

Amended Statement of Policy:

~~The Coronavirus Pandemic of 2019 ("COVID-19") has brought tremendous challenges to the San Francisco Bay Area Rapid Transit District ("BART"). Since the national emergency shutdown in March 2020, when ridership dropped below 5%, BART has lost over 20,960 days of productivity and had 2,377 employees use pandemic related leave demonstrating the breathtaking toll the pandemic has had on our staff and service. Those effects continue as we face challenges with the Delta variant increasing the transmissibility of the disease. In response to the pandemic and its variants, numerous federal, state, and local entities, including three of the four largest counties in the Bay Area, have implemented vaccination requirements to protect workers and the public.~~

~~Whereas in winter 2020 BART saw between a three and nine fold increase in cases, and the current prevalence of the Delta variant causing positive cases at a 54% higher rate for unvaccinated employees, BART must take responsible action to protect our ability to function. BART has a duty to provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as services reopen and more employees return to workplaces.~~

~~According to the federal Centers for Disease Control and Prevention ("CDC"), the California Department of Public Health ("CDPH"), and County Health Officers, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated, and certain safety measures remain necessary to protect against COVID-19 cases and deaths. Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace and BART facilities, as well as to the public that depends on our services.~~

~~Therefore, all BART employees and Board members shall be fully vaccinated against COVID-19 by December 13, 2021, with exceptions made only for those who qualify for a Reasonable Accommodation or a Religious Exemption. The Board also directs the General Manager to bargain over the policy and impacts of this decision prior to the requested implementation of the policy on December 13, 2021. During this time the Board directs BART to prioritize culturally competent outreach and conduct an education campaign for the remaining unvaccinated population. Finally, the Board directs the General Manager to implement vaccination requirements for consultants and contractors who perform work on BART property.~~

The San Francisco Bay Area Rapid Transit District ("BART") adopted a COVID-19 vaccination requirement for all employees, Board members, contractors, and consultants effective December 13, 2021, with exceptions for those employees who qualified for a Reasonable Accommodation or Religious Exemption. The COVID-19 vaccination requirement was reasonable and necessary at the time to keep BART's employees and riders safe during an unprecedented public health emergency. Since then, the State of California's declared state of emergency has ended, effective February 28, 2023, and the federal public health emergency has ended, effective May 11, 2023. Additionally, there has been a decline in the severity of COVID-19, widespread adoption of vaccination in the Bay Area, and an increase in the availability of rapid testing and effective treatments for COVID-19.

As a result of these developments, COVID-19 vaccination is no longer a necessary condition of employment at BART to keep employees and riders safe. Effective September 14, 2023, COVID-19 vaccination will no longer be required for BART employees, Board members, contractors, and consultants.

Employees are strongly encouraged to stay up to date with COVID-19 vaccination and to follow all current Centers for Disease Control ("CDC") recommendations with respect to COVID-19 vaccination, prevention, testing, and treatment. COVID-19 vaccines are free and widely available. For more information, employees may consult with the BART Safety Department, or access public health guidance from the CDC or the California Department of Public Health.