

Tucson will terminate employees who don't get a COVID-19 vaccine by December

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A mural in Tucson created in 2017 by Victor Ving and Lisa Beggs. Local muralist Rock Martinez contributed by adding his artwork to the letter C. Photo by Carol M. Highsmith | Carol M. Highsmith Archive, Library of Congress, Prints and Photographs Division

In a 4-3 vote, the Tucson City Council said Tuesday that city employees who are not vaccinated by Dec. 1 will face termination.

City Manager Michael Ortega recommended the move in a memo to the mayor and council, telling them that around 300 city employees had “chosen to be in non-compliance” with the city’s vaccination mandate because they did not get a vaccination by Aug. 24, and were therefore subject to a five-day suspension.

Those city government workers who do not get their shots by the deadline will face a process over several days that could lead to their ultimate termination by Dec. 17, beginning with a notice of intent to terminate by Dec. 3 – two days after the deadline.

Before the City Council's meeting, the Pima County Board of Supervisors [voted to require](#) county employees who work with "vulnerable populations," including staff with the county jail and juvenile detention centers, to be vaccinated.

The vaccination requirements are part of a wider move among large public and private employers across the county.

On Friday, the state's three universities said they [would require vaccinations](#) by Dec. 8 based on a federal mandate, and the U.S. Defense Department has also required federal contractors to vaccinate employees – including Tucson heavyweights Raytheon and Honeywell.

Ortega asked the council to give him additional resources to deal with employees who fail to successfully seek an accommodation, or who remain unvaccinated by the deadline.

Mayor Regina Romero voted for the measure, backed by Councilmembers Steve Kozachik, Lane Santa Cruz and Karin Uhlich. Councilmembers Paul Cunningham, Nikki Lee and Richard Fimbres voted against the move.

Around 50 employees failed to give the city a form showing they were vaccinated, Ortega said, while another 180 had their accommodation or exemption request denied. Those employees had until Oct. 5 to submit their proof.

In August, the city passed an ordinance requiring the city's 4,000 employees to be vaccinated against COVID-19, or face a legal exception or accommodation by Oct. 5. Employees who remained unvaccinated after Oct. 19 could be fired.

The city temporarily stopped enforcing the mandate in early Sept. after state Attorney General Mark Brnovich argued that the city policy was in violation of a state law that blocks local governments from mandating vaccines.

However, on Sept. 29, a Maricopa County Superior Court Judge dismissed the law, ruling that state legislators [violated the Arizona Constitution](#) when they rolled several new unrelated laws into the must-pass budget bill.

That decision will face a challenge in the Arizona Supreme Court later this year.

Among city employees, around 627 employees – including 194 police officers – have asked for accommodations or exemptions, and around 314 were approved. Another 289 had their request denied.

Among police officers, 86 had their applications denied, and eight are facing review.

Among firefighters, 65 had their application denied, and 10 are currently under review.

Employees in the Tucson Police Department and the Tucson Fire Department make up more than two-thirds of city employees who have not been vaccinated, something that Councilman Steve Kozachik called “ironic” in his newsletter this week, where he noted that “COVID has taken the lives of more law enforcement officers in the U.S. than any other cause since this pandemic started. In fact, more than 4x as many officers have died from COVID than from any other on-the-job reason.”

“It was interesting to see the header on the Officer Down Memorial Page last week,” Kozachik said facetiously. “It’s a little tough to decipher, but it says, ‘COVID is the #1 killer of LEO (Law Enforcement Officers) in 2020 and 2021. Getting vaccinated is just as important as wearing your vest and your seat-belt. Don’t wait any longer. Please consult your doctor to see if vaccination is right for you.’”

The memorial page has been tracking the loss of police officers for years, and in recent weeks, data from the site shows that in 2021, police officer deaths increased 31% since last year – a shift driven almost entirely by COVID-19, which killed 237 out of the 369 officers.

Around 50 officers died from gunfire, including DEA Supervisor Michael Grabo, who was killed during a firefight at the Amtrak platform in Tucson.

In Arizona, two municipal police officers have died from COVID-19, and another five members of U.S. Customs and Border Protection, including a member of the Border Patrol’s elite tactical unit, have died in Arizona alone from the novel coronavirus.

Despite this, the Tucson Police Officers Association said they asked the city to delay the policy.

The association, “has worked tirelessly with the city of Tucson to maintain service delivery throughout the COVID-19 pandemic. Several hundred of our officers have chosen to become fully vaccinated.”

“We take the pandemic seriously. We also take our employee rights seriously. The city made this decision outside of the normal meet and confer process and without regard to the several labor agreements that govern changes in working conditions,” the police union wrote. “The decision to vaccinate is extremely complicated and deeply personal. We call for the city to delay this policy. Our police and fire personnel have been stretched to the limit over the past year and a half. Now is the time to stand together, not make rash decisions.”

The fight over COVID-19 vaccines comes as Pima County has faced a stubborn “plateau” of cases, Dr. Francisco Garcia told the Board of Supervisors Tuesday.

Pima County still has “high transmission” rates of COVID-19 and has remained there since the beginning of the school year. There were 1,238 cases of COVID-19 over the last seven days, and while deaths declined, the county shows a significantly high positivity rate of 9.35 percent—though

this may be driven by a decreasing number of tests as the county and federal officials shuttered testing sites over the summer.

Data also shows that over the last seven days, there was a marked rise in new hospital admissions of about 14 percent, and there were 134 new admissions. The number of beds in use also increased nearly 10 percent.

In a striking detail, on Oct. 9, there was just one available ICU bed in Pima County. As of Oct. 14, around 350 of the 360 ICU beds were occupied.

Data from the CDC also continues to show the ability of vaccinations to fight the pandemic. In late August, the rate of people sick with COVID-19 among the unvaccinated was around 83.6 people per 100,000. Among those vaccinated, it was 4.5 people per 100,000. “For all adults aged 18 years and older, the cumulative COVID-19-associated hospitalization rate was about 12-times higher in unvaccinated persons,” the CDC said.

During the vote, Councilmembers Cunningham, Fimbres, and Lee said they had concerns about the appeal process, and worried about the loss of core services.

“I just have very serious concerns with our current vacancies in some of these departments, and the difficulty in filling these positions paired with the potential loss of staff,” said Lee. “What this is going to do to the residents and the services that we’re able to deliver?”

“I don’t feel like we have enough of that picture in front of us to make an informed decision today on moving forward with saying we need to go down a termination path,” she added.

Romero nodded, but said “if you think about it, based on science, and what science says — it’s not really difficult, right?”

“People that are vaccinated have less of an opportunity to contract COVID and the delta variant,” Romero said.

Cunningham worried about writing “pink slips” during the holidays, but Kozachik shot back: “As far as the timing before the holidays, it’s also right before the holidays for people who might wind up contracting COVID-19 because of some of the unvaccinated people who get it. So, let’s remember that there is another side to this.”

This story was originally published by TucsonSentinel.com with the headline “[Unvaccinated Tucson city employees could be fired after Council mandates COVID shots](#),” and was republished with permission.