

To our Union Representatives and Union President of Local _____,

This email is to express our concerns of both ordinances passed by Mayor Eric Garcetti and City Council, Ordinance 187134 and 187219. As City of Los Angeles employees, we all signed Ethics Declarations in the City's New Employee hiring paperwork. Police Officers and Firefighters also took an Oath of Office per City Charter when they were sworn in that states the following:

Sec. 215. Oath of Office.

Every officer provided for in the Charter shall, before entering upon the discharge of the duties of office, take the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California and the Charter of the City of Los Angeles, and that I will faithfully discharge the duties of the office of (here inserting the name of the office) according to the best of my ability."

Both ordinances 187134 and 187219 clearly violate numerous US Constitution, State Constitution and City Charter rights. In Ordinance 187134, people are being told they will be unable to promote, transfer, or participate in Emergency appointment positions that will help them grow in their skills as well as career wise. Now, employees are being told they can face suspension and or termination if they do not comply with the ordinance. This violates US Constitution 4th, 5th, 9th, and 14th amendments. People have the right to be secure in their persons, houses and should not be deprived of life, liberty, and property, without due process. This does not only violate the US Constitution, but it also violates the State of California Constitution:

Article 1-Section 1.

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

The Mayor and City Council put together this mandate due to State of Emergency. Per the Emergency Health Powers Act, Ordinance violates the following:

Sec 2.

(a) The Legislature finds and declares all of the following:

- (1) The government must do more to protect the health, safety, and general well-being of our citizens.*
 - (2) New and emerging dangers, including emergent and resurgent infectious diseases and incidents of civilian mass casualties, pose serious and immediate threats.*
 - (3) A renewed focus on the prevention, detection, management, and containment of public health emergencies is needed.*
 - (5) The state must have the ability to respond rapidly and effectively to potential or actual public health emergencies.*
 - (6) The exercise of any emergency health powers must promote the common good.*
 - (7) Emergency health powers must be grounded in a thorough scientific understanding of public health threats and disease transmission.*
 - (8) Guided by principles of justice and antidiscrimination, it is the duty of the state to act with fairness and tolerance towards individuals and groups.*
 - (9) The rights of people to liberty, bodily integrity, and privacy must be respected to the fullest extent possible, consistent with maintaining and preserving the public's health and security.*
 - (10) This act is necessary to protect the health and safety of the citizens of the state.*
- (b) The Legislature declares that the purposes of enacting this act are as follows:*

(1) To require the development of a comprehensive plan to provide for a coordinated, appropriate response in the event of a public health emergency.

(2) To authorize the reporting and collection of data and records, the management of property, the protection of persons, and access to communications.

(3) To facilitate the early detection of a health emergency and allow for immediate investigation of the emergency by granting access to individuals' health information under specified circumstances.

(6) To ensure that the needs of infected or exposed persons are properly addressed to the fullest extent possible, given the primary goal of controlling serious health threats.

(7) To provide state and local officials with the ability to prevent, detect, manage, and contain emergency health threats without unduly interfering with civil rights and liberties.

You won't be able to respond to health issues rapidly without the Police and Fire Dept fully staffed. We continue to hear that the vaccine is the best option to gain immunity which it is clearly not true. Natural Immunity has been confirmed to protect the body from harsher symptoms if COVID is contracted again per Israel study. I ask the Mayor and the City Council to listen to the science. The VAERS report as of today shows that the vaccine has caused the stats below: www.openvaers.com

How is a vaccine that is also causing severe health issues and death the common good for all? This vaccine is obviously not one size fits all. The Emergency Health Powers Act also clearly states that these powers are to be guided by principles of justice, anti-discrimination and fairness to all groups. The rights of people to liberty, bodily integrity and privacy must be respected to the fullest extent possible consistent with maintaining and preserving the public's health and security. The Act also explains that the Emergency health powers must be grounded in a thorough scientific understanding of public health threats and disease transmission. The CDC, FDA, as well as a recent UC Davis research study states that both vaccinated and unvaccinated individuals can contract COVID and spread COVID to others with the SAME viral load. No difference. This causes discrimination towards those that have decided they will wait to get vaccinated for their own health concerns and religious beliefs. The unvaccinated shouldn't have to give up their jobs (exercising life, liberty and right to property) for a cause that is not backed by science. One of the choices being offered is testing. The PCR test is also part of the problem. Aside from containing ethylene oxide which is cancerous, per the CDC, it cannot detect the difference between the common flu or COVID.

Another problem that we see with this ordinance is the gathering of data (or as it clearly states in the US and State Constitution, as well as Emergency Health Powers Act, our right to privacy). Bluestone is the software being used to gather our vaccine information, COVID Test results and Exemption paperwork. Per Bluestone's software disclosures, they will be collecting personal and medical information including medical history, treatment, medications, test results, lab data, surveys regarding my health status, provider information and other information they feel relevant to Covid 19. They will be collecting my location via GPS, mentions the use of my mobile device (not laptop – which may cause a problem), information stored on my operation system, internet browser history (as you know all our programs are web based CPRA, policy manual, and training), and they will release my information as they see fit. It even mentions information regarding my financial well-being (my financial due diligence, bankruptcy, and assets). My information may be stored in different countries other than the United States. None of this is relevant to my status of Covid 19. If used on a City laptop, it can also gather information from there contradicting our Cyber Security Annual training.

Here is the link to their webpage:

<https://bluestonesafe.info/privacy-policy/>

CHAPTER 3. Access to and Disclosure of Protected Health Information 130674.

Access to protected health information of individuals who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or other efforts by a public health authority during a public health emergency shall be limited to those persons having a legitimate need to acquire or use the information for one or more of the following purposes:

- (a) To provide treatment to the individual who is the subject of the health information.*
- (b) To conduct epidemiologic research.*
- (c) To investigate the causes of transmission.*

130676.

Protected health information held by a public health authority may not be disclosed without the written specific informed consent of the individual who is the subject of the information, except for disclosures made as follows:

- (a) Directly to the individual who is the subject of the information.*
- (b) To the individual's immediate family members or personal representative, to the extent authorized by law.*
- (c) To appropriate local, state, or federal agencies or authorities pursuant to state or federal law.*
- (d) Pursuant to a court order to avert a clear danger to an individual or the public health.*
- (e) To identify a deceased individual or determine the manner or cause of death.*
- (f) To appropriate infection control practitioners, physician and surgeons, nurses, laboratory personnel, or others as necessary to prevent the spread of communicable disease as provided under Section 120140 or 120175.*

Testing weekly for COVID-19 and or paying for the tests ourselves not only contradicts our process of change of benefits that have to always go to Employee Relations Board and to the Unions for membership votes, it also violates CAL-OSHA recommendations of testing only when employees have symptoms, but also on the employer's dime and time.

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Q: What are the testing requirements of the revised ETS?

A: Employers must offer testing at no cost to employees during paid time to:

- *Symptomatic unvaccinated employees, regardless of whether there is a known exposure. This is a new requirement.*
- *Unvaccinated employees after an exposure.*
- *Vaccinated employees after an exposure if they develop symptoms.*
- *Unvaccinated employees in an outbreak.*
- *All employees in a major outbreak.*

Many of us have had COVID-19, isolated and survived it. All of us have been continually working the past 18 months and before a vaccine, providing exemplar service to the City of Los Angeles taxpayers and abiding by the City Charter, Section 103, Delivery of Services. The slander being given by Mayor Eric Garcetti and Council President Nury Martinez is causing discrimination and a hostile work environment in the workforce, and not to say, terrorizing the general public, against the unvaccinated. The unvaccinated are being portrayed as lepers that apparently are highly contagious with a virus they do not have. The unvaccinated DO NOT have COVID-19 24/7. I ask the Mayor and the Council President to show that the unvaccinated are forever infected with COVID-19 where they are contagious and a danger to the public. I re-iterate, the vaccinated and the unvaccinated both contract COVID and spread it with the SAME viral load.

Council recently stated they will pass the impasse to avoid providing employees with the proper disciplinary process of suspensions and terminations. The reason for the impasse is because the Mayor and Council obviously do not have a “cause” to do so. The City of Los Angeles do not have authority over our bodies and information. They cannot discipline our fire us without cause and without due process.

Ordinance 187219 not only violates the City employees’ rights, but also the general public. Depriving residents, members of public, and City employees not only interferes with our basic Constitutional rights, but it also contradicts the Brown Act that is frequently invoked to access public buildings for information, publishings, and public meetings where members from the public do not need to show an identification for access but now with this ordinance, they will be forced to show their medical records.

State Constitution, Section 3(b) (7)

In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in paragraph (1), each local agency is hereby required to comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains finding demonstrating that the statutory enactment furthers the purposes of this section. [As amended June 3, 2014.]

The enforcement of Ordinance 187219 in City and DWP buildings is discriminatory to many that are not able to make online payments, need public information, amongst many other services that they will be deprived from. The taxpayers like the elderly that prefer to make payments in person or the less fortunate that do not have the means for a computer will be deprived from many services offered to them by the City of Los Angeles and depriving them from their basic life and liberty to walk in and make their payments for Water and Power bills.

Us the membership continue to request your help in fighting the ordinance as, per the US Constitution, it is invalid. Attached you will see a Notice of Infringement of Constitutional Rights and Conspiracy of Deprivation of Rights where it clearly illustrates the repercussions of those that enforce Ordinance 187134 and 187219 and the case law that shows that the ordinances are non-existent. This document is not a threat to anyone, but an educational source to those that go through the motions enforcing such Ordinance thinking it is in “good faith” or “just doing my job”. This ordinance violates City Charter Administrative Code, Section 107 as you can see below:

Sec. 107. Effect of Invalidity in Part.

If any section, subsection, sentence, clause or phrase of this Charter, or any amendment thereto, is for any reason held to be unconstitutional or otherwise invalid, that decision shall not affect the validity of the remaining portions of this Charter. The people of the City of Los Angeles hereby declare that they would have ratified and adopted this Charter and each section, subsection, sentence, clause and phrase thereof, and any amendment thereto, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, phrases or amendment be declared unconstitutional or otherwise invalid.

In summary, per the Oath and Ethics declarations we took when we were hired by the City, we refuse to waive Constitutional rights, nor will we violate others’ rights such as our fellow City co-workers or residents rights that pay taxes to have a City safe of crime, immediate medical help through our Fire Dept and to have running water and power to name a few services. The enforcement of both ordinances will violate City Charter Section 103-Delivery of Services, the US and State Constitution and I refuse to be legally liable. Due to the extensive violations against the US, State of CA and City Charter (impasse), I will not participate, enforce, or conspire in the implementation of ordinances 187134 and 187219.