repairs, Preventive Maintenance and CHP inspections	\$45,000.00
	Coast County Peterbilt	100903	Heavy Equipment Preventive Maintenance and repairs	\$10,000.00
	Sunnyvale Ford	100902	Passenger vehicle and utility truck preventive maintenance and repairs	\$10,000.00
	Capitol Ford	100291	Passenger vehicle and utility truck preventive maintenance and repairs	\$10,000.00
	Normandin Dodge/Jeep	101369	Passenger vehicle and utility truck preventive maintenance and repairs	\$10,000.00
	Capitol Chevrolet	100922	Passenger vehicle and utility truck preventive maintenance and repairs	\$10,000.00
	Capitol Toyota	100647	Passenger vehicle and utility truck preventive maintenance and repairs	\$10,000.00
	SUBTOTAL			\$105,000.00
Facilities Management	Accel Mechanical	100664	Mechanical system preventive maintenance and repairs	\$60,000.00
	San Jose Boiler	100638	Boiler specific preventive maintenance and repairs	\$30,000.00
	SUBTOTAL			\$90,000.00
Watershed O&M	Jensen/Monarch Landscape	100098	Field Crews	
			Maintenance Worker I	\$170,000.00
	SUBTOTAL			\$170,000.00
Clerk of the Board	RGS	New Agreement Required	Clerk Support	\$150,000.00
	SUBTOTAL			\$150,000.00
Information Technology	TechTU	4777	Help Desk and Desktop Support Services	\$100,000.00
	Spinitar	38121	Audio/Visual Support	\$50,000.00
	ComputerLand	4961	Infrastructure Support	\$50,000.00
	SUBTOTAL			\$200,000.00

ATTACHMENT 1: CONTRACT LISTING AND SUPPLEMENTAL FUNDING REQUESTED

BUSINESS UNITS	VENDOR	PO/CONTRACT TO ADMEND	DESCRIPTION OF SERVICES	FUNDING UP TO 5 MONTHS
Community Projects Review	Contractor to be determined	May amend existing Agreement or establish new Agreement as needed	Staffing Services for Resident Construction Inspector	\$110,000.00
	SUBTOTAL			\$110,000.00
Emergency Operations	Contractor to be determined	New Agreement Required	Medical Guidance for COVID-19 positives, and reporting compliance with County and Cal/Osha	\$160,000.00
	SUBTOTAL			\$160,000.00
TOTAL				\$985,000.00

February 21, 2022

Re; Valley Water Vaccination Mandate and Process.

Please read into the minutes and attach to the agenda item 3.10 Adopt Funding for Supplemental Contract Services to Enable Valley Water Business Continuity. (Previously listed as item 10.1)
Santa Clara Valley Water District Board of Directors Meeting . Tuesday February 22, 2022

Dear Directors,

Does the Data not support the The Valley Water Vaccine Mandate?

What is the percentage and or numbers of the Vaccinated vs Unvaccinated who tested positive for Covid-19? (If the CAO Provides an answer, data to support is requested. No personal identification is asked.)

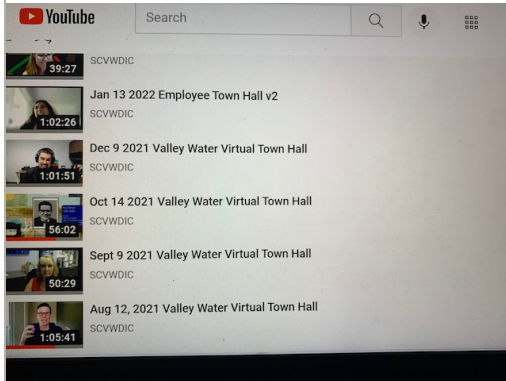
Requesting the Valley Water Board Of Directors review this document and Town Hall meetings archives before taking any action on this item. You can access the Town Hall Meeting videos by a link provided internally- District Employee Communications email; Town Hall Meetings. Meeting dates and video time codes for reference are provided.

In many Town-Hall Meetings the CEO is vocal about placing blame on the unvaccinated all the while Positive Covid19 cases/numbers are not presented or transparent from the CAO.

Lack of Data and transparency along with the Exemption process and constant blame on the unvaccinated have created a hostile work environment. Perhaps not a rush into returning to work and enforcing a Vaccine Mandate the same day the Supreme Court blocked the Presidents Vaccine Mandate along with other Companies and Agencies following by reversing or dropping mandates could avoided a situation that we all are in now.

For these reasons an investigation into this process is recommended.

If the vaccinations are proven not to stop contracting the covid virus and spreading it, then why the Mandate from the CEO?



7 Positives: 5 Vaccinated 2 Unvaccinated.

Town-hall Meeting August 12, 2022.

(6:22-6:55)

CEO opening Statement: "Hopeful.. Celebrate..the fact that the Pandemic was Relegated to the Pandemic of the unvaccinated". *What!!??*

(44:16-48:40)

Larry Lopez responds to an employee question of the number of the Vaccinated who tested positive and the unvaccinated who tested positive. Out of 7 reported positives 5 were vaccinated and 2 were unvaccinated. Larry goes on to say that we will have higher rate of covid positives since we have a high vaccination percentage and that the vaccines are proving not to be as effective in either catching or spreading covid-19. This was the last time Larry Lopez was on Town-Hall Meetings and the last time any number was given when asked. Larry also mentions that he does not know the vaccination status of the family members etc.

Larry's responses are very thorough.

CAO does not disclose numbers of vaccinated vs unvaccinated who tested positive for Covid-19

On two separate occasions when asked the CAO did not have an answer followed by an explanation in her response that had nothing to do with the initial question asked. It is a simple question that should be available and known to the CAO at all times.

September 9, 2022 Larry Lopez is not present and any other subsequent Valley Water Town-Hall meetings.

Jan 6 , 2022 Employee Communications
From: Tina Yoke , EOC Director Re:
Covid-19 positive test results reported email. This decision should be looked into more as word was many vaccinated from a unit got covid , upwards of 15 or more in late December early January.

Mandate Announced in January 2022.

Town-hall Meeting September 9, 2022

Q&A Vaccination Discussion-

(29:50-32:15).Why are the vaccinated not required to weekly test?

(32:44- 33:58) Would Valley Water Delay returning to office if a an employee were to contact Covid from another employee?

CAO responds "no onsite transmission".

(34:00-34:53)

What percentage of Covid 19 cases at Valley Water are Vaccinated?

CAO responds she does not have that number, and goes on to say Larry Lopez does not have that number either (How can this be when he did give a number in the August 22, 2022 Town-hall?). She goes on to give a response that has nothing to do with the question asked.

December 6, 2022 Staff Meeting 9:00am (Confirm with staff and minute meetings.)

The CEO states that soon the District will be 100% vaccinated. Does this imply no exemptions to be taken into consideration?

The CEO asks the CAO What was the number of employees vaccinated and unvaccinated who tested positive?

CAO responded she did not have the numbers and went on to explain how one employee had covid-19 positive result 3 times and that skewed the numbers.

What does this answer have to do with the numbers she was asked?

Town- Hall Meeting February 10, 2022

(25:20-)

Number or emails question the distribution of positive case notifications ; less affective and time consuming and less transparent.

CAO Explains pivot from sending emails of positive cases that requests were received that resulted in the decision to change the process.

Town-hall Meeting: January 12, 2022. Opening remarks. CEO “ your choice is not about you” Announced Vaccination Mandate

Town-hall Meeting: February 10, 2022. Opening remarks CEO “ Your vaccination choice is not about you”

Michele King

Sent: Tuesday, February 22, 2022 10:39 AM
Subject: FW: Item 3.10

-----Original Message-----

From: pianist-01.studios@icloud.com <pianist-01.studios@icloud.com>
Sent: Tuesday, February 22, 2022 10:20 AM
To: Clerk of the Board <clerkoftheboard@valleywater.org>
Subject: Item 3.10

I would like to express my concern regarding the potential termination of nearly 60 employees for not getting the COVID-19 vaccine. People have been anxiously waiting for more than two weeks to hear whether or not their religious exemptions have been approved. Employees participated in a "reasonable accommodation" interview where they were questioned about their faith, and my question is: who is the District to decide the validity of someone's religious beliefs? Why can't employees continue to test and wear their masks like they've been doing for the last year and a half? The hostility and angst among District employees - unvaccinated and vaccinated - is appalling. Morale is the lowest it has ever been, and with that, there is very little motivation to get any work done. As a taxpayer in this county, I want the employees at Valley Water to feel motivated and excited about all the work they're doing, especially with the high priority and high profile work going on (i.e. Anderson Dam, Coyote Creek, Pacheco Reservoir, just to name a few). There are solutions to this... 1. Continue to allow employees to test weekly and wear their masks 2. If the nearly 60 employees are such a threat, grant them a reasonable accommodation to telework full time until this is over 3. Just let this all go and let employees continue to do the good work for the community as a whole

It is not illegal to be unvaccinated, yet, employees are being coerced into getting a vaccine against their religious, medical and personal beliefs. If this was about health and safety, Valley Water would continue provisions that are already in place. Please consider dropping the mandate. Consider the dedicated and hard working employees that will be lost as a result of this mandate. And if nothing else, consider the employees and their families that will suffer immensely due to losing their income and their livelihood. In the long run, dropping the mandate will be best for Valley Water, the employees, and the community.

PUBLIC COMMENT - PLEASE READ INTO THE RECORD

This comment has been written to meet the <3 minute time limit for verbal public comments and is submitted with request to be read into the record to protect my anonymity, in fear of retaliation, up to and including loss of my job.

I am a long-term Valley Water employee who has never been subjected to disciplinary action and has always had above average performance reviews. I am a team player who is liked by colleagues and respected for professionalism and knowledge. I have received several internal accomplishment awards. I am also among the 59 employees who requested exemption from the Covid 19 Vaccine Mandate. Prior to the mandate, I never openly discussed my religious beliefs at work. I have never requested accommodation. Instead, I have quietly and unobstructively upheld my religious practices unnoticed. Today, I respectfully request the opportunity to continue doing so.

I am begging you to postpone your decision on the Succession Planning Funding item until the following questions can be (publicly) answered:

1. In an environment where the Board strives to achieve a workforce that reflects the diversity of the community, what metrics are in place to ensure religious diversity is monitored, reflected, and protected at Valley Water?
2. What efforts have been made to provide workforce transparency of the Medical and Religious Exemption, and Reasonable Accommodation processes?
3. What models are being used to make determinations on employee requests for Exemption/Reasonable Accommodation, and
 - a. What are the qualifications of the staff assigned to make these determinations?
 - b. What oversight is in place to ensure determinations are fair and balanced?
 - c. How will outcomes (numbers approved vs. numbers denied) be reported?
4. February 15, 2022 was the last day for employees to become vaccinated if they are to meet the definition of fully vaccinated by March 1. However, management decisions on Exemption/Accommodation requests are still pending. What assurances are there that denied applicants will be accommodated, should they choose to vaccinate?
5. Upon completion of the Request for Exemption and Reasonable Accommodation processes,
 - a. How will religious and medical diversity awareness and acceptance be incorporated into Valley Water's Diversity and Inclusion, Unconscious Bias, or other outreach and training?
 - b. Should there be an Employee Resource Group to support this minority group of employees?

In what has become a highly inflammatory environment, where a small group of employees has been subjected to top-down messaging that includes statements such as "We will reach 100% vaccination in the workforce" (stated while responses to exemption requests were still pending) and "Conservative views will not be tolerated here," these are fair questions. All questions were previously submitted to management, who unfortunately did not respond.

The Valley Water Vaccine Mandate has been initiated under the County Health Officer's recommendation but is not a requirement for public or private industries county wide. Please join the ranks of County Supervisor Cindy Chavez and San Jose City Council member Raul Peralez in speaking up to ask what impacts the Valley Water Vaccine Mandate is having on employee morale.

Please ask yourselves if causing this level of fear of persecution and suffering among a disenfranchised minority of Valley Water employees is in line with the agency vision you strive to hold.

Sincerely, Rank and File

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