EMPLOYEES

When implementing Safe Access O'ahu, business owners:

- Cannot treat customers or employees differently because of their race, national origin, disability, gender, religion/creed, age, or any other protected class. For example, business owners cannot:
  - Scrutinize proof of vaccination or a negative COVID-19 test more closely when it is provided by people of a particular race, national origin, or religion based on the perception that people in those groups are less likely to be vaccinated;
  - Require proof of vaccination or a negative COVID-19 test only for older people or people with disabilities based on the belief that COVID-19 is more dangerous for them

When implementing Safe Access O'ahu for employees, business owners:

- Must provide reasonable accommodations to employees who require them because of a disability, pregnancy, religious belief, or their status as a victim of domestic violence, stalking, or sex offenses.
  - If an employee requests an exception to the vaccine requirement or additional time to provide their proof of vaccination or proof of a negative COVID test for one of the reasons listed above, you must engage with them in a cooperative dialogue, or a good faith discussion, to see if a reasonable accommodation is possible.
  - Reasonable accommodations can take many forms. For example, an employee could work remotely, perform their job duties outside or isolated from other employees or customers, or take a leave of absence.
  - You do not have to provide a reasonable accommodation if it would cause a direct threat to other customers or employees of your business, or impose an undue hardship on your business.

What kind of documentation should I require from employees who are seeking a reasonable accommodation?
If your employee is seeking reasonable accommodation because of a disability or pregnancy, you can request a note from their medical provider supporting their inability to show proof of vaccination.

If your employee is seeking a reasonable accommodation because of their status as a victim of domestic violence, sex offenses, or stalking, you can request a note from a related service provider supporting their inability to show proof of vaccination.

CUSTOMERS

When implementing Safe Access O‘ahu for customers, business owners:

- Must provide reasonable accommodations to customers who need them because of a disability.
  - If a customer is unable to show proof of vaccination due to a disability, you must engage with them in a cooperative dialogue, or a good faith discussion, to see if a reasonable accommodation is possible.
  - Reasonable accommodations can take many forms. For example, a customer could purchase food to take with them, join a virtual exercise class, or speak with a sales representative by phone.
  - You do not have to provide a reasonable accommodation if it would cause a direct threat to other customers or employees of your business, or impose an undue hardship on your business.

What should I do if a customer without sufficient proof of vaccination or a negative COVID-19 test asks for service?

Customers under the age of 12 are excused from showing proof of vaccination or a negative COVID test.

You can allow customers without proof of vaccination or a negative COVID test who are 12 years of age and older into the indoor portion of your premises for quick and limited purposes (for example, to use the bathroom, place a food order, or pick up membership information) as long as they wear a face mask at all times and they are unable to maintain 6 feet of distance from other people.

If a customer who is 12 years of age or older wishes to enter the indoor portion of your premises for more than a quick or limited purpose but states that they are unable to
show proof of vaccination or a negative COVID test because of a disability, you must engage with the person in a cooperative dialogue, or a good faith discussion, to see if there is a reasonable accommodation that would enable the customer to access your goods or services without posing an undue hardship to your business or a direct threat to your other customers or employees.

You do not have to allow the customer into the indoor portion of your premises for anything beyond a quick and limited purpose.

**What kind of documentation should I require from customers who state they are unable to show proof of vaccination because of a disability?**

Businesses should not ask customers for evidence that they are unable to show proof of vaccination or a negative COVID test due to a disability. Instead, businesses should engage these customers in a cooperative dialogue to see if a reasonable accommodation exists that would not pose a direct threat or an undue hardship to their business.

**Do I have to provide reasonable accommodation to a customer who is unable to show proof of vaccination or a negative COVID test for a reason unrelated to their own disability?**

No. Only customers who are unable to show proof of vaccination because of their own disability are entitled to reasonable accommodation under Safe Access O‘ahu.

**What kind of documentation should I require from customers who are seeking a reasonable accommodation?**

However, when possible, you can accommodate customers who are unable to show proof of vaccination because of a disability by, for example, providing service by phone or through an online platform.

**Sample scenario:**

*A customer approaches a restaurant and walks inside, where they are greeted by a server. The server requests to see the customer’s proof of vaccination or a negative COVID test taken within 48 hours.*
In response, the customer states that they are unable to get vaccinated because of a medical condition and does not have proof of a negative COVID test taken within the last 48 hours. The server explains that the restaurant is not able to serve the customer inside the restaurant, but that they would be happy to place a take-out order that the customer can bring home with them.

The customer accepts a take-out menu and places an order. The business has provided a reasonable accommodation by delivering the customer’s food rather than serving them in the restaurant.