

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

EXPEDITED PERSONNEL AND HUMAN RESOURCES — COVID-19 BILL 34-21: VACCINATION REQUIRED

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Expedited Bill 34-21 will favorably impact racial equity and social justice in the County by narrowing public health disparities by race and ethnicity.

PURPOSE OF RESJ STATEMENT

The purpose of RESJ impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF EXPEDITED BILL 34-21

The purpose of Expedited Bill 34-21 is to limit the spread of the coronavirus by requiring all Montgomery County Government employees to be immunized against it. If enacted, the Bill will require all County employees to be vaccinated against COVID-19 in order to maintain their employment except for exempted employees who meet certain medical qualifications. More specifically, employees who fail to provide proof of receiving at least one dose of the vaccination within seven days of notification would be placed on unpaid leave, and possibly face termination within 40 days of being placed on leave. Expedited Bill 34-21 was introduced to the County Council on September 28, 2021.

COVID-19, COUNTY SERVICES, AND RACIAL EQUITY

The COVID-19 public health and economic collapse of 2020 has disproportionately impacted BIPOC (Black, Indigenous, and People of Color) communities across America. According to an analysis of data from the National Center for Health Statistics, between 2018 and 2020, the life expectancy for Blacks was reduced by 3.25 years and for the Latinx population by 3.88 years compared to being reduced by 1.87 years for the White population as a result of the COVID-19 pandemic.³ Additional research reveals that BIPOC, especially the Black and Latinx populations, were less likely to be vaccinated against COVID-19 but are most likely to have occupations that exposes them to the virus.⁴

The workplace environment has been identified by the Center for Disease Control and Prevention (CDC) as one of the social determinates of health⁵ that increases BIPOC risks for COVID-19.⁶ According to the CDC, Black and Latinx people are more likely to work in frontline industries (i.e., jobs that require public exposure and/or in-person social interaction); which makes them more susceptible to experiencing the harsh consequences of the COVID-19 pandemic, such as work layoffs or loss of income and health insurance, along with contracting the coronavirus.⁷ These workplace environments can also trigger outbreaks that could negatively impact the public health of residents and possibly overwhelm hospitals in Montgomery County. The CDC identifies workplace vaccination programs as an effective strategy to help protect workers and the public they serve from the harmful impacts of COVID-19.

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According to the Montgomery County Dashboard on October 14th, 98 % of County residents aged 18 and over had received at least one dose of a COVID-19 vaccination compared to almost 80% percent of County employees.⁸ Of note, 7,523 County employees are at least partially vaccinated while 648 employees indicated not being vaccinated and 1,261 employees had not reported their status. It is currently unknown how many County employees are exempt from needing the vaccine due to meeting the medical qualifications.

Whereas about 21 % of County employees had not reported being vaccinated and could potentially face termination as a consequence of Expedited Bill 34-21, if actual rates and numbers of County employees potentially impacted by this bill varies by department. As noted in Table 1, compliance with the bill could impact up to:

- 493 Fire and Rescue Service employees (36.3% of department employees)
- 373 Police employees (19.8% of department employees)
- 299 Transportation employees (24.0% of department employees)
- 252 Health and Human Services employees (14.3% of department employees)
- 167 Corrections and Rehabilitation employees (34.0% of department employees)
- 111 General Service employees (28.0% of department employees)
- 104 Alcohol Beverage Services employees (25.0% of department employees)

Table 1: Montgomery County Employee COVID-19 Vaccination Status, October 14, 2021

Departments	Number of Employees	Not Vaccinated	Status Not Reported	No Vaccination or Report
Fire and Rescue Services	1,359	70	423	493
Police	1,881	117	256	373
Transportation	1,244	183	116	299
Health and Human Services	1,764	91	161	252
Correction and Rehabilitation	491	54	113	167
General Services	396	38	73	111
Alcohol Beverage Services	415	46	58	104
All Other Departments	1,929	140	61	201

Source: Montgomery County Dashboard MCG Employee Vaccination Information

ANTICIPATED RESJ IMPACTS

OLO anticipates a favorable public health impact of Expedited Bill 34-21 on racial equity and social justice. The COVID-19 pandemic has disproportionately harmed BIPOC residents, especially those who are Black and Latinx. Mandating that County employees receive the COVID-19 vaccination under the Bill could enhance the public health outcomes for Black and Latinx residents in the short- and long-term by reducing rates of infection, hospitalization and death. Reducing the public health effects of the pandemic could also mitigate the disproportionately negative economic effects of the pandemic on communities of color and low-income residents.

OLO also anticipates that Expedited Bill 34-21 could potentially undermine County services that exacerbate racial and social inequities. For example, given the greater utilization of public transportation, health and human services among BIPOC and low-income residents, a decline in these County services resulting from employee terminations could

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adversely impact racial and social inequities. The racial equity and social justice implications of reduced Fire and Rescue, Police, Corrections and Rehabilitation, General Services, and Alcohol and Beverage Services, however, remain unknown.

While acknowledging that that Bill may challenge the County's ability to deliver key public services in the short-term if current employees do not comply with the vaccination mandate, OLO finds that the public health benefits of the bill exceed the potential public service costs on racial equity and social justice. As such, OLO finds that Expedited Bill 34-21 will advance racial equity and social justice in Montgomery County.

RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.⁹ OLO finds that Expedited Bill 34-21 should narrow public health related racial and ethnic inequities by increasing the County's COVID-19 vaccination rate and does not offer any further recommendations.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffers Dr. Theo Holt, Performance Management and Data Analyst, and Dr. Elaine Bonner-Tompkins, Senior Legislative Analyst, drafted this racial equity and social justice impact statement.

¹ See the Government Alliance for Race and Equity's "Advancing Racial Equity and Transforming Government" for understanding government's role in creating inequities https://racialequityalliance.org/wp-content/uploads/2015/02/GARE-Resource_Guide.pdf

² Adopted from racial equity definition provided by Racial Equity Tools. <https://www.racialequitytools.org/glossary>

³ Stephen Woolf, Ryan Masters, and Laudan Aron, "Effect of the Covid-19 pandemic in 2020 on life expectancy across populations in the USA and other high income countries: simulations of provisional mortality data, BMJ 2021; 373:n1343 (May 2021) <https://www.bmj.com/content/373/bmj.n1343>

⁴ COVID-19 Vaccine Equity for Racial and Ethnic Minority Groups, COVID-19, September 9, 2021, National Center for Immunization and Respiratory Diseases (NCIRD), Division of Viral Diseases, Center for Disease Control and Prevention (CDC). <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/vaccine-equity.html>

⁵ As defined by the CDC, social determinates of health are conditions in the places where people live, learn, work, and play that affect a wide range of health and quality-of life-risks and outcomes.

⁶ Ibid

⁷ Ibid

⁸ Montgomery County Dashboard MCG Employee Vaccination Information.

<https://www.montgomerycountymd.gov/covid19/data/case-counts.html - mcg-vaccinations>

⁹ Montgomery County Council, Bill 27-19, Administration – Human Rights - Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee - Established