

AFFIDAVIT IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER

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3 I, Guida Maria Dennis, hereby declare the following of my own knowledge under penalty of
4 perjury according to the laws of the State of California. I am over the age of eighteen and competent
5 to testify as to the matters herein. I am the Plaintiff and the moving party herein. I am making this
6 affidavit as an attachment to the Motion for a Temporary Restraining Order. All of the following
7 facts are true as they relate to Plaintiff's life and they state the following:

- 8 1. My name is Guida Maria Dennis, born on 07/05/1968.
- 9 2. I am currently domiciled in Tulare California, meaning I am present with intent to remain.
- 10 3. I am currently employed as a Bilingual Aide at Cherry Ave Middle School, located at 540 N
11 Cherry St, Tulare, CA 93274.
- 12 4. On September 23, 2021, Jennifer Marroquin Covid 19 Learning Loss Mitigation/Early
13 Childhood Director notified me by email that she had not yet received my completed vaccine
14 verification form. This form requested that I disclose my vaccine status.
- 15 5. On September 24, 2021 I responded to her saying that I had submitted it weeks ago (prior to this
16 I ignored all requests for many months to disclose that I was not vaccinated) and that I was
17 requesting a religious exemption form from vaccines and the testing.
- 18 6. Shortly after, I received a response from Marroquin stating that she was forwarding my request
19 for religious exemption to Philip Pierschbacher, the Assistant Superintendent of the School
20 District.
- 21 7. On October 1, 2021 I reached out to Marroquin notifying her that I had not received a response
22 back on the religious exemption.
- 23 8. On October 4, 2021 I received an email from Philip Pierschbacher that there is no form for me
24 to complete and that Ira Porchia would meet with me through their Interactive Process.
- 25 9. On October 8th, 2021, I received an email from Jennifer that classified employees must sign up
26 for testing date, the days offered are Thursday or Friday.
- 27 10. On October 12th, 2021, I met with Ira Porchia, Director of Child Safety and his secretary
28 Stephanie Mendonca. I told Mr. Porchia that I objected to testing and thought that healthy
individuals shouldn't be subjected to testing against their free will. He offered the saliva test for

1 those who objected to the oral saliva swab or the nasal swab. I asked him what would happen if
2 I refused testing, he told me there would be progressive discipline including a warning, unpaid
3 leave, then eventually the board would vote on the outcome of my employment.

4 11. On October 13, 2021 I emailed Ira Porchia and told him that I was only complying with testing
5 because he threatened me with progressive discipline if I didn't comply, and the only option I
6 would consider is the spit saliva test. Later that same day I received a response from Mr.
7 Porchia, explaining that there was no threat issued by him and that I could pick up my saliva spit
8 test card by making an appointment with his secretary.

9 12. On October 14, 2021 I sent the following response to Mr. Porchia: "Progressive discipline as
10 you stated in my Interactive Process meeting, includes loss of pay with the last step being a
11 review by the board which obviously can lead to my termination. These actions are a threat to
12 my livelihood. My submission to testing based on "progressive discipline" does not constitute
13 consent. What TCSD is doing is in violation of California Civil Code 43, which states the
14 following: it is a violation of personal rights to slander someone by imputing them with an
15 infectious or loathsome disease. In addition, I am a good employee who has never had any
16 disciplinary action taken against me by any employer including TCSD. My employment record
17 here speaks for itself. Please have Stephanie get a hold of me to pick up the saliva test card and
18 sign the Interactive Process letter. To be clear my signature on the agreement is being obtained
19 via Coactus (V.C) under duress which I will be noting with my signature.

20 13. On either, October 15th or October 18th (not sure), 2021, Stephanie called to pick up the saliva
21 spit test card and sign documents. I went after work to pick up my card but when asked to sign
22 their document, I told her I wanted to take it home to look it over, so she made me a copy. I
23 never returned to sign it.

24 14. On October 18th, 2021, I received an email from my principal Debbie Portillo as a reminder to
25 sign up for testing.

26 15. On October 19th, 2021, I received an email from Marroquin that I must test on Thursdays or
27 Fridays, also that they weren't able to secure the spit saliva tests that was offered to me in the
28 Interactive Process meeting.

- 1 16. After being pressured to test I finally signed up for testing on Fridays at 11:30. On October 20,
2 2021 the phone rang in the classroom and Mrs. Garcia told me it was for me. I was told that
3 Philip Pierschbacher wanted to speak to me along with my principal Debbie Portillo during
4 work hours. I was told to be at the district office at 11:00am. I then rushed home to pick up the
5 religious exemption letter I had written the night before plus a letter that my Pastor had signed
6 back in June which was an attestation to my religious beliefs in regard to testing and vaccines. I
7 met Mr. Pierschbacher, his secretary and Mrs. Portillo. He told me the progressive discipline had
8 changed from what Mr. Porchia had explained to me. I made a comment about how Mr. Portia
9 had offered the spit saliva test but it was now changed to a swab in the mouth which wasn't
10 what was agreed upon. After some discussion I presented Mr. Porchia with my religious
11 exemption letters and asked for the accommodation that the district had implemented in August
12 2020 through June 2021, the Daily Symptom Assessment plus the temperature check. He stated
13 that no one had brought this up as an accommodation. He said he would read my letters and get
14 back to me prior to Friday which was my testing day. (see Exhibit)
- 15 17. On October 21, 2021, I received an email from Mr. Pierschbacher but didn't open it until the
16 following day because I was too nervous to read it.
- 17 18. On October 22, 2021, was my covid test day. I called in sick. I received email from Marroquin,
18 stating that I missed my covid testing day and now it was my responsibility to go to Elite
19 Medical and get tested before returning to work on Monday.
- 20 19. On October 22, 2021, I responded to Mr. Pierschbacher, with the attached letter. (See Exhibit).
- 21 20. October 25th, 2021, I called in sick again. I went to see Sonya Fontana nurse practitioner and
22 asked for stress leave due to mandates of testing and vaccines. She back dated my note to
23 October 22nd since I called in sick that day. She gave me a month off with the return date of
24 November 25th.
- 25 21. On November 10th, 2021, I received a letter in the mail from Philip Pierschbacher addressing
26 my appeal letter that I had emailed him after his denial.
- 27 22. On November 24, 2021, I went to my doctor to extend my disability leave because of anxiety,
28 stress and lack of sleep due to the harassment I felt from work.

1 23. My doctor provided me with a letter for the school which recommended extending my leave
2 from work for an additional month.

3 24. The return date to work my doctor recommended in the letter was on December 20, 2021 which
4 ran concurrent with the school's holiday break.

5 25. Cherry Ave Middle School was closed for Christmas and New Years break and is reopening
6 until January 10, 2021.

7 26. On January 6, 2022, I received an email from Marroquin, which read, "Good Afternoon,
8 According to our records, we have not yet received a response from you regarding your Saliva
9 Testing Option that will begin on January 10, 2022. Once the Saliva Testing Options Form has
10 been completed, specific information will be sent to individual employees based on the option
11 selected (permission forms required, sign up times, etc.) Below are the documents that were
12 sent in previous emails: Review Saliva COVID Testing for TCSD Staff, Fill out the Saliva
13 Testing Options Form (Need to complete), Review the Saliva Testing Schedule Review Site
14 Nasal Swab COVID Testing for TCSD Staff (this document contains information on what nasal
15 swab testing will look like on campuses). You will be unable to test until we have received these
16 documents. If you have any questions, please don't hesitate to reach out."

17 27. I believe I received the above communication because I have informed the school district and
18 its agents that I will continue to honor my religious beliefs and waive my rights to privacy under
19 California law.

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22 ///////////////
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26 I hereby certify, that all facts and statements in the above affidavit are true to the best of my
27 knowledge. I swear to this under the penalty of perjury and do so execute this document on the date
28 specified below.

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Guida Maria Dennis

Guida Maria Dennis

Dated: 1/7/2022

EXHIBIT A



TULARE CITY School District

Vaccine Verification & Staff Testing Timeline:

Background: On August 11, 2021, Governor Newsom issued an order, effective August 12, 2021, that requires all schools (public and private schools serving students in TK-12) must verify vaccine status of all workers. Workers who are not fully vaccinated will be required to undergo diagnostic testing at least once weekly. Full compliance with the Order is required by October 15, 2021. [State Public Health Order of August 11, 2021](#). Below outlines the timeline that TCSD will use to comply with this order.

Allowable Vaccine Documents:

1. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes name of person vaccinated, type of vaccine provided and date last dose administered); OR
2. a photo of a Vaccination Record Card as a separate document; OR
3. a photo of the client's Vaccination Record Card stored on a phone or electronic device; OR
4. documentation of COVID-19 vaccination from a health care provider; OR
5. documentation of vaccination from other contracted employers who follow these vaccination records guidelines and standards.

If Interested in Receiving the Vaccine:

Visit: [My Turn](#) for more information

NOW

Now-Sept 10: Vaccine Verification

- All TCSD staff members need to complete the updated Vaccine Verification Form through Laserfiche
 - Even if you filled out the old one, this new one is required to be completed by all TCSD staff
- If you select the box "I am vaccinated", you will be required to upload proof of vaccination status prior to submitting the form.

[Employee Vaccine Verification Form](#)



October 15: Staff Testing

- TCSD is working to finalize procedures for testing unvaccinated individuals beginning October 15, 2021.
 - Part of this process includes working with CTA and CSEA regarding details
- TCSD will cover the costs associated with staff testing and work to arrange testing be conducted during contractual time
- More information coming soon

****At any point, an employee's vaccination status can be updated through the Verification Form. Simply resubmit the form with the appropriate vaccine documentation.**

EXHIBIT B

MOU Between TCTA and TCSD
2021/2022 - Independent Study

September 20, 2021

*****This MOU applies to the implementation of AB 130 guidelines,
and does not affect, nor is it binding upon, the TCTA Master Contract*****

INDEPENDENT STUDY / SUBSTITUTING / COVID STIPEND:

- All staff will be compensated 30 minutes daily, at the hourly rate of \$44.00 / hour, retroactive to August 12, 2021, for 180 days.
- Classroom teachers will provide 30 minutes of synchronous instruction daily:
 - Teachers in grades TK - 6 will choose the 30-minute period during the school day.
 - Teachers in grades 7 and 8 will provide the synchronous instruction the first 30 minutes of the school day.
 - Teachers may choose to provide the 30 minutes of synchronous instruction daily before or after school as an alternative.
- Counselors, RTI Teachers, and Teachers on Assignment will substitute in classrooms as needed.
- School Nurses will assist with COVID tracing, and will use the 30 minutes extra time daily to do so. School Nurses will no longer submit timesheets for extra tracing.
- Social Workers will pick up students synchronously, as needed and appropriate.
- Unvaccinated staff, as well as those who have not submitted their vaccine verification form, will report to weekly COVID testing at the arranged schedule with no additional compensation.

CLASS SIZE: Mission Valley #314 Independent Study Teachers


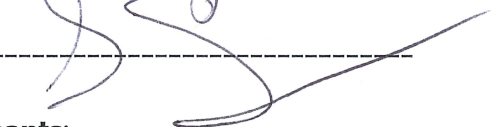
- Each Mission Valley #314 Independent Study Teacher will be assigned up to 24 students.
 - In the event more students need to be assigned to any LTIS Teacher, each LTIS Teacher will be compensated.
 - Any LTIS Teacher receiving the assignment of students in excess of his / her indicated maximums for three (3) or more consecutive days shall be compensated above and beyond his / her normal salary at the rate of nine dollars (\$9.00) per day for each student assigned, retroactively.
 - Any LTIS Teacher with less than twenty (20) students assigned to him / her will provide additional intervention with identified IS students needing extra help as directed by the Director of Child, Welfare and Safety.

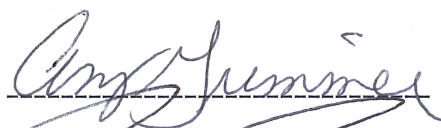

PAYMENT:

- The impacted teacher will be responsible for completing and submitting the **Class Size Overage Form (Link)** at the end of each month, to be paid the 15th of the following month.


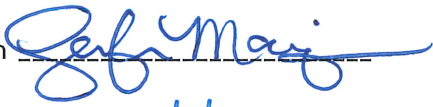

The above overages are in place for the 2021-2022 school year due to the circumstances involving COVID quarantining and masking concerns. The situations are very unknown and the utilization of the Independent Study Program at this level is not typical to the District. The agreement to the overages for the 2021-2022 school year will provide flexibility to the educational program, acknowledging the teachers' efforts while allowing the district to navigate the unknowns of AB 130.

TCTA Participants:

Wendy Colson 
Sal Juarez 

Amy Grimmer 
Jeremy Kemp 

District Participants:

Paula Adair 
Jennifer Marroquin 
Philip Pierschbacher 

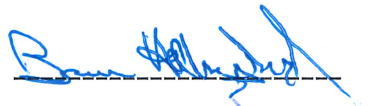
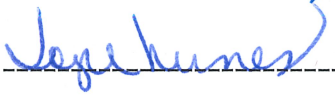
Brian Hollingshead 
Joyce Nunes 

EXHIBIT C

Submit

Clear form

Please advise what to do. If I choose option 3 nasal swab, my testing date is Thursday of next week. The other 2 options are for Monday I believe.

Sent from [Mail](#) for Windows

From: [Guida Dennis](#)
Sent: Thursday, January 6, 2022 4:22 PM
To: [Guida Gomez](#)
Subject: Fwd: Testing Documents Needed

----- Forwarded message -----
From: **Jennifer Marroquin** <JMarroquin@tcsdk8.org>
Date: Thu, Jan 6, 2022 at 4:17 PM
Subject: Testing Documents Needed
To: JENNIFER MARROQUIN 911 <JMarroquin@tcsdk8.org>

Good Afternoon,

According to our records, we have not yet received a response from you regarding your Saliva Testing Option that will begin on January 10, 2022. Once the Saliva Testing Options Form has been completed, specific information will be sent to individual employees based on the option selected (permission forms required, sign up times, etc.) Below are the documents that were sent in previous emails:

- **Review**
Saliva COVID Testing for TCSD Staff

- **Fill out the**
Saliva Testing Options Form (Need to complete)

-

- Review Site Nasal Swab COVID Testing for TCSD Staff
(this document contains information on what nasal swab testing will look like on campuses)

You will be unable to test until we have received these documents. If you have any questions, please don't hesitate to reach out.

Respectfully,

Jennifer Marroquin

COVID 19 Learning Loss Mitigation/Early Childhood Director



TULARE CITY
School District

600 N. Cherry . Tulare . CA . 93274 . (559) 685-7241 . Fax: (559) 685-7296

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WARNING! MAY CONTAIN CONFIDENTIAL INFORMATION. The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information that is protected by law. Unauthorized use, review, duplication, disclosure or interception of this e-mail is strictly prohibited and may violate applicable laws including the California Education Code and the federal Family Educational Rights and Privacy Act. If you are not the intended recipient, please contact the sender immediately by return e-mail, then delete this message and its attachments. Please note that emails sent or received through the District's technology system(s), whether on a public or private device, may be subject to disclosure under the California Public Records Act.

--

Thank you,

Guida Dennis

Bilingual Aide

Cherry Ave Middle School

EXHIBIT D

October 19, 2021

I am writing to invoke my Civil Rights Title VII for religious exemption from covid testing and all covid vaccines. My religious rights and my right to privacy are protected by the U.S. Constitution and the Constitution of this State.

I believe in a follow God and the principals laid out in his Word and I have a deeply held belief that testing and covid vaccines (s) violates this. Taking a PCR test goes against my God given rights. The bible teaches us in I Corinthians 6:19- Do you not know that our body is a temple of the Holy Spirit who is in you, whom you have from God, and that you are not your own? Therefore, I cannot submit to giving you my personal identifiable DNA and other genetic material. Doing so violates my sincerely held beliefs as a Christian. Further, we are called to protect the body and the substances in the test and vaccine (s) are possibly harmful to my body, mind, soul and spirit. I have the right to refuse consent without retaliation, such as progressive discipline which includes unpaid time off and termination.

Further, there is no evidence that I am carrying an infectious disease, so I cannot be defined as a "direct threat" because this has not been established and is therefore not valid. A licensed medical doctor who has examined me would have to determine that I am a threat and since there is no court order of quarantine against me, there is no evidence that I am a threat to others.

No emergency, pandemic, health orders, executive orders, employment or business policies, rules, recommendations, regulations, guidelines, directives, or measures suspend Constitutional rights. No statute of law has been passed by the U.S. Congress that gives an exemption to this facility to allow for my rights to be violated. No president's orders supersede the Constitution.

Sincerely,

A handwritten signature in cursive script that reads "Guida Dennis".

Guida Dennis

CC:

U.S. Department of Justice, Civil Rights Division
EEOC, Civil Rights Division

July 14, 2021

I am writing to confirm the sincerely held religious beliefs of Guida Dennis regarding not participating in covid tests, vaccines or wearing a mask.

As an ordained Pastor and head of TRUE HOPE Ministry since 2011, I attest to Guida Dennis' objection to this practice of covid tests or vaccines, which are medical experiments, because they are "authorized" but not "approved."

Regarding vaccines, as believers, we know that the body is the temple of the Holy Spirit and as such, should not be used for medical experimentation. Further, the substances in the test and the vaccine are possibly harmful to the human body, and we are called to protect the body and not participate in *pharmakeia*.

"Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God?" (1 Cor 6:19)

Regarding masks, note that veiling of the face is a Muslim practice of submission to Allah. Guida Dennis is not Muslim and is unable to violate her sincerely held religious beliefs by engaging in a Muslim religious practice. Requiring Guida Dennis to veil her face with any sort of face covering, mask or shield -- which is a violation of her religious beliefs -- would be akin to requiring a Sikh to remove their turban, which violates Sikh beliefs.

God breathed the breath of life into man, and man became a living soul. It is an affront to our Creator to veil the face and restrict our God-given breath. God created human beings with only two airways -- the nose and mouth. We do not breathe through our ears.

"God breathed into his nostrils the breath of life and man became a living soul." (Gen 2:7)

"The breath of life from God entered them" (Rev 11:11)

We are clearly told by the Lord to stand before him with faces UNVEILED.

"And we all, who with unveiled faces contemplate the Lord's glory, are being transformed into his image with ever-increasing glory, which comes from the Lord, who is the Spirit." (2 Cor 3:18)

Covering the nose and mouth and concealing one's identity is shown to us in the Bible as activities done by prostitutes and those who turn their faces from God in shame.

"When Judah saw her, he thought she was a prostitute, because she had covered her face." (Gen 38:15)

The law states that a person's activities -- what activities they participate in, and what activities they refrain from, are a part of one's religious expression. "Religious creed," "religion," "religious observance," "religious belief," and "creed" include all aspects of religious belief, observance, and practice that are part of an individual observing a religious creed.


Taking a covid test or a vaccine or wearing any sort of face covering or shield is an affront to Guida Dennis' sincerely held religious beliefs. I concur with and affirm her sincerely held religious beliefs.

We as believers in Jesus Christ as Lord and Savior believe in the tenets of the Holy Scriptures which state we are made in the image of God and we are image bearers of God. We will be called into account for all we do – including what we do to our bodies! To be forced to do something which violates our beliefs is to sin against God.

For any believer who may have had childhood vaccines or even a recent flu vaccine, that does not contradict the person's desire to decline the covid vaccine, which is a medical experiment. Some people may not be aware that many of these vaccines have been cultured in aborted fetal tissue and carry the DNA of a male aborted baby. This is appalling to any believer.

Finally, please note that every believer is a member of the Body of Christ, regardless of one's geographic region. The individual for whom I am providing this letter of attestation does not have to prove any attendance in any particular church, any length of time of religious conviction, nor does one's sincerely held religious belief have to be aligned with any formal religion, according to state and federal laws.

Therefore, I attest that Guida Dennis has the lawfully protected right to seek a religious exemption from activities that are offensive to her sincerely held religious beliefs. I would accept a phone call from your institution to discuss this further Biblically, morally, ethically, spiritually, and constitutionally.

SIGNED: 
PASTOR DAVID W. HALL

TRUE HOPE MINISTRY

EXHIBIT E



TULARE CITY

School District

October 20, 2021

To: Guida Dennis
From: Philip Pierschbacher, Assistant Superintendent, Personnel
Re: Interactive Process Meeting

Ms. Dennis,

Thank you for meeting with me this morning to further discuss the topic of required weekly COVID-19 testing. In attendance were you, Debbie Portillo (Principal), Carla King (Personnel Manager), and me.

I shared that we were meeting to clarify any miscommunication or misunderstanding there may have been from the Interactive Process meeting you had October 12, 2021 with Ira Porchia, (Director I - Child Welfare and Safety) and Stephanie Mendonca (District Secretary - Child Welfare and Safety). I explained that I wanted to make sure you were clear that the State is requiring all school districts to test employees who are not vaccinated for COVID-19 or refuse to state their status.

I explained that you do have a choice whether or not to test. If you choose not to test, part of the Interactive Process is to brainstorm reasonable accommodations that would allow you to complete the essential functions of your job. The challenge is finding reasonable accommodations related to the weekly State-mandated testing. The only other option we have is for the employee to go on unpaid leave (after using all available leave - personal necessity, vacation, and/or comp time) until the weekly State-mandated testing is no longer required.

I reviewed the testing options available:

- A nasal test;
- A saliva test (which is actually a swab in the mouth); or
- A blood test

Board of Trustees

President Willard Epps	Vice President Daniel Enriquez	Clerk Melissa Janes
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Members Irene Henderson William Adkins
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Superintendent Brian Hollingshead

Administration

Ass't Supt., Personnel Philip Pierschbacher	Ass't Supt., Business Joyce Nunes	Ass't Supt., Student Services Paula Adair
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600 N. Cherry St.
Tulare, CA 93274



559.685.7200
559.685.7248 Fax



tcsdk8.org



facebook.com/tcsdk8

I shared that we would normally explore whether or not an employee could work from home. You are a Bilingual Aide, and your assigned students are currently attending in-person, so working from home would not qualify as a reasonable accommodation. However, I reviewed our intention is to listen to our employees' concerns and share any/all options we have available.

I briefly reviewed the discipline procedures Mr. Porchia referred to in your first Interactive Process meeting on 10.12.21:

- *First Miss = No action*
- *Second Miss = Supervisor contact to discuss the situation*
- *Third Miss = Progressive discipline*

I did not share the following information, but am inserting it in this section to provide clear information. The three district responses listed above (when an employee misses required weekly State-mandated testing) were a district decision, and are currently being negotiated with CSEA leadership. The following information has been communicated multiple times via the "Weekly Update" by Administration to all employees:

- ***If an employee misses his / her scheduled time, or is absent on the Thursday testing date, it is his / her responsibility to go to [Elite Medical](#) on his / her own time to be tested.***
 - *Each employee will have until the Monday morning immediately following the Thursday testing date missed to show proof that a test was administered (not proof of results).*
 - *If a proof of test is not provided to the employee's supervisor by the Monday morning immediately following the missed Thursday testing date, the employee may not return to work and will be required to use personal sick leave until proof of testing (not results) is submitted.*
- ***It is vital that each employee complies with this State public order. To that end, the following steps will be in place should multiple scheduled Thursday COVID-19 testing sessions be missed:***
 - ***1st Miss - No action***
 - ***2nd Miss - Supervisor contact to discuss the situation***
 - ***3rd Miss (or more) - Progressive discipline***

At that point I asked if you wanted to share or had questions. You shared that you wanted to take the religious exemption, and handed me two letters, one from you and one written by David Hall, an ordained Pastor and head of True Hope Ministry. You shared that your body is the temple of the Holy Spirit and you were not OK with testing or the vaccine. You stated that you *were* OK with the health assessment (formally called the *Daily Symptoms Assessment*) that all employees completed on a daily basis during the 2020-2021 school year. You shared that moving forward you would like to have everything in writing, so there is less chance for

misunderstanding. You explained that religious exemptions are part of Federal and State law, and felt TCSD was not following the law.

I again summarized the Interactive Process and its purpose: We dialogue together to brainstorm reasonable accommodations that enable the employee to complete the essential functions of his/her job. I gave an example: I am a teacher and break my leg. A reasonable accommodation would be to have no playground duty for a month. If I asked for a bathroom to be built in my classroom, that would be an example of an accommodation that would not be reasonable. I shared that many times we often come up with multiple ideas through our dialogue, though in this case (weekly State-mandated testing) it is very challenging to do so.

You referred again to the *Daily Symptoms Assessment* employees completed daily last year, asking if that would be a reasonable accommodation. I replied that, to my knowledge and training, that would not be accepted by the State, however I shared that I would double check to ascertain if that would qualify as a reasonable accommodation.

Mrs. Portillo shared that she was confused. She asked if an employee has a religious exemption, where does that come in so the employee can come to work. I shared there are both medical and religious exemptions. The State wants all Californians vaccinated, however weekly testing *is* the accommodation for those who do not want to be, or cannot be, vaccinated. Whether an employee has a religious or medical exemption, he/she would still test weekly. There are employees who have a medical exemption from masking, and are not wearing masks in the classroom. You shared that you have a medical exemption from wearing a mask, and that you wear a shield with no drape.

You shared that you work with teachers and students in the TCOE Migrant program and asked how that compares to this situation, since they haven't told you anything. I shared the same rules would apply in that situation, as well. You then asked if substitutes are being tested, and I explained that we started with our contracted employees, have just finished scheduling all student teachers, and so now are currently working on a system of weekly testing for all of our substitutes (who can test in our district or others', as long as they show evidence of doing so).

You then asked if we have consulted our attorneys regarding weekly State-mandated testing. I shared that we have. I went on to share that I had not thought of the *Daily Symptoms Assessment*, however that is why we hold Interactive Process meetings, to brainstorm ideas and then consider each to see which are reasonable.

You shared that you are scheduled to test Friday, October 22 at 11:30 am, so I committed to replying to you by the end of the day Thursday, October 21. Mrs. Portillo kindly shared that she has always trusted me, and in other Interactive Process meetings she has attended I am fair and listen to the employee. I did share that I am OK if we ultimately disagree, however my greatest concern would be that you feel supported.

I summarized the two items I committed to research further, in order to establish either (or both) as a reasonable accommodation (**My findings are in bold**):

One: I committed to review the letters you submitted, and double-check if either would exempt you from weekly State-mandated testing, thus allowing you to continue working.

I reviewed both of your letters, as well as the guidance/training I have received. After doing both, I find that we cannot consider your letters as reason to exempt you from testing for two reasons:

- 1. The weekly State-mandated testing is an accommodation for those who are not vaccinated (or who choose not to state whether he/she is vaccinated).**
- 2. The District has worked diligently to provide multiple testing methods (nasal, saliva, or blood) for employees State-mandated to test weekly, but who have concerns with one or two of the methods.**

Two: I committed to assess whether the *Daily Symptoms Assessment* could be used daily in lieu of weekly State-mandated testing.

I reviewed the guidance / training I have received. After doing so, I find that we cannot consider the *Daily Symptoms Assessment* in lieu of weekly State-mandated testing for two reasons:

- 1. It does not meet the State requirements all school districts must follow related to weekly State-mandated testing.**
- 2. If you completed the *Daily Symptoms Assessment*, however were COVID-positive but asymptomatic, it would place the District into liability, as you would potentially be exposing others at work to COVID.**

I do thank you for your participation in both Interactive Process meetings. Please make a decision by the end of the day regarding your participation in weekly State-mandated testing and communicate your decision to me (559.805.9370 or 559.685.7219). I do have cards for both the saliva test (which can be used in the drive-thru) and the blood test (which must be used at Elite Medical in Visalia).



Philip Pierschbacher
Assistant Superintendent, Personnel

EXHIBIT F

October 22, 2021

Mr. Philip Pierschbacher,

I apologize for not getting to your letter yesterday, but I was very busy and didn't have the time required to respond to such a sensitive matter. After reading your letter it is my understanding that Tulare City School District's position on this matter is to deny the Constitutional rights of its employees to religious exemptions from medical procedures (testing). I also understand your admitting to violating your own non-discrimination and Equal Opportunity policy.

<https://drive.google.com/file/d/1vkLHeALSNNMRy68mgMGGTi-8xGnpG4Kd/view>

https://www.tcsdk8.org/apps/pages/index.jsp?uREC_ID=1105475&type=d&pREC_ID=1387155

*"This organization is an Equal Opportunity Employer and does not discriminate on the basis race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, **religion**, marital status, pregnancy, pregnancy status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. Inquiries regarding compliance procedures may be directed to our personnel office. This organization is a Drug, Alcohol and Tobacco-Free Workplace."*

If you are only denying *my* rights, please cite the exact undue hardship that would be caused or the code of law to substantiate your decision. I also understand that if I refuse to violate my religious beliefs regarding testing, I will immediately be placed on unpaid leave after exhausting my own sick leave pay.

In addition, to what I wrote in my letter invoking my religious exemption I want to add that participating in a medical experiment, such as covid testing is a violation of my religious beliefs. Covid tests have an *emergency authorization* by the FDA, not an *approval*. To date there are no COVID-19 diagnostic tests being used that have completed a full FDA approval process. The reason they have not received FDA approval is because the safety and effectiveness of the product has not been proven. Refer to the FDA website explaining the EUA process. Therefore, these are experimental treatments, and I have the right to refuse consent – without being discriminated, retaliated, or harassed against.

The manufacturers fact sheet for health care providers, for the CovAbScreen SARS-Cov-2 Antibody Test (the test the district is requiring, although the promise was a spit saliva test) states the following on their website: **What is an EUA?** The United States FDA has made these tests available under an emergency access mechanism called an Emergency Use Authorization (EUA).

<https://covabscreen.com/wp-content/uploads/2021/01/LN-6123-Fact-Sheet-for-Healthcare-Providers-CovAbScreen-Rev-B.pdf>

In our previous discussions regarding this matter, you have indicated to that the district is open to ideas for satisfying my right to a religious exemption. Does TCSD have a remote position that I could be reclassified into? Although, I have been working directly with children, I am well qualified in many other areas. If no such position exists or is available, then please let me know what your appeal process is.

In closing, I will not dishonor God and I stand by my original statement to TCSD and I am exercising my constitutional civil right to honor my beliefs and religion. I have provided you with my religious statement as well as a letter from my pastor. I have submitted myself to all of the district's questions. This process has been extremely stressful to me and my family. I never thought living in the United States, I would ever be asked to violate my sincerely held religious beliefs. I followed the letter of the law with regards to title VII of our civil rights and continue to ask that you do the same,

Respectfully,

Guida Dennis