

RESOLUTION NO. 2022-2311

Adopted: April 20, 2022

Effective Date: April 20, 2022

WASHINGTON SUBURBAN SANITARY COMMISSION

Subject: A RESOLUTION concerning the declaration of a state of emergency related to the COVID-19 pandemic and the pandemic's ongoing impacts on the Commission.

WHEREAS, Washington Suburban Sanitary Commission ("Commission" or "WSSC Water"), a bi-county state agency created under the laws of the State of Maryland ("State"), provides water and sewer services to approximately 1.9 million people in Montgomery and Prince George's County; and

WHEREAS, the Commission declared a state of emergency on March 6, 2020 because of the serious, imminent, and unforeseen threat to the safety of the public, the WSSC system, its personnel, structures, and equipment presented by the COVID-19 virus and then confirmed that declaration during the April 15, 2020 meeting of the Commission; and

WHEREAS, the Commission continues to address a serious, imminent, and unforeseen threat to the safety of the public, our water system, its personnel, structures and equipment as a result of the ongoing pandemic of COVID-19 and the pandemic impact on supply chains and the lack of vaccination of employees and contractors; and

WHEREAS, the COVID-19 virus has threatened and continues to threaten critical supply chains and critical employees and contractors such that it poses a risk of interfering with WSSC Water's ability to continuously provide water and sewer services; and

WHEREAS, vaccines to combat the COVID -19 virus have been widely available to WSSC Water employees since May 2021 and the vaccines protect people against serious illness, severe disease, reduces the likelihood of hospitalization and death; and

WHEREAS, COVID-19 continues to pose a significant risk, especially to individuals who are unvaccinated and unvaccinated employees are at a greater risk of contracting and spreading COVID-19 within the WSSC Water workplace and to the public that depends on WSSC Water's water and sewer services; and

WHEREAS, COVID-19 continues to pose a significant risk to global and national supply chains critical to WSSC Water operations, and

WHEREAS, COVID-19 has caused lockdowns in critical international manufacturing locations in the past thirty days, including in Shenzhen and Shanghai in China; and

WHEREAS, the Commission finds that, based on the foregoing, that the state of emergency must continue for the immediate preservation of the public health and to protect the Commission's continuous water and sewer services from being disrupted because of a COVID-19 outbreak; and

WHEREAS, given the serious, imminent, and unforeseen threat to the safety of the public, the Washington Suburban Sanitary Commission system, its personnel, structures and equipment, the Commission may take action to declare a State of Emergency in accordance with Article 4 of the Washington Suburban Sanitary Commission's bylaws; and

WHEREAS, Maryland Public Utilities Article ("PUA"), §17-403 of the Annotated Code of Maryland authorizes WSSC Water and vests authority in the Commission to adopt emergency regulations for the immediate preservation of the public health or to protect the Commission's systems; and

NOW, THEREFORE, BE IT RESOLVED, on this 20th day of April 2022, the Commission rescinds the previous state of emergency declared on March 6, 2020 and ratified by a unanimous vote of the Commission on April 15, 2020.

BE IT FURTHER RESOLVED that, on this 20th day of April 2022, the Commission finds that a state of emergency for pandemic related supply chain disruptions and vaccinations for COVID-19 exists and grants the General Manager/CEO all powers as it relates to responding to supply chain disruptions and for all appropriate actions to ensure employees and appropriate contractors are fully vaccinated for COVID-19 and take any other necessary precautions as determined by management.

BE IT FURTHER RESOLVED, that the Commission repeals Resolution 2022-2304 and the emergency regulation that required the General Manager/CEO to establish a vaccine requirement for employees and contractors.

BE IT FURTHER RESOLVED, that the Commission adopts the following regulation:


1. Notwithstanding any other regulation or standard procedure to the contrary and to ensure the protection of all employees, contractors, and the public as well as to ensure continuity of WSS Water operations, the Commission grants the General Manager/CEO the authority to establish a Vaccination Program and to require employees and contractors working for or with the Commission to be vaccinated.
2. The Vaccination Program shall include the following
 - a. All employees and appropriate contractors are vaccinated.
 - b. All employees and appropriate contractors provide proof of vaccinated as required in the Vaccination Program; and

- c. All new employees shall be vaccinated or provide for appropriate documented exemptions for those employees who cannot receive the COVID-19 vaccination for medical or religious reasons as provided for in the Vaccination Program; and
 - d. Any employee or any contractor or contractor's employees who are not in compliance with the Vaccination Program may be subject to requirements and restrictions as determined by the General Manager; and
 - e. Failure by any employee or any contractor or contractor's employees who are not yet vaccinated to comply with the requirements and restrictions set forth in the Vaccination Program may result in discipline or other action by the Commission consistent with the requirement that employees and in-building contractors should be vaccinated.
3. The General Manager/CEO shall post notice of the requirements of the Vaccination Program on:
- a. The WSSC Water intranet for employees; and
 - b. The WSSC Water internet for on-site contractors or consultants.

BE IT FURTHER RESOLVED, that this regulation shall be effective immediately in accordance with PUA §17-403(b) which allows waiver of a 30-day notice requirement when the regulation is necessary for the preservation of the public health.

BE IT FURTHER RESOLVED that this regulation shall remain in effect until October 1, 2022 unless the Commission extends the state of emergency by affirmative act on or before October 1, 2022.

A True Copy.



Robert H. Drummer
Acting Corporate Secretary