

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of a Resolution Supporting the)
Civil Rights of Yamhill County Residents and)
Employees and Against Discrimination in Places) RESOLUTION 21-05-27-2
Of Employment, Public Accommodations)
On the Basis of Immunization Status)

WHEREAS, The Centers for Disease Control and Prevention (CDC) announced on May 13, 2021 that individuals fully vaccinated against COVID-19 need not continue to wear facial coverings or masks and need not continue to socially distance in most public settings; and

WHEREAS, Oregon Governor Kate Brown, under emergency declaration, unilaterally and without consent of the duly-elected state legislative body, instructed the Oregon Health Authority to issue guidance requiring proof of COVID-19 vaccination status before individuals are allowed to follow updated CDC guidance; and

WHEREAS, Title II of the federal Civil Rights Act is a national public accommodations law that prohibits discrimination in establishments that serve the public on the basis of race, color, religion or national origin; and

WHEREAS, Title II of the Civil Rights Act clearly prohibits religious-based discrimination by public accommodations and protects religious practices; and

WHEREAS, The Americans With Disabilities Act (ADA) ensures that individuals with disabilities have access to public accommodations; and

WHEREAS, The ADA prohibits discrimination on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any business subject to the Act; and

WHEREAS, Article 1, Section 20 of the Oregon Constitution states "No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens"; and

WHEREAS, Oregon's public accommodations law bans religious discrimination much like Title II of the Civil Rights Act and should not be overridden by unilateral, temporary emergency orders; and

WHEREAS, Oregon's public accommodations law, unlike federal law, also bans discrimination on the basis of age, and considering COVID-19 affects older populations with underlying

medical conditions more than young, healthy individuals, and considering the COVID-19 vaccine is only available to certain age groups, a vaccine-check system is discriminatory on the basis of age and violates the state's public accommodations law; and

WHEREAS, The Equal Employment Opportunity Commission (EEOC), as well as Oregon law, provide guidance that states that certain employees cannot be mandated to receive vaccinations, and that employers need to consider requests for exemptions for individuals with either (1) sincerely held religious convictions, or (2) a disability that prevents them from receiving a [COVID-19] vaccination; and

WHEREAS, Vaccination status is inextricably tied to other protected classes including, but not limited to, disability, religion, race, ethnicity, and military service; and

WHEREAS, It is well-known that certain individuals cannot receive vaccinations due to health conditions, such as severe allergic reaction to components of a vaccine; and

WHEREAS, The United States military is not mandating COVID-19 vaccines based upon previous liabilities from vaccines administered to active-duty members that resulted in significant vaccine injuries and permanent disability status of active-duty and veteran members in our state; and

WHEREAS, Stigmatization of individuals on the basis of medical status has resulted in severe trauma and dehumanization of certain populations in our society, for example HIV/AIDS in past years. The results of this stigmatization include discrimination, barriers to preventative care, social isolation and inequity and increases in drug and alcohol abuse and suicides; and

WHEREAS, The natural immunity of individuals who have contracted COVID-19 should be given equal weight as a vaccinated individual is given when considering public health risk levels; and

WHEREAS, The application of a vaccine-check system for any type of vaccination would result in a disparate impact on populations that have been less vaccinated, including but not limited to low-income Oregonians, and people of color, constituting economic, racial, and ethnic discrimination; and

WHEREAS, Oregon Governor Kate Brown's temporary, emergency orders do not override or nullify Title II of the Civil Rights Act or the Americans With Disabilities Act; and

WHEREAS, Yamhill County's residents and employees should not have their civil rights violated due to a statewide, temporary emergency order.

NOW THEREFORE, BE IT RESOLVED, that the Yamhill County Board of Commissioners recommends as follows:

Yamhill County recommends that Title II of the Civil Rights Act and the Americans With Disabilities Act be upheld and adhered to with respect to individuals residing and working in Yamhill County, and

Yamhill County recommends that the civil rights of individuals living and working in the County be protected from discriminatory regulations including, but not limited to, a vaccine-check system, and

Yamhill County recommends that employers, including County government itself, protect employees from acts of discrimination in the workplace including, but not limited to, discrimination or workplace bullying on the basis of immunization status, and, protecting workers by taking necessary steps to prevent workplace harassment or a hostile work environment as a result of issues surrounding face masks and vaccination status, and

Yamhill County recommends that employees be informed of their right to request an exemption to a workplace COVID-19 vaccine mandate on the basis of either (1) sincerely held religious convictions, or (2) a disability that prevents them from receiving a [COVID-19] vaccination, and

Yamhill County recommends that no individual lose employment or face any other disciplinary or discriminatory actions against them on the basis of immunization status, and

Yamhill County recommends that Oregon Governor Kate Brown respect and uphold the State of Oregon's public accommodations law.

DONE this 27th day of May, 2021.

YAMHILL COUNTY BOARD OF COMMISSIONERS



Chair

MARY STARRETT



Commissioner

LINDSAY BERSCHAUER



Commissioner

CASEY KULLA



Accepted by Yamhill County
Board of Commissioners on
5/27/21 by Board Order
21-210