

**IN THE CIRCUIT COURT
OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

DARRIS FRIEND, ERNESTO ACUNA,
JASMINE ALLEN, TROY ALLIGOOD,
TOMMY L. ALVIN, DAVID ASBELL,
DANIEL ASH, JAMIE AUSTIN, SCOTT G.
AVINGER, KEVIN BABCOCK,
CHRISTOPHER PAUL BARDET,
JENNIFER BARDET, GLENN BASS,
GARRETT BAYLES, KATELYN BAYLES,
THOMAS V. BEARD JR., MARK BELL,
SCOTT BERTZYK, CASEY
BIRMINGHAM, MATHEW BOHANNON,
WESLEY BREEDEN, DARREN BRISCOE,
STEVE BRISTOW, LESLIE L. BRITTIN,
BLAKE BROWN, JESSICA BUCHANAN,
AARON BUCK, DENISE BURNS, JULIA
BURRELL, AUSTIN BUSH, DON
CAMPBELL JR., SEAN CAMPBELL, JOHN
CAPAZZI, MICHAEL P. CARRILLO,
JEREMY CICIO, JONATHAN CICIO,
ALTON A. COLEMAN, RYAN COLLINS,
JOSEPH CREWS, COLTON CROMWELL,
JASON DAILY, CHRISTINE DAMM,
SANDY DANIELS, EVAN DAVIS,
TIMOTHY DAVIS, DANA DAY,
BRANDON DEMERS, JUSTIN
DICKERSON, ROBERT DOBY, PATRICK
M. DONNELLY, STEVEN DOSE, ADRIAN
DUNCAN, SETH W. ELKINS, HERBERT
ENNIS, DANIEL FERGUSON, LOREN F.
FROST III, JEREMY GAGNON,
NATHANIAL GAGNON, LARRY
GILBERT, TIM GILLIAM, JOSEPH L.
GONZALEZ, WILLIAM C. GOUGH,
JENNIFER GREEN, JOSH GRINER,
GEORGE HADSOCK, JAMAL HAFIZ,
PHILLIP HALL, LISA HANSEN, JOSHUA
CALEB HANSSEN, TRAVIS HART, LEAH
HAYES, STEPHEN HAYES, MICHELLE
HERRES, DOYLE C. HEWITT, TREAVOR
HICKS, TRACEY HIGDON, FRED HILL,
RONALD T. HINSON JR., JAMES A.
HINSON, DANIEL ADAM HINTON,

Case No. _____



DIANNA LYNNE HORNER, STEVEN HUDSON, ADAM HUFF, JONATHAN HUNNICUTT, TRAVIS HUTCHINSON, CLAY HUTTO, CONRADE IRVING III, ADAM IVEY, JOHN JACKSON, GLEN JAMES JR., DANIEL R. JESTER, THOMAS JONES, WILLIAM KARRAS, KRISTOPHER KEEN, JUSTIN KELLY, JEFFREY KERKAU, SUMMER KERKAU, ANDREW KEY, BRETT KIKENDALL, DONIA KIRCHMAN, COLE KITE, GAVIN KITE, WILL KNIGHT, STEVEN SCOTT KOWATCH, KACEY KRAUSE, JAMES LAKE, STEVEN LANGSTON, KEITH LOEFFLER, BRENT LOPER, ROBERT T. MACQUEEN, JARED MAES, JODY MARKWICH, DREW MARSHALL, PAM DALZIEL MARTIN, BURGESS MASON, MICHELLE MCDONALD, SARA MCKINNON, DAVID MCQUEEN, WESTIN MCQUEEN, WARREN MEEK, MICHAEL MELTON, WENDY MERCER, HOLLYE MERTON, ERIC MORGAN, CHRISTOPHER C. MORROW, RICHARD NANCARROW, KENNETH OWEN, ERIC PACE, JOSEPH PARK, ARTHUR JAY PAULSON, STEPHEN PAVAI, CARL L. PAYNE, ANDREW PEARCE, JESSICA PERKINS, COLBY PERRYMAN, JOHN C. PETERSEN, ANDREW PICKLO, KEVIN L. POE, JUSTIN POIROT, KENNETH PORR, EMORY M. PREVATT III, ANN PURSELL, MATT QUINN, SHAUNA T. RAWLINS, SARAH REEVES, HUNTER J. REICHERT, CRAIG RIDAUGHT, GARRETT RITCH, DANIEL ROBERTSON, SIMS RUTLEDGE ROGERS JR., PATRICK ROGERS, MICHAEL ROMETTY, R. J. RUTTERS, TAMMIE SANDERS, DERRICK SAPP, FRANKLIN SCOTT, JUSTIN SCOTT, RANDY SLAUGHTER, MICHAEL SLEEPER, ROBERT SMITH, SHAWN SMITH, TONY SMITH, BRUCE TODD STENNER III, DARRELL SWILLEY, JEFFREY ALLEN TACKETT, CHARLES A. TALTON JR., JOHN R. TEELE, DALTON



THACKER, BRAD THOMAS, COREY R.
THOMAS, AARON THOMPSON, LUKE
THOMPSON, RAYMOND THOMPSON,
GEORGE TISDALE, ALISA TOLBERT,
LYNNE VALDES, CAS VANCE, KANLER
VANN, LAURA VOITLE, JED WARD,
KYLE WATSON, ROBIN WEBB, WILLIAM
WESTPHAL, KEITH WHEELER, KYLE
WHEELER, AUSTIN G. WHITE, PAUL L.
WHITE, RICHARD A. WHITE, CHRISTINE
WIES, TERRY WILKINS, TRACEY
WILKINSON, ANDREW WILLIAMS,
CHANTON WILLIAMS, KEVIN WILLIS,
RANDALL WILSON SR., SUSAN WING,
DALTON WITT, CHRIS WOOD, KYLE
WOODARD, TIMOTHY WRBAS, TERESA
M. WYATT,

Plaintiffs,

v.

CITY OF GAINESVILLE,

Defendant.

_____ /

**COMPLAINT, DECLARATION,
AND PETITION FOR EMERGENCY INJUNCTIVE RELIEF**

COME NOW, DARRIS FRIEND, ERNESTO ACUNA, JASMINE ALLEN, TROY
ALLIGOOD, TOMMY L. ALVIN, DAVID ASBELL, DANIEL ASH, JAMIE AUSTIN, SCOTT
G. AVINGER, KEVIN BABCOCK, CHRISTOPHER PAUL BARDET, JENNIFER BARDET,
GLENN BASS, GARRETT BAYLES, KATELYN BAYLES, THOMAS V. BEARD JR., MARK
BELL, SCOTT BERTZYK, CASEY BIRMINGHAM, MATHEW BOHANNON, WESLEY
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JESSICA BUCHANAN, AARON BUCK, DENISE BURNS, JULIA BURRELL, AUSTIN
BUSH, DON CAMPBELL JR., SEAN CAMPBELL, JOHN CAPAZZI, MICHAEL P.
CARRILLO, JEREMY CICIO, JONATHAN CICIO, ALTON A. COLEMAN, RYAN COLLINS,



JOSEPH CREWS, COLTON CROMWELL, JASON DAILY, CHRISTINE DAMM, SANDY DANIELS, EVAN DAVIS, TIMOTHY DAVIS, DANA DAY, BRANDON DEMERS, JUSTIN DICKERSON, ROBERT DOBY, PATRICK M. DONNELLY, STEVEN DOSE, ADRIAN DUNCAN, SETH W. ELKINS, HERBERT ENNIS, DANIEL FERGUSON, LOREN F. FROST III, JEREMY GAGNON, NATHANIAL GAGNON, LARRY GILBERT, TIM GILLIAM, JOSEPH L. GONZALEZ, WILLIAM C. GOUGH, JENNIFER GREEN, JOSH GRINER, GEORGE HADSOCK, JAMAL HAFIZ, PHILLIP HALL, LISA HANSEN, JOSHUA CALEB HANSEN, TRAVIS HART, LEAH HAYES, STEPHEN HAYES, MICHELLE HERRES, DOYLE C. HEWITT, TREAVOR HICKS, TRACEY HIGDON, FRED HILL, RONALD T. HINSON JR., JAMES A. HINSON, DANIEL ADAM HINTON, DIANNA LYNNE HORNER, STEVEN HUDSON, ADAM HUFF, JONATHAN HUNNICUTT, TRAVIS HUTCHINSON, CLAY HUTTO, CONRADE IRVING III, ADAM IVEY, JOHN JACKSON, GLEN JAMES JR., DANIEL R. JESTER, THOMAS JONES, WILLIAM KARRAS, KRISTOPHER KEEN, JUSTIN KELLY, JEFFREY KERKAU, SUMMER KERKAU, ANDREW KEY, BRETT KIKENDALL, DONIA KIRCHMAN, COLE KITE, GAVIN KITE, WILL KNIGHT, STEVEN SCOTT KOWATCH, KACEY KRAUSE, JAMES LAKE, STEVEN LANGSTON, KEITH LOEFFLER, BRENT LOPER, ROBERT T. MACQUEEN, JARED MAES, JODY MARKWICH, DREW MARSHALL, PAM DALZIEL MARTIN, BURGESS MASON, MICHELLE MCDONALD, SARA MCKINNON, DAVID MCQUEEN, WESTIN MCQUEEN, WARREN MEEK, MICHAEL MELTON, WENDY MERCER, HOLLYE MERTON, ERIC MORGAN, CHRISTOPHER C. MORROW, RICHARD NANCARROW, KENNETH OWEN, ERIC PACE, JOSEPH PARK, ARTHUR JAY PAULSON, STEPHEN PAVAI, CARL L. PAYNE, ANDREW PEARCE, JESSICA PERKINS, COLBY PERRYMAN, JOHN C. PETERSEN, ANDREW



PICKLO, KEVIN L. POE, JUSTIN POIROT, KENNETH PORR, EMORY M. PREVATT III, ANN PURSELL, MATT QUINN, SHAUNA T. RAWLINS, SARAH REEVES, HUNTER J. REICHERT, CRAIG RIDAUGHT, GARRETT RITCH, DANIEL ROBERTSON, SIMS RUTLEDGE ROGERS JR., PATRICK ROGERS, MICHAEL ROMETTY, R. J. RUTTERS, TAMMIE SANDERS, DERRICK SAPP, FRANKLIN SCOTT, JUSTIN SCOTT, RANDY SLAUGHTER, MICHAEL SLEEPER, ROBERT SMITH, SHAWN SMITH, TONY SMITH, BRUCE TODD STENNER III, DARRELL SWILLEY, JEFFREY ALLEN TACKETT, CHARLES A. TALTON JR., JOHN R. TEELE, DALTON THACKER, BRAD THOMAS, COREY R. THOMAS, AARON THOMPSON, LUKE THOMPSON, RAYMOND THOMPSON, GEORGE TISDALE, ALISA TOLBERT, LYNNE VALDES, CAS VANCE, KANLER VANN, LAURA VOITLE, JED WARD, KYLE WATSON, ROBIN WEBB, WILLIAM WESTPHAL, KEITH WHEELER, KYLE WHEELER, AUSTIN G. WHITE, PAUL L. WHITE, RICHARD A. WHITE, CHRISTINE WIES, TERRY WILKINS, TRACEY WILKINSON, ANDREW WILLIAMS, CHANTON WILLIAMS, KEVIN WILLIS, RANDALL WILSON SR., SUSAN WING, DALTON WITT, CHRIS WOOD, KYLE WOODARD, TIMOTHY WRBAS, TERESA M. WYATT (the “Plaintiffs”), requesting an emergency injunction against the City of Gainesville’s (the “Defendant” or the “City”) employee vaccine requirement, and say:

Introduction

Under a free government, at least, the free citizen’s first and greatest right, which underlies all others [is] the right to the inviolability of his person; in other words, the right to himself[.]

State v. Presidential Women’s Ctr., 937 So. 2d 114, 116 (Fla. 2006).

Just a few months ago, the City called the employees and contractors named above “heroes.” The City called them heroes because, while their managers and many co-workers sheltered at home during the worst of the pandemic, the Plaintiffs went to work each and every



day to ensure that the City's infrastructure — its power grid, its roads, its wastewater, its emergency services — to ensure that infrastructure continued to function. The Plaintiffs endured the risks of exposure to Covid while most others safely hid in their homes.

Many of the Plaintiffs wound up catching Covid. They literally put their lives on the line for the rest of us.

But now, all of a sudden — just a few months later — the Plaintiffs aren't heroes anymore. They are now goats; scapegoats of failed City policy, scapegoats for failed political leaders and federal policies. In its mad rush to solve an intractable problem not of the Plaintiffs' making, the City has conceived an odious scheme to coerce the Plaintiffs into taking unwanted and unnecessary Covid vaccines by threatening their livelihoods, pensions, and dreams.

Although the Plaintiffs are at lower risk of dying from Covid than most other common illnesses, the City wants to protect them on the laughable theory that it will save on healthcare costs and lost employees. But for all the other, more likely health problems, the City is silent. Nothing about obesity. Nothing about adult-onset diabetes. Nothing about cardiac fitness. Nothing about any other lifestyle illness much more likely to cause loss of productivity and employment than Covid. There's a good reason: the City has stayed out of its employees' private lives and personal health decisions. Until now.

Worse yet, many of the employees already contracted Covid *while keeping the City running and safe*. Now they have durable and robust natural immunities, while the window of protection provided by the short-lasting Covid vaccines is shrinking by the minute. These employees are now immune and unable to infect others, whereas many vaccinated persons *can* infect others. These non-sterilizing vaccines won't stop infections. The City's stated objective of stopping infections by vaccinating people defies science and reason. It won't work.



But worst of all, in its mad panic to show that it is doing *something*, the City is putting its infrastructure at risk of total and catastrophic collapse. If, as internal survey suggests, large numbers of linemen, police officers, and firemen will accept termination rather than the short-lasting and non-sterilizing vaccines, there is a non-trivial risk that, from one day to the next, the City could be left without critical capacity to take people to hospitals, keep the power on, and quell riots.

Nothing about the pandemic — now, nearly two years in — justifies the insane dereliction of common sense and abdication of personal responsibility by the City’s leaders in risking a social catastrophe when there is absolutely no pressing necessity for it. The FDA is currently reviewing alternatives to the novel vaccines that are based on time-tested techniques more acceptable to the Plaintiffs, that could be approved any day now. The State of Florida is building out an infrastructure of free monoclonal antibody treatment centers, which provide early treatment for Covid-positive persons, enabling them to avoid serious illness and death.

In other words, less intrusive alternatives to coerced vaccination exist.

The City’s Vaccine Mandate is unconstitutional under both state and federal constitutional law, and it expressly violates Florida statute. It should be enjoined and then struck down.

Jurisdictional Allegations

1. This is an action for temporary and permanent injunctive relief, and declaratory relief, filed pursuant to Fla. R. Civ. Pro. 1.610 and Chapter 86, Florida Statutes, based on a facial and as-applied challenge to the constitutionality of the City’s vaccine mandate. Plaintiffs request an emergency hearing for temporary injunctive relief against Defendant.

2. This matter is properly brought in the Circuit Court in and for Alachua County.



3. Under Florida law, a petition for an injunction may be filed before or without a complaint. *See* 1980 comment to Fla. R. Civ. P. 1.610 (“The requirement that an injunction not be issued until a complaint was filed has been deleted as unnecessary.”).

4. Defendant City of Gainesville is a municipality located in Alachua County, Florida. Pursuant to Florida Statute § 48.111, the City of Gainesville may be properly served upon its mayor, Lauren Poe, or in his absence, on any member of the City Commission.

5. Plaintiffs are all employees of the City of Gainesville, or contractors to the City, and are subject to the vaccine mandate.

6. The Plaintiffs do not want the vaccine, do not need it, and do not consent to taking it.

7. All conditions precedent to this action have occurred, have been performed, or have been waived.

The City’s Vaccine Mandate

8. On August 5, 2021, the City Commission met and resolved to immediately require all City employees to be vaccinated or to be terminated.

9. On August 5, 2021, City Commissioner David Arreola said during the meeting that, “The Governor of Florida is no longer entered in my mind as a person of sound mind. Whatever orders he is putting out, I’m just not interested. I think we should pursue an ordinance that includes public health safety mandates, that includes a mask order, and encourages employees or rather businesses to requires vaccination and masking at the same time.”

10. The resolution directs City officials to ask “all employers in our community to mandate vaccinations for employees[.]”



11. It is unconstitutional for government actors to encourage private actors to accomplish objectives that would be unconstitutional if the government actor were doing them.

12. On or about August 6, 2021, City Attorney Nicole M. Shalley said of the Plaintiffs and similarly-situated employees, “if you don’t want to get vaccinated, your choice is to seek employment elsewhere.”

13. On August 12, 2021, City Manager Lee Feldman issued “City Manager Memorandum No. 210040” (the “Feldman Memo”). The Feldman Memo is attached hereto as **Exhibit A**.

14. The Feldman Memo directed employees to immediately provide evidence of vaccination:

1. All employees will be required to attest (including proof of vaccination) to their vaccination status by September 7, 2021. Those employees who have already furnished proof of vaccination to Employee Health Services (EHS) shall be considered to have fulfilled this requirement.

15. Employees who have failed to complete a vaccination cycle — requiring a minimum of 21 days — will be subject to termination:

3. All employees who have not provided evidence of vaccination through the attestation process will be required to demonstrate that they received the final dose of the vaccine by 5 pm, October 14, 2021. Any employee who fails to meet this condition of employment, shall be subject to progressive disciplinary action in accordance Personnel Policy E-3 (Code of Conduct/Disciplinary Procedures) and their respective collective bargaining agreements.

16. The City’s Code of Conduct provides for an escalating series of disciplinary consequences culminating in termination. The Code of Conduct is attached hereto as **Exhibit B**.

17. The Feldman Memo further provides that, effective immediately, employees who have not provided proof of vaccination status will be burdened by loss of travel privileges.



18. The City made no provision for medical expenses for employees or their families who may suffer adverse reactions to the vaccine or possibly die.

19. Collectively, the policies included in the Feldman Memo are referred to as the City's "Vaccine Mandate."

20. The Vaccine Mandate irrationally, arbitrarily, and capriciously does not exempt persons who have recovered from Covid-19 and have natural immunities.

The Plaintiffs

21. The Plaintiffs are all employees of the City, or contractors to the City, subject to the Vaccine Mandate.

22. The Plaintiffs include policemen, firemen, utility workers and numerous other City employees in critical infrastructure positions.

23. Many of the Plaintiffs have recovered from Covid-19 and have natural immunity.

24. None of the Plaintiffs are members of demographic groups at elevated risk of serious illness or death from Covid-19. In other words, the Plaintiffs' risk of serious illness or death from Covid-19 is miniscule and is comparable to their risk of serious illness or death from influenza.

25. The Plaintiffs prefer to take the small potential risk of encountering the virus if unvaccinated over the small but certain risk of encountering potential adverse effects from the vaccines, if vaccinated.

26. The Vaccine Mandate poses an immediate threat of irreparable injury to the Plaintiffs.



The Gainesville Regional Utility Survey

27. On July 29, 2021, Ed Bielarski, the General Manager of Gainesville Regional Utilities (“GRU”), sent an email memorandum to the City Commission advocating against the Vaccine Mandate (the “Bielarski Memo”). A copy of the Bielarski Memo is attached hereto as **Exhibit C**.

28. In his letter, Mr. Bielarski disclosed that GRU is presently 10% understaffed. Bielarski voiced a concern that **substantial** numbers of GRU employees might be lost if the Vaccine Mandate became a reality:

Even worse, it is quite possible that GRU could lose **substantial** elements of its workforce if the city mandates vaccinations.

29. On August 12, 2021, GRU published the results of an internal survey of GRU employees about the Vaccine Mandate. The GRU Survey Results are attached hereto as **Exhibit D**.

30. GRU’s Survey Results suggests that over 30% of GRU employees are currently eligible for retirement or early retirement:

3. I am eligible to retire from the City



31. GRU’s Survey Results indicated that almost sixty percent (60%) of GRU Employees said they would quit, retire if they can, or just wait and be terminated for insubordination if the Vaccine Mandate became a reality:



4. I would resign, or retire if eligible, or wait for termination by the City, if a vaccination mandate is imposed on employees

● Yes
● No

84
62



32. In his memo, Bielarski warned the City Commissioners that GRU could be operationally impaired if any employees left GRU's employment:

[M]any GRU employees could easily find gainful employment throughout Florida. That concerns me as GM of the Utility. At our current 10% vacancy rate, we cannot afford to lose more employees.

(emphasis added.)

33. Notwithstanding that its General Manager warned the City Commission that there was a risk it would lose operational capability if the Vaccine Mandate were passed, the City Commission irrationally, arbitrarily, and capriciously implemented it anyway — on an outrageously short deadline.

34. Upon information and belief, employees in other departments within City government hold similar convictions to the GRU employees, in similar proportions. These departments — the utility, the police department, and the fire department — make up the City's critical infrastructure.

35. Needless to say, should a substantial number of the City's critical infrastructure employees quit, retire if eligible, or wait to be terminated, then the City's viability to sustain its core function of protecting the health and welfare of its citizens could be catastrophically compromised.

36. On August 20, 2021, the City Commission voted to extend the Mandate's deadline to October 1, 2021, and to require that all those contracting with the City also comply with the Vaccine Mandate or become ineligible to provide services to the City.



37. Upon information and belief, City officials have been instructed to hire subcontractors to provide temporary employment to cover employees terminated by the Policy. However, subcontractors — now also required to be vaccinated — will be unable to successfully replace the large numbers of employees that the City intends to unlawfully terminate.

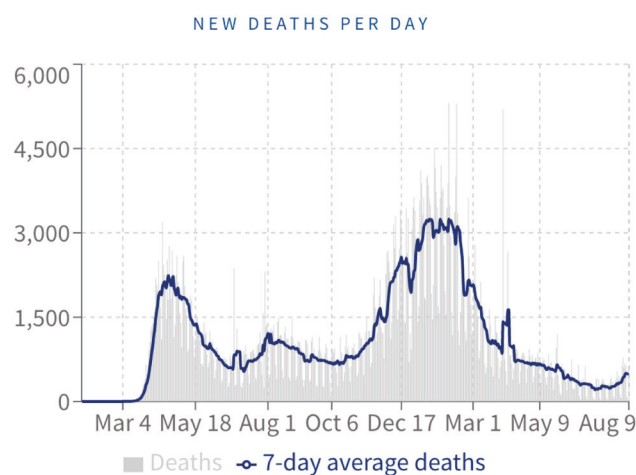
38. The number of lost critical infrastructure employees required to catastrophically compromise the City's ability to perform its core functions is certainly far below sixty percent (60%).

39. The City's Vaccine Mandate irrationally, arbitrarily, and capriciously creates a meaningful and unacceptably high risk of a catastrophic failure of the City's emergency services and infrastructure.

The City's Policy Is Not Rationally Related to its Purpose

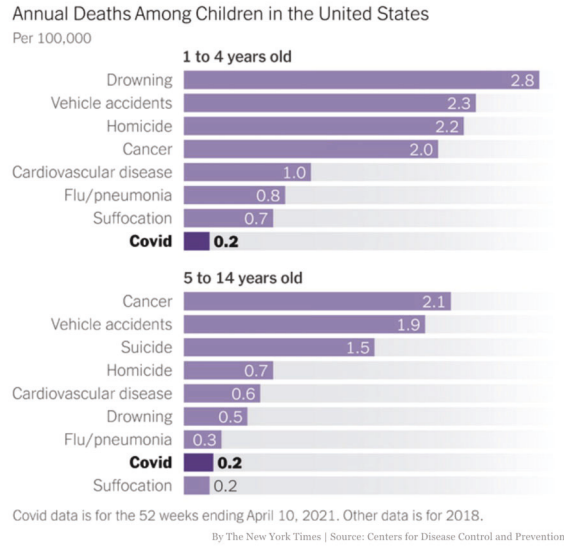
40. The City's stated purpose is to slow the spread of Covid-19 and prevent deaths from Covid-19.

41. Currently, U.S. mortality from Covid-19 is at the lowest point since the beginning of the pandemic:



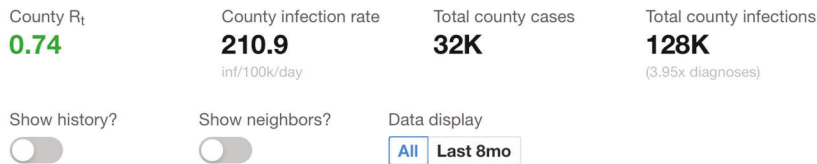
42. Covid-19 is now the least likely cause of pediatric mortality:





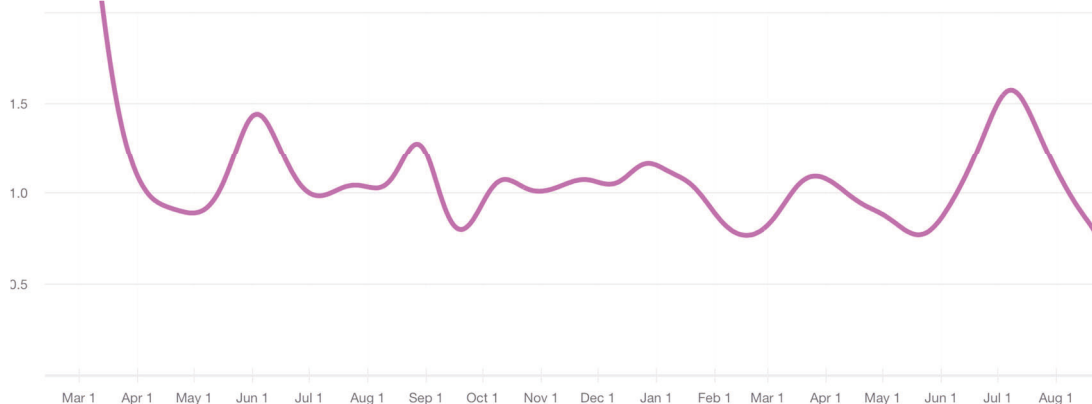
43. In Alachua County, the viral reproduction rate of Covid-19 had already fallen below 1.0 to 0.74 as of August 24, 2021:

Alachua County ▾



Effective Reproduction Number · R_t

R_t is the average number of people who will become infected by a person infected at time t . If it's above 1.0, COVID-19 cases will increase in the near future. If it's below 1.0, COVID-19 cases will decrease in the near future.



44. According to the Yale/Harvard covidestim.org site, when the viral reproduction rate falls below 1.0, Covid-19 cases will decrease in the near future.



45. On August 6, 2021, CDC Director Rochelle Walensky, in an interview with CNN's Wolf Blitzer, said the vaccines will not prevent the spread of Covid-19:

“Our vaccines are working exceptionally well, they continue to work well for delta with regard to severe illness and death, they prevent it, but what they can't do anymore is prevent transmission.”

46. Because the vaccines do not prevent transmission of Covid-19, the City's Vaccine Mandate is not rationally related to the City's objective of slowing the spread of Covid-19.

47. According to the manufacturers of the vaccines, Moderna and Pfizer, the vaccines have waning efficacy to prevent serious illness and death:

August 9, 2021 | Topic: Health | Region: Americas | Blog Brand: Politics | Tags: Coronavirus, Pandemic, Vaccination, Moderna, Delta Variant

Third Coronavirus Vaccine Shot Needed By Winter, Moderna Says

CORONAVIRUS

Pfizer Vaccine's Efficacy Against Delta Variant Drops After Three Months: Study

By Josh Nathan-Kazis Aug. 19, 2021 9:14 am ET

48. The two largest local hospitals — Shands Hospital and North Florida Regional Hospital — are not experiencing any meaningful risk of exceeding bed or ICU capacity.

49. Neither Shands Hospital nor North Florida Regional Hospital are in surge status.

50. Neither Shands Hospital nor North Florida Regional Hospital have broadly cancelled elective procedures.

51. Both Shands Hospital and North Florida Regional Hospital have sufficient excess capacity for Covid-19 patients that they are accepting patients from outside the county and outside their ordinary service areas.



52. Alachua County's Covid Dashboard shows there are only ten (10) pediatric patients positive for Covid-19 in the entire county. The dashboard does not reflect any trend that pediatric hospitalizations are increasing.

53. Trends in countries where vaccination rates are high — like Israel — do not reflect that vaccines broadly reduce hospitalizations for Covid-19.¹

54. Because the Plaintiffs are not in demographic groups at high-risk for serious Covid-19 morbidity or mortality, vaccinating them is not reasonably likely to result in meaningful changes in the County's Covid-19 morbidity and mortality statistics.

55. Because the vaccines no longer prevent transmission of the virus, vaccinating the Plaintiffs is not reasonably likely to reduce secondary infections of other citizens with whom the Plaintiffs might come into contact.

The City Has Not Used the Least Restrictive Means

56. The City has not used the least restrictive means to accomplish its compelling state interest.

57. Masks, for example, have been widely touted as a safe and effective means of controlling the spread of the virus, yet the City has not any scientific basis for failing to offer its employees an alternative to use masks during period of high community transmission instead of coercing vaccination.

58. The FDA is currently reviewing traditional vaccines for approval. The City cannot show any rational or science-based reason why it cannot merely wait a few months to allow vaccines more palatable to employees to become available.

¹ See, e.g., "Coronavirus: Who are Israel's seriously ill patients?", Jerusalem Post, August 5, 2021, <https://www.jpost.com/israel-news/coronavirus-who-are-the-serious-patients-in-israel-675924> (reporting that of 250 Covid-19 patients, 153 — nearly two-thirds — were fully vaccinated).



59. The State of Florida has begun opening local monoclonal antibody treatment centers where citizens like the Plaintiffs can obtain safe and effective prophylactic treatments for Covid-19 infections at no cost. The City cannot show any rational or science-based reason why most or all of the Plaintiffs could not utilize this safe and effective alternative therapy instead of the short-lived and non-sterilizing vaccines.

60. Other widely-available and safe prescription drugs, while not specifically approved by the FDA for Covid treatment, have been shown in dozens or hundreds of clinical settings to have prophylactic and therapeutic benefits for treating Covid-19. The City cannot show any rational or science-based reason why these alternative therapies would not produce similar results in a less intrusive manner.

The City's Vaccine Mandate Does Not Account for Natural Immunity

61. In contrast to vaccine-induced immunity, which wanes after a few months and requires continuing boosters, natural immunity acquired through recovery from Covid-19 is durable and long-lasting:

Natural Immunity After COVID-19 Found Durable and Robust



Fact checked by Robert Carlson, MD + 1
Published July 26, 2021
Fact checked August 2, 2021

Most recovered COVID-19 patients mount broad, durable immunity after coronavirus infection

> [medRxiv](#). 2021 Jun 18;2021.04.19.21255739. doi: 10.1101/2021.04.19.21255739. Preprint

Longitudinal analysis shows durable and broad immune memory after SARS-CoV-2 infection with persisting antibody responses and memory B and T cells



No point vaccinating those who've had COVID-19: Cleveland Clinic study suggests

NIH RESEARCH MATTERS

January 26, 2021

Lasting immunity found after recovery from COVID-19

62. Because the vaccines no longer prevent transmission of Covid-19, it is impossible to achieve “herd immunity” through a vaccination policy like the City’s:



63. The City’s Vaccine Mandate irrationally, arbitrarily, and capriciously fails to provide an exception to mandatory vaccination for persons who have recovered from Covid-19 and have acquired durable, long-lasting natural immunity.

64. If the City’s legitimate purpose was to reduce the spread and mortality of Covid-19, it would include an exception to mandatory vaccination for persons who have already recovered from Covid-19 and have acquired durable, long-lasting natural immunity.

65. As applied, the City’s Vaccine Mandate is irrational, arbitrary, and capricious regarding persons like the group of Plaintiffs who have recovered from Covid-19 and have acquired durable, long-lasting natural immunity.

66. The City’s Vaccine Mandate violates Plaintiffs’ constitutional due process rights.

67. The City’s Vaccine Mandate violates Plaintiffs’ constitutional equal protection rights.



The City's Policy Violates Florida Statute § 381.00316(2)

68. Florida Statutes provides that governmental entities like the City may not require Covid-19 vaccination documentation for employment:

(2) A governmental entity as defined in s. 768.38 may not require persons to provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, entry upon, or service from the governmental entity's operations in this state. This subsection does not otherwise restrict governmental entities from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.

69. Termination of employment deprives an employee of access to, entry upon, and services (e.g. payroll, benefits, retirement) from the City.

70. The City may not condition employment on the provision of any documentation certifying Covid-19 vaccination.

71. The City's Vaccine Mandate violates § 381.00316(2).

The City's Policy Violates Plaintiffs' Constitutional Right to Privacy

72. "Every natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise provided herein." Art. I, § 23, Fla. Const; *see Winfield v. Div. of Pari-Mutuel Wagering*, 477 So. 2d 544, 548 (Fla. 1985) (characterizing the amendment as "an independent, freestanding constitutional provision which declares the fundamental right to privacy," and as one "intentionally phrased in strong terms"); *cf. id.* ("The drafters of the amendment rejected the use of the words 'unreasonable' or 'unwarranted' before the phrase 'governmental intrusion' in order to make the privacy right as strong as possible.").

73. Justice Brandeis originally used the term "right to be let alone" in a dissent that addressed how he believed the Fourth Amendment protects against government intrusion upon an individual's right to privacy. *See Olmstead v. United States*, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting) (explaining how the Framers "sought to protect Americans in their beliefs, their



thoughts, their emotions and their sensations” by conferring “as against the government, the right to be let alone— the most comprehensive of rights and the right most valued by civilized men”), *quoted approvingly in Winfield*, 477 So. 2d at 546.

74. Within Florida’s right to be let alone is “a fundamental right to the *sole control* of his or her person.” *In re Guardianship of Browning*, 568 So. 2d 4, 10 (Fla. 1990); *Burton v. State*, 49 So. 3d 263, 265 (Fla. 1st DCA 2010).

75. This right to control one’s person includes “an individual’s control over or the autonomy of the intimacies of personal identity” and a “physical and psychological zone within which an individual has the right to be free from intrusion or coercion, whether by government or by society at large.” *Browning*, 568 So. 2d at 10 (internal quotes, cites omitted); or to be coerced into to using her body to carry a child to term, *see In re T.W.*, 551 So. 2d at 1196 (characterizing the right of privacy as also protecting one’s right to “decisional autonomy” in “various types of important personal” matters).

76. A citizen can reasonably expect not to be coerced by government to inject unwanted foreign materials into his or her body. *State v. Presidential Women’s Ctr.*, 937 So. 2d 114, 116 (Fla. 2006) (“Under a free government, at least, the free citizen’s first and greatest right, which underlies all others [is] the right to the inviolability of his person; in other words, the right to himself[.]”).

77. The City’s Vaccine Mandate also violates Plaintiffs’ rights to privacy and bodily integrity under the federal Constitution. *Cruzan ex rel. Cruzan v. Dir., Mo. Dep’t of Health*, 497 U.S. 261, 269, 110 S.Ct. 2841, 111 L.Ed.2d 224 (1990) (Blackmun, J., concurring) (“The Court today reaffirms the long recognized rights of privacy and bodily integrity.”).



78. Because the City’s Vaccine Mandate infringes on well-settled fundamental rights, the burden is on the City to show why the Vaccine Mandate passes constitutional muster. *See Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1245 (Fla. 2017) (holding the First DCA had “misapplied and misconstrued [supreme court] precedent by placing the initial evidentiary burden on [the plaintiffs] to prove a ‘significant restriction’ on Florida’s constitutional right of privacy before subjecting [the challenged law] to strict scrutiny.”).

79. A plaintiff does not bear any threshold evidentiary burden to establish that a law intrudes on his privacy right, and have it subjected to strict scrutiny, “if it is evident on the face of the law that it implicates this right.” *Id.* at 1255 (emphasis supplied). The mere implication of the right is all that is required to shift the burden to the government.

80. The court must “make a single, threshold, *de novo* inquiry when considering a temporary injunction appeal—Does the challenged law implicate an individual’s right of privacy? ... This question appears to be a legal one.” *Green v. Alachua County*, 2021 WL 2387983 (Fla. 1st DCA 2021) (citing *Winfield v. Div. of Pari-Mutuel Wagering*, 477 So. 2d 544, 547 (Fla. 1985)).

81. If a challenged law implicates a privacy right, the burden shifts to the government “to prove that the law further[s] a compelling state interest in the least restrictive way.” *Gainesville Woman Care*, 210 So. 3d at 1260. When the government fails to offer evidence to demonstrate a compelling state interest, the trial court then is absolved of having to make any finding to that effect. *See id.* at 1260–61.

**The Plaintiffs Are Suffering
Irreparable Harms and Have No Adequate Remedy At Law**

82. Both federal courts and Florida district courts of appeal have presumed irreparable harm when fundamental rights are violated. *See, e.g., Gainesville Woman Care*, 210 So.3d at 1263–64 (holding that given the likelihood of the law’s unconstitutional impingement on privacy,



there could be no adequate remedy at law for its enforcement; the law's mere "enactment would lead to irreparable harm"; and enjoining the enforcement of a law encroaching a fundamental constitutional right would serve the public interest); *Baker v. Buckeye Cellulose Corp.*, 856 F.2d 167, 169 (11th Cir. 1988) (irreparable harm presumed in Title VII cases); *Cunningham v. Adams*, 808 F.2d 815, 822 (11th Cir. 1987) (stating that the injury suffered by the plaintiff is irreparable only if cannot be undone through monetary remedies); *Cate v. Oldham*, 707 F.2d 1176, 1188 (11th Cir. 1983) (irreparable injury presumed from violation of First Amendment rights "for even minimal periods of time").

83. "The deprivation of personal rights is often equated with irreparable injury and serves as an appropriate predicate for injunctive relief." *See, e.g., Branti v. Finkle*, 445 U.S. 507, 100 S.Ct. 1287, 63 L.Ed.2d 574 (1980) (injunctive relief to prevent dismissal from public employment because of political beliefs); *Robins v. Pruneyard Shopping Ctr.*, 23 Cal.3d 899, 153 Cal.Rptr. 854, 592 P.2d 341 (1979), *aff'd*, 447 U.S. 74, 100 S.Ct. 2035, 64 L.Ed.2d 741 (1980) (injunctive relief to permit solicitation in shopping center); *Bright v. Pittsburgh Musical Soc'y*, 379 Pa. 335, 108 A.2d 810 (1954) (injunctive relief to prevent blacklisting of entertainer); 17 Fla.Jur. Injunctions § 30; 43A C.J.S. Injunctions § 149; 14 C.J.S. Civil Rights Supp. § 94." *Hitt v. N. Broward Hosp. Dist.*, 387 So. 2d 482 n. 3 (Fla. 4th DCA 1980); *Green v. Alachua County*, 2021 WL 2387983 (Fla. 1st DCA 2021) (mask mandates are presumptively unconstitutional).

84. Courts have also found that no adequate remedy at law exists when constitutional rights are infringed. *See Tucker v. Resha*, 634 So.2d 756, 759 (Fla. 1st DCA 1994) (finding no legislative waiver of sovereign immunity as to the privacy provision of the Florida Constitution and therefore concluding that money damages are not available for violations of that right); *Thompson v. Planning Comm'n of Jacksonville*, 464 So.2d 1231, 1237 (Fla. 1st DCA 1985)



(where calculation of damages is speculative, legal remedy is inadequate); *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1263–64 (Fla. 2017).

85. The Plaintiffs are suffering irreparable harms for which there is no adequate remedy at law.

Plaintiffs Have a Substantial Likelihood of Success on the Merits

86. Plaintiffs are substantially likely to prevail on the merits because the City cannot even show that its Vaccine Mandate meets rational basis. The Vaccine Mandate violates Florida Statute. It certainly cannot meet its burden to show the Vaccine Mandate satisfies the higher strict scrutiny standard, which it is required to do because the Vaccine Mandate invades the Plaintiffs' fundamental rights of privacy and bodily autonomy.

87. In *Green v. Alachua County*, 2021 WL 2387983 (Fla. 1st DCA 2021), the First DCA found that mask mandates are presumptively unconstitutional because they violate citizens' constitutional right to privacy. "The right of privacy is a fundamental one, expressly protected by the Florida Constitution, and any law that implicates it is presumptively unconstitutional, such that it must be subject to strict scrutiny and justified as the least restrictive means to serve a compelling governmental interest." *Id.*

88. The City's Vaccine Mandate is far more intrusive and offensive to privacy and bodily integrity than was the county's mask mandate.

Public Interest Would be Served by Enjoining the Vaccine Mandate

89. The public has an interest in an operational City government that is not catastrophically impaired.

90. The public interest favors protection of citizens' constitutional rights and liberties.



91. There would be no legitimate cognizable harm to the City if the Vaccine Mandate were enjoined.

92. But Plaintiffs would experience devastating, irreparable harm if the Vaccine Mandate is not enjoined.

93. Given the relative balancing of harms between the Plaintiffs and the City, the public interest favors preserving the status quo while the issue is determined.

The Bond Requirement Should be Waived

94. No bond is necessary here, and the public interest lies in dispensing with the bond. Fla. R. Civ. Pro. 1.610(b).

COUNT I — PERMANENT INJUNCTIVE RELIEF

95. Paragraphs 1 — 82 are realleged herein.

96. As stated herein, Plaintiffs will be irreparably harmed absent injunctive relief, Plaintiffs lack any adequate remedy at law, there is a substantial likelihood that Plaintiffs will prevail on the merits, and an injunction will not disserve any public interest.

WHEREFORE, Plaintiffs request that this Court enter a temporarily injunction prohibiting the Defendant City of Gainesville from enforcing its Vaccine Mandate, including all related disciplinary proceedings and travel restrictions, prohibiting the Defendant from encouraging private actors to violate Plaintiffs' fundamental rights, award Plaintiffs their attorney's fees and costs, and order all such further relief as the Court deems necessary and just.

COUNT II — TEMPORARY INJUNCTIVE RELIEF

97. Paragraphs 1 — 82 are realleged herein.



98. As stated herein, Plaintiffs will be irreparably harmed absent injunctive relief, Plaintiffs lack any adequate remedy at law, there is a substantial likelihood that Plaintiffs will prevail on the merits, and an injunction will not disserve any public interest.

WHEREFORE, Plaintiffs request that this Court enter a temporary injunction prohibiting the Defendant City of Gainesville from enforcing its Vaccine Mandate, including all related disciplinary proceedings and travel restrictions, prohibiting the Defendant from encouraging private actors to violate Plaintiffs' fundamental rights, award Plaintiffs their attorney's fees and costs, and order all such further relief as the Court deems necessary and just.

COUNT III — DECLARATORY ACTION — RIGHT TO PRIVACY

99. Paragraphs 1 — 82 are realleged herein.

100. The City's Vaccine Mandate violates the Plaintiffs' constitutional right to privacy and bodily autonomy guaranteed by the Florida Constitution, Article I, Section 23.

101. There is a bona fide, actual, present and practical need for the declaration.

102. The declaration deals with a present, ascertained or ascertainable state of facts or present controversy as to whether the City's Vaccine Mandate violates the Plaintiffs' constitutional liberties.

103. An immunity, power, privilege or right of Plaintiff is dependent on the facts or the law applicable to the facts.

104. Plaintiffs and Defendant have, or reasonably may have, an actual, present, adverse and antagonistic interest in the subject matter, either in law or in fact.

105. The antagonistic and adverse interests are all properly before the court.

106. The relief sought is not merely the giving of legal advice or the answer to questions propounded from curiosity.



WHEREFORE, Plaintiffs seek a declaratory judgment stating that the Defendant City of Gainesville's Vaccine Mandate violate Plaintiffs' fundamental rights to privacy, award Plaintiffs their attorney's fees and costs, and order all such further relief as the Court deems necessary and just.

COUNT IV — DECLARATORY ACTION DUE PROCESS AND EQUAL PROTECTION

107. Paragraphs 1 – 82 are realleged herein.

108. The City's Vaccine Mandate violates the Plaintiffs' constitutional rights to due process and equal protection

109. "Under traditional equal protection analysis, a legislative classification must be sustained, if the classification itself is rationally related to a legitimate governmental interest." *U. S. Dept. of Agric. v. Moreno*, 413 U.S. 528, 533 (1973) (emphasis added).

110. The Florida Constitution's Declaration of Rights, section 1, is the primary source of Florida's equal protection inhibition. It provides that "all men are equal before the law . . . ,". *Ga. So. & Fla. Ry. v. Seven-up Bottling Co.*, 175 So.2d 39, 40 (Fla. 1965), *quoting from Davis v. Fla. Power Co.*, 64 Fla. 246, 60 So. 759 (1913). Our Florida Charter requires there be "some just relation to, or reasonable basis in, essential difference of conditions and circumstances with reference to the subject regulated, and [the statute] should not merely be arbitrary" *Eslin v. Collins*, 108 So.2d 889, 891 (Fla. 1959).

111. Because the Vaccine Mandate (a) does not control the spread of Covid-19, (b) does not reduce Plaintiffs' morbidity or mortality in any significant way, and (c) discriminates unfairly against persons who have recovered from the virus and have natural immunities, it is not rationally related to a legitimate governmental interest, but rather is arbitrary and capricious.



112. Therefore, the Vaccine Mandate illegally intrudes upon Plaintiffs' fundamental constitutional rights of due process and equal protection.

WHEREFORE, Plaintiffs seek a declaratory judgment stating that the Defendant City of Gainesville's Vaccine Mandate violate Plaintiffs' fundamental rights of due process and equal protection, award Plaintiffs their attorney's fees and costs, and order all such further relief as the Court deems necessary and just.

Dated this 26th day of August, 2021.



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City of Gainesville

Office of the City Manager

City Manager Memorandum No. 210040

To: The Honorable Mayor and City Commission

From: Lee R. Feldman, ICMA-CM, City Manager

Date: August 12, 2021

Re: Implementation of Commission Motion on COVID-19 – August 5, 2021, City Commission Meeting

At its meeting of August 5th, the City Commission adopted an eight-part motion in response to the COVID-19 surge in the City of Gainesville. The chart shown below delineates six (6) specific elements of the adopted motion that relate to employees (community builders) and access to City facilities and the implementation plan associated with each element.

This memorandum further serves to formalize directives among all charters of the City and will be implemented in its entirety across the city organization.

City Commission supports Charter Officers masking requirements for employees and public.

Effective August 5, 2021:

1. All City facilities will have single point of entry with temperature screening for all employees and individuals (neighbors and other third parties doing business with the City) entering regardless of vaccination status.
2. All employees and individuals must be masked when in common areas of City facilities.
3. Employees must be masked when in City vehicles with other employees and/or individuals.
4. Employees and third-party vendors contracted by the City must be masked when working outdoors and cannot be socially distant.
5. All individuals and employees must be masked upon entry and remain masked while riding in any RTS vehicle. Non-complying individuals will first be offered a mask, then be asked to leave the vehicle if a mask is then not worn.
6. On premises other than City facilities, individuals interacting with GRU employees, and its agents, must

	be masked to receive service. Non-complying individuals will first be offered a mask, then service will be denied if a mask is then not worn.
Direct charter officers to create and implement a plan to require that all city employees receive the COVID vaccine. Charters to determine reasonable dates to have vaccinations. Have an exemption for employees for medical/ADA reasons.	<ol style="list-style-type: none"> 1. All employees will be required to attest (including proof of vaccination) to their vaccination status by September 7, 2021. Those employees who have already furnished proof of vaccination to Employee Health Services (EHS) shall be considered to have fulfilled this requirement. 2. All employees who have not provided evidence of vaccination through the attestation process will be required to demonstrate that they have received, at a minimum, the first dose the vaccine by 5 pm, September 14, 2021. Any employee who fails to meet this condition of employment, shall be subject to progressive disciplinary action in accordance Personnel Policy E-3 (Code of Conduct/Disciplinary Procedures) and their respective collective bargaining agreements. 3. All employees who have not provided evidence of vaccination through the attestation process will be required to demonstrate that they received the final dose of the vaccine by 5 pm, October 14, 2021. Any employee who fails to meet this condition of employment, shall be subject to progressive disciplinary action in accordance Personnel Policy E-3 (Code of Conduct/Disciplinary Procedures) and their respective collective bargaining agreements. 4. Employees may request accommodation for medical or religious reasons, in accordance with State and Federal law, upon presentation to EHS (for medical) or Human Resources (for religious) of sufficient documentation to demonstrate the need for the accommodation.
Give PTO day to all vaccinated employees.	Since the definition of leave (paid time off) varies among employees based upon hours work and leave classification, the Charter Officers will implement a \$250 cash incentive to all employees who have demonstrated that they received the first dose of a vaccine by 5 pm, September 14, 2021.
Restrict travel for all unvaccinated employees.	Effective the date of this memorandum, any employee traveling outside of Alachua County, involving an over-night stay on official city business, shall be required to be fully vaccinated. Each Charter Officer will be responsible to enforce this directive.

Direct charter officers to bring back a plan for employees to work virtually.	Employees will continue to have the option of applying for tele-work privileges in accordance with existing City policy and procedures. All employees who are tele-working as of the date of this memorandum will be required to work from their normal city worksite no less than 20 percent of the workweek.
Have EHS and Communications create and implement a plan to encourage employees to get vaccinated & work with unions on this. Implement plan as soon as a quality plan can be put together.	Upon promulgation of this memorandum, General Government Communications and Engagement and GRU Communications will coordinate with Human Resources to meet with representatives of the CWA, ATU, FOP, PBA and IAFF leadership to develop a communications plan.

The following Charter Officers have reviewed this recommendation and concur with the implementation directives contained herein:

- City Manager
- General Manager for Utilities
- City Clerk
- City Attorney
- City Auditor
- Acting Equal Opportunity Director

cc: Ed Bielarski, General Manager for Utilities
Virginia Bigbie, City Auditor
Omichele Gainey, City Clerk
Nicolle Shalley, City Attorney
Sylvia Warren, Acting Equal Opportunity Director
Deborah Bowie, Assistant City Manager
Fred Murry, Assistant City Manager
Philip Mann, Interim Assistant City Manager
Steve Varvel, Risk Management Director (and Interim Human Resources Director)
Shelby Taylor, Communications & Engagement Director



Code of Conduct/Disciplinary Procedures

I. Objective:

All employees in the City of Gainesville are members of a select group working together for the main purpose of serving the community. Any employee who fails to follow the necessary rules and regulations governing their conduct is not only penalizing themselves, but is also doing a disservice to all of the other City employees. The Code of Conduct Rules and Regulations are not intended to restrict or impose on the individual, but are designed to insure the rights and safety of all City employees and to provide working guidelines to assure equitable and businesslike deportment to efficiently service the community effectively.

II. Administration:

In recognition of the fact that each instance differs in many respects from a somewhat similar situation, the City retains the right to treat each violation of the Code of Conduct on an individual basis without creating a binding precedent for other cases which may arise in the future. Examples that are given in any rule do not limit the generality of the rule. The Code of Conduct Rules and Regulations are not to be construed as a limitation upon the retained rights of the City, but rather serve as guidelines. These rules and regulations provide a minimum range of penalties which apply for the specific offenses. This means that a more severe penalty may be issued than that which appears in the standard procedure if sound discretion requires it. When a position has become designated as a Director of a Department (Article III of the City Charter), the provisions of this Policy, E-3, shall no longer be applicable to an employee holding such position as a regular employee, except that such employee shall remain protected by the provisions of City Charter Section III(G).

III. Procedures:

A. Written Instruction and Cautioning:

Whenever an employee's performance or attitude falls below an acceptable level, the supervisor should inform the employee promptly of such lapses in performance and give counsel and assistance to the employee. An Employee Notice form should be issued defining the nature of the infraction under the Code of Conduct and an explanation that future occurrences will result in progressive disciplinary action, up to and including dismissal. Instances of violations of the Code of Conduct should be specifically referred to by date and incident.

B. Employee Notice Form:

In all cases of disciplinary action, the Department Head, Division Head or Supervisor initiating the process is required to complete an Employee Notice form (available online under HR forms) informing the employee of the action taken. An Employee Notice Form which requires suspension, demotion or termination must be signed as reviewed by the Human Resources/Organizational Development (HR/OD) Department prior to issuance and a copy of such notice must be sent immediately to the HR/OD Department following the discussion with the employee for placement in the employee's personnel folder. The employee's immediate supervisor usually initiates an Employee Notice.

C. Suspensions:**1. In General:**

An employee may be suspended indefinitely or for any specified period of time without pay for offenses as defined by the Code of Conduct or for violation of departmental rules and regulations by the immediate supervisor or other superiors subject to the approval of the HR/OD Department and the appropriate Department Head. In the case of a public safety agency, the immediate supervisor or other superior may suspend an employee and later obtain the necessary review by the HR/OD Department and approval of the Department Head. Only in extraordinary circumstances and with the express approval of the Human Resources Director/Designee shall employees be suspended with pay.

In all cases of suspension, an Employee Notice form must be completed, signed as reviewed by the HR/OD Department and submitted to the employee along with a copy to the Human Resources Director.

2. Normal Suspensions:

Except in cases of suspensions in contemplation of termination, and except where the employee's presence poses a continuing danger to persons or to the orderly operation of City government, the employee shall be notified orally or in writing of the accusations/charges against the employee and the factual basis therefor prior to the effectiveness of the suspension. Prior to issuance of said notice, and prior to a suspension, the Supervisor, Superior, or Department Head must give the accused employee a reasonable opportunity to explain the employee's version of the facts surrounding the accusations. Immediately thereafter, the Supervisor, Superior, or Department Head may take such action as is deemed appropriate.

3. Extraordinary Suspensions:

In cases where the employee's presence poses a continuing danger to persons or to the orderly operation of City government, the employee may be immediately suspended, but shall be notified in writing of the charges against the employee and shall be given an opportunity to rebut same within ten (10) days after the suspension.

D. Demotion and Decrease in Pay:

Department Heads may demote an employee in pay grade with a decrease in salary and job responsibilities, as appropriate, for such time as is necessary to correct deficiencies in job performance or job qualifications. The duration of such demotion and reduction in pay and responsibilities, as appropriate, may be temporary or permanent, as appropriate, under the circumstances. A permanently demoted employee is entitled to advance under the pay plan as any other employee based upon job performance. Prior to the proposed demotion, the employee shall be given written notice of the reasons for the proposed demotion and further shall be given the opportunity to rebut said reasons before the appropriate Department Head.

If the Department Head determines demotion is proper, an Employee Status Maintenance Transaction (ESMT) form shall be completed which shall include the specific reasons for the demotion.

E. Terminations:

1. In General:

These procedures for dismissal are promulgated to minimize the risk of improper terminations associated with any such processes. The term "Charter Officer" as used herein shall refer to the City Manager, the General Manager, the Clerk of Commission, the Equal Opportunity Director, the City Auditor and the City Attorney for employees under general direction of those offices. Such terminology shall also include a duly authorized designee of the Charter Officer.

A probationary or temporary employee may be dismissed with or without cause at the sole discretion of the Department Head (if any) with review by the HR/OD Department. A regular employee may be dismissed only for cause as outlined in the Code of Conduct and Disciplinary Procedures and this policy by the Department Head (if any) with review by the HR/OD Department.

Other than probationary or temporary, such dismissals shall be accomplished by means of an Employee Status Maintenance Transaction

(ESMT) form accompanied by a full and detailed Employee Notice form prepared by the Supervisor and Department Head, copies of which shall be submitted to the employee, and the Human Resources Department.

2. Normal Termination Procedure:

Prior to the proposed termination, the employee shall be suspended without pay pending the outcome of the informal conference and shall concurrently, or immediately thereafter, receive written notice of the reasons for the proposed termination either by hand delivery or by registered U.S. mail. Such notice shall also specify a time, no sooner than two (2) working days nor later than five (5) working days, following the employee's receipt of such notice, for an informal conference to be held before the appropriate Department Head to afford the employee an opportunity to rebut the charges made against the him/her. The employee will also be allowed to respond in writing to the appropriate Department Head and/or to bring a representative of the employee's choosing to the meeting with the appropriate Department Head. After such informal conference and after considering all evidence before the Department Head, the appropriate Department Head shall take such action upon the dismissal as the Department Head deems appropriate with the Charter Officer's approval. Failure of an employee to attend said informal conference after being given notice of same shall waive any rights of the employee hereunder. The appropriate Department Head's decision shall be forthwith furnished the employee.

3. Special Employee's Termination Procedure:

For employees in the City Manager's Office, the City Attorney's Office, the General Manager's Office, the City Auditor's Office, the Equal Opportunity Office and the Clerk of Commission's Office, and for employees who are Department Heads, the procedures in this subsection #3 and not those in subsection #2, shall apply. For these special employees, prior to the proposed termination, the employee shall be suspended without pay pending the outcome of the hearing specified below and shall concurrently, or immediately after such suspension, receive written notice of the reasons for the proposed termination either by hand delivery or registered U.S. mail. Such notice shall also specify a time, no sooner than two (2) working days nor later than twenty (20) working days following the employee's receipt of such notice, for an evidentiary hearing to be held before the Charter Officer. At such evidentiary hearing, the employee may present witnesses, testimony, briefs, or other evidence to support the employee's position. The employee may also have a representative of the employee's own choosing present. Thereafter, the Charter Officer shall consider all evidence which the Charter Officer has before him/her, both from the employee and from any other source, and shall render the Charter Officer's written decision to terminate or not to terminate the employee within ten (10) days of the

hearing. The employee may thereafter appropriately appeal to the courts within sixty (60) days of the Charter Officer's decision. The appeal procedure provided in Section F below shall not apply in situations involving special employees.

F. Appeals:

1. In General:

If an employee is aggrieved at any disciplinary action specified herein, except termination, the employee must pursue any applicable grievance procedure.

If an employee is aggrieved at a termination hereunder and said employee desires to appeal same, the employee must either pursue the grievance procedure or serve a notice within ten (10) days after the effective date of termination by hand delivery to the Charter Officer, which notice shall request a full evidentiary hearing on the action. The employee's election to pursue one course of review under this provision shall preclude and waive the use by that employee of any other method or review (i.e., either grievance procedure or evidentiary hearing).

Any employee who has received any specified disciplinary action shall be immediately advised of the employee's right to appeal the action through the use of the grievance procedure or the procedures hereunder.

2. Terminations - Evidentiary Hearings:

If the employee files notice as specified above within ten (10) days after the termination, the Charter Officer shall hold an evidentiary hearing within thirty (30) days of the request whereat the discharged employee may present witnesses, testimony, briefs, or other evidence to support the employee's position. The employee may also have a representative of the employee's own choosing present. Thereafter, the Charter Officer shall consider all evidence which the manager has before him/her, both from the employee and from any other source, and shall render the Charter Officer's decision in writing within twenty (20) days of the hearing. The employee may thereafter appropriately appeal to the courts within sixty (60) days of the Charter Officer's decision.

G. Employees are protected against reprisal for the lawful disclosure of information which the employee reasonably believes evidences:

1. Violation of any law, rule, policy or regulation, or

2. Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Any such disclosure shall be submitted directly to the Charter Officer for investigation and may be submitted orally or in writing. In the event the disclosure involves a Charter Officer, such disclosure shall be submitted to any member of the City Commission. The name of the employee making such disclosure shall not be unreasonably revealed.

- H. Any employee who has authority to take, direct others to take, recommend or approve any personnel action shall not, with respect to authority, take a personnel action with respect to any employee as a reprisal for the lawful disclosure of information as set forth in Section G, as stated above.

III. Code of Conduct:

The Code of Conduct is not intended to supersede departmental rules and regulations approved by the Charter Officer, such as police and fire employees, but is intended to supplement them.

IV. Use of Past Record:

In imposing disciplinary measures by incremental steps based on successive deficiencies in job performance, on a current charge the Department Head will not take into consideration prior infractions of the same rule which occurred more than two (2) years previously, except in discharge cases in which the overall disciplinary record of the employee may be taken into consideration.

Effective Date: 12/21/70
Date Issued: 01/01/71
Date Revised: 01/19/79
Date Revised: 06/16/80
Date Revised: 12/12/05
Date Revised: 12/29/09
Date Revised: 11/17/11

CODE OF CONDUCT AND MINIMUM DISCIPLINARY ACTIONS

RULE NUMBER	OFFENSES and DEFICIENCIES ON/OFF JOB	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
1	Gambling, lottery or engaging in any game of chance at City work stations at any time.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
2	Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls or similar types of disorderly conduct.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension	Dismissal
3	Sleeping during working hours unless otherwise provided as in the Fire Service.	Written Instruction and Cautioning	Written Instruction and 5 days suspension or dismissal	Dismissal	
4	Disregarding job duties by loafing or neglect of work during working hours.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
5	Wasting time, loitering or leaving assigned work area during working hours without authorization.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
6	Threatening, intimidating, coercing, or interfering with fellow employees or supervisors at any time, including abusive language.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
7	Unauthorized distribution of written or printed material of any description.	Written Instruction and Cautioning	Written Instruction and 5 days suspension or dismissal	Dismissal	
8	Unauthorized vending, soliciting, or collecting contributions for any purpose whatsoever at any time on City premises.	Written Instruction and Cautioning	Written Instruction and 5 days suspension or dismissal	Dismissal	

CODE OF CONDUCT AND MINIMUM DISCIPLINARY ACTIONS

RULE NUMBER	OFFENSES and DEFICIENCIES ON/OFF JOB	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
9	Deliberately destroying, misusing, or damaging public property or any City property or equipment or the property and equipment of any employee.	Written Instruction and 5 days suspension or dismissal	Dismissal		
10	Unauthorized use, possession or operation of any City property or equipment or the property and equipment of any employee.	Written Instruction and Cautioning	Written Instruction and 5 days suspension or dismissal	Dismissal	
11	Tardiness (Guide: three (3) times in a thirty day period)	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
12	Excessive absenteeism (Guide: three (3) times in a thirty day period)	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
13	Productivity or workmanship not up to required standard of performance.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
14	Reporting to work under the influence of intoxicating beverages or drugs.	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal	
15	Being in possession of intoxicating beverages or narcotics during the time while on duty.	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal	
16	Using intoxicating beverages or narcotics during the time while on duty.	Written Instruction and 5 days suspension or dismissal	Dismissal		
17	Fighting, provoking or instigating a fight.	Written Instruction and 5 days suspension or dismissal	Dismissal		

CODE OF CONDUCT AND MINIMUM DISCIPLINARY ACTIONS

RULE NUMBER	OFFENSES and DEFICIENCIES ON/OFF JOB	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
18	Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of the supervisory force or discourtesy to persons with whom he/she comes in contact while in the performance of his/her duties.	Written Instruction and 5 days suspension or dismissal	Dismissal		
19	Immoral, unlawful, or improper conduct or indecency, whether on or off the job which would tend to affect the employee's relationship to his/her job, fellow workers' reputations or goodwill in the community.	Written Instruction and 5 days suspension or dismissal	Dismissal		
20	Absence without authorized leave or permission. If the absence is for 3 consecutive workdays, the employee will have been deemed to have abandoned the position and resigned from City employment.	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal	
21	Falsification of personnel or City records including but not limited to: employment applications, accident records, purchase orders, time sheets, or any other report, record or application.	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal	
22	Theft or removal from City locations without proper authority <u>any</u> City property or property of any employee.	Written Instruction and 5 days suspension or dismissal	Dismissal		
23	Carelessness which affects the safety of personnel, equipment, tools, or property or causes materials, parts, or equipment to be damaged or scrapped.	Written Instruction and Cautioning	Written Instruction and 5 days suspension or dismissal	Dismissal	

CODE OF CONDUCT AND MINIMUM DISCIPLINARY ACTIONS

RULE NUMBER	OFFENSES and DEFICIENCIES ON/OFF JOB	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
24	Wanton or willful neglect in their performance of assigned duties.	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal	
25	Wanton or willful violation of statutory authority, rules, regulations or policies.	Written Instruction and 3 days suspension or dismissal	Written Instruction and 5 days suspension or dismissal	Dismissal	
26	Continual and willful failure to pay just debts or continual and willful failure to make provision for the payment of just debts.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
27	Failure to work overtime, special hours or special shifts after being scheduled according to overtime and stand-by duty policies or failure to respond to call during adverse weather conditions or emergencies.	Written Instruction and Cautioning	Written Instruction and 3 days suspension or dismissal	Written Instruction and 5 days suspension or dismissal	Dismissal
28	Taking more than specified time for meals or rest periods.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
29	Where the operations are continuous, an employee shall not leave his/her post at the end of his/her scheduled shift until he/she is relieved by his/her supervisor or his/her relieving employee on the incoming shift.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
30	Violating a safety rule or safety practice.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
31	Failure to report an accident or personal injury in which the employee was involved while on the job.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal

CODE OF CONDUCT AND MINIMUM DISCIPLINARY ACTIONS

RULE NUMBER	OFFENSES and DEFICIENCIES ON/OFF JOB	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
32	Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
33	Failure to keep the department and/or Human Resources notified of proper address or telephone number (if any).	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Written Instruction and 5 days suspension or dismissal	Dismissal
34	Making or publishing of false, vicious, or malicious statements concerning any employee, supervisor, the City or its operations.	Written Instruction and Cautioning	Written Instruction and 5 days suspension or dismissal	Dismissal	
35	Posting or removing any material on bulletin boards or City property at any time unless authorized.	Written Instruction and Cautioning	Written Instruction and 5 days suspension or dismissal	Dismissal	
36	Refusal to give testimony in accident investigations	Written Instruction and Cautioning	Written Instruction and 5 days suspension or dismissal	Dismissal	
37	Habitual failure to punch your own time card (Guide: three (3) times in a thirty (30) day period.	Written Instruction and Cautioning	Written Instruction and 3 days suspension	Instruction and 5 days suspension or dismissal	Dismissal
38	Knowingly punching the time card of another employee; having one's time card punched by another employee or unauthorized altering of a time card.	Written Instruction and 5 days suspension or dismissal	Dismissal		
39	Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits, workers' compensation benefits.	Written Instruction and 5 days suspension or dismissal	Dismissal		

CODE OF CONDUCT AND MINIMUM DISCIPLINARY ACTIONS

RULE NUMBER	OFFENSES and DEFICIENCIES ON/OFF JOB	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
40	Unauthorized possession of firearms, explosives, or weapons on City property.	Written Instruction and 5 days suspension or dismissal	Dismissal		
41	Failure to return from an authorized leave of absence. If the absence is for three (3) consecutive workdays, consider the employee to have abandoned the position and resigned from the City.	Dismissal			
42	Knowingly harboring a communicable disease.	Dismissal			
43	Concerted curtailment or restriction of production or interference with work in or about the City's work stations, including, but not limited to, instigating, leading, or participating in any walkout, strike, sit-down, stand-in, slow-down, refusal to return to work at the scheduled time for the scheduled shift.	Dismissal			
44A	Pleading guilty or nolo contendere to, or being found guilty by a jury or court of a misdemeanor involving physical violence, theft, driving under the influence of alcohol or drugs or possession or sale of drugs, regardless of whether or not adjudication is withheld and probation imposed.	Written Instruction and 5 days suspension or dismissal	Dismissal		
44B	Pleading guilty or nolo contendere, or being found guilty by a jury or court of a felony, regardless of whether or not adjudication is withheld and probation imposed.	Written Instruction and 10 days suspension or dismissal	Dismissal		
45	Use of bribery or political pressure to secure appointment or advantages.	Dismissal			
46	Continual abuse of Personnel Policies and safety rules.	Dismissal			

CODE OF CONDUCT AND MINIMUM DISCIPLINARY ACTIONS

RULE NUMBER	OFFENSES and DEFICIENCIES ON/OFF JOB	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
47	No employee shall request, use, or permit the use of, whether directly or indirectly, any publicly owned, public-supported property, vehicle, equipment, or labor service, or supplies (new, surplus, scrap or obsolete) for the personal convenience or the private advantage of said employee or any other person.	Written Instruction and 5 days suspension or dismissal	Dismissal		
48	Engaging in any act(s) of sexual harassment.	Written Instruction and 5 days suspension or dismissal	Written Instruction and Suspension or dismissal		
49	Violation of the City's Code of Ethics.	Written Instruction and 3 days suspension or dismissal	Written Instruction and Suspension or dismissal		
50	Violation of Drug Free Workplace Program and/or Addenda thereto by any covered employee. This rule/penalty is in addition to any other action required by the Program or Addenda and supersedes any other Rules of Conduct applicable to the same conduct.	Written Instruction and 5 days suspension or dismissal	Dismissal		

From: Bielarski, Edward J <BielarskiEJ@gru.com>
Sent: Thursday, July 29, 2021 2:52 PM
To: citycomm <citycomm@cityofgainesville.org>
Cc: DL_GRU_ExecutiveTeam <ExecutiveTeam@gru.com>; DL_GRU_LeadershipTeam <LeadershipTeam@gru.com>
Subject: GM's thoughts on possible vaccine mandate

Mayor and Commissioners;

In advance of next Thursday's communion meeting, the charters have engaged in some conversations surrounding mandatory vaccine requirements and masking. Obviously, I defer to the City attorney for legal advice and to the commission for policy work, but I felt it was necessary to share my thoughts about the potential impacts to GRU of such actions. Please find my memo attached for further detail.

Ed B

Mayor and Commissioners;

I understand that the city commission will be discussing the latest COVID Pandemic developments this coming Thursday, August 5th. Introduced by the mayor, the agenda item proposes vetting the subjects of, 1) employee vaccinations, 2) mask requirements, and 3) legal options for enforcing both and other measures to protect public safety. I wholeheartedly agree with the mayor's decision to discuss these issues. It will be a timely and appropriate item to discuss, particularly, given the high transmission (transmittal?) rates of the Delta variant.

As the GM of the Utility, I feel the need to offer my understanding of the situation from the utility's perspective. Over the following pages, I will offer my thoughts from the utility's operational, management, and organizational perspective. Take it for what it is. It is not a substitute for City Attorney Shalley's legal opinion, nor is it meant to be.

First, I understand that there are many areas within GRU that have less than 50% vaccination rates. We aren't counting noses. It is more of a thumb to the wind estimation. However, it tells me that many employees have made personal choices whether or not they'd like to gain the protection of the vaccine. Somewhat, ironically, many of these same employees had no choice concerning the protection of a vaccine for the almost one year when vaccines had not even been produced. However, that didn't stop them from coming to work. As critical workers, they had no choice but to come to work in the field and at our plants, as compared to other GRU employees that could work remotely. As a result of their dedication, hundreds of GRU workers populated power plants, waste treatment facilities, our water plant, and served the community responding to leaks, outages, and customer issues. In many ways, these employees placed their lives at risk for the service of GRU and its customers. We had even developed plans to quarantine workers in place, away from their families at great personal sacrifice. Thankfully, our folks survived and thrived.

On Thursday, the commission is considering an imposition of a vaccine mandate, in order to protect the public safety. Although I appreciate the desire on the part of the commission and some charters, I must point out the unintended consequences of such an order. Failure of any one of these dedicated workers to receive the mandated vaccine would result in their termination. I am uncomfortable with that type of outcome. Frankly, I am conflicted about the possibility of having to terminate an employee that risked his or her life during the worst of the pandemic. I'd ask the commission:

Is it appropriate and fair to terminate employees, who have admirably served the utility under the worst of safety conditions, when they decide to forego a vaccine that they deem unnecessary?

In addition, GRU employees working in line crews, power plants and water plants are valuable commodities, whether vaccinated or not. There is a growing market for their services. If given the choice between getting vaccinated, being terminated, and quitting, many GRU employees could easily find gainful employment throughout Florida. That concerns me as the GM of the Utility. At our current 10% vacancy rate, we cannot afford to lose more employees. Even worse, it is quite possible that GRU could lose substantial elements of its workforce if the city mandates vaccinations. The next big question is:

Is the city ready to replace hundreds of skilled workers, and if so, will that safety risk be greater or less than simply requiring masking and social distancing?

Let me point out that I don't have the answers to these questions. I am trying to look beyond the immediate ideas to identify risk and potential pitfalls. The commission may want to accept all, none, or some of the risk.

I have heard from employees concerning the use of the current vaccines. Some of these concerns center upon the FDA's emergency use authorization of the vaccines. Although the science of RNA messaging has been around for a long time (1990's I believe), the vaccines produced for COVID are the first RNA vaccines ever to be produced for use against any disease. Without the long-term scrutiny required to gain the typical full FDA approval, some GRU employees are concerned about the overall health implications of taking such a vaccine. I'd ask the commission:

Should the City of Gainesville require an employee to receive a not-fully approved FDA vaccine, in spite of their belief of their long-term health implications? If so, is the city ready to indemnify the employee against future adverse health consequences?

Of course, unfortunately, this brings up a darker side to this country's history. It was not too long ago that Blacks in this country were used in ghastly medical experiments. Distanced from this evil, I can forget the horror, but those most impacted cannot. Members of the military suffered as well. I can only imagine the apprehension a Black person might feel in being mandated to accept a not-fully approved vaccine from a government that injected diseases into my relative's body. In fact, I don't know if I can even fathom the thought and what it would make me think and do. Mandating a vaccine won't build trust. So, the next big question is:

How do you bridge the credibility gap within the Black community and others that this government mandate isn't another connection to a more disturbing past?

From my perspective, whatever the commission decides, I plan on re-introducing mask wearing for everyone at GRU when they are in close contact with others, or when they can't social distance. Everyone will be temperature checked upon entry to the offices. We know these procedures have worked and been widely accepted by our employees.

Let me close by saying I am simply trying to fully vet the concerns I've heard from employees and the possible unintended consequences of possible commission action. Thank you for considering my thoughts. I trust you will do the right thing for the community and city employees.

Questions

Responses 146

Vaccine Mandate Survey

146

Responses

09:46

Average time to complete

Closed

Status

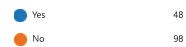
1. Share my responses to help Ed Bielarski develop a plan required by the City Commission



2. I support a Vaccination Mandate for employees



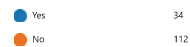
3. I am eligible to retire from the City



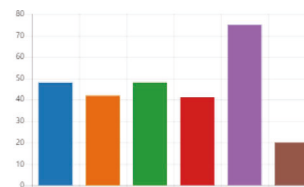
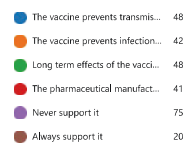
4. I would resign, or retire if eligible, or wait for termination by the City, if a vaccination mandate is imposed on employees



5. If every vaccine currently available becomes formally approved for use by the FDA, I would support a mandatory vaccination (only if ALL brands are approved) ?



6. I would support a mandatory vaccination program if the following were true (choose all that apply)



7. General Comments

98

Responses

Latest Responses

"I'm a vaccinated employee who wears masks and practices social dist..."

"I personally feel like it is wrong to try to force your employees to take..."

"My body, my choice! "