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COUNTY OF SANTA CLARA**

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MEMORANDUM

TO: All County of Santa Clara Personnel

FROM: Jeffrey V. Smith, County Executive ^{DS} JS
James R. Williams, County Counsel ^{DS} JRW

RE: **COVID-19 Vaccination Requirement for County Personnel**

DATE: August 5, 2021 (Updated January 4, 2022)

Clinical trials, scientific research, and safety monitoring have demonstrated that federally approved COVID-19 vaccines are safe and are the most effective method of preventing people from getting and spreading the virus that causes COVID-19 and from getting seriously ill, ending up hospitalized, or dying, even if they do get COVID-19. Evidence indicates that many new variants are significantly more transmissible than prior variants of the virus, and that individuals who have had only their initial vaccine series are susceptible to contracting these variants and then exposing others to them. Individuals who have received a booster shot increase their immunity and the booster confers more protection from all circulating SARS-CoV-2 variants.

In line with orders and recommendations from the State and Local Health Officers, to protect County personnel, the community members with whom County personnel interact, and all residents of the county, **all County personnel must be fully vaccinated and, as of January 24, 2022, up-to-date on boosters for which they are eligible**, subject to the limited exceptions below. County departments are responsible for ensuring that their employees and their non-employee personnel (defined below) comply with this policy. This policy is issued as an emergency measure based on the strong recommendation of the Health Officer that employers adopt such policies immediately.

County personnel should obtain vaccines, including boosters, through their regular healthcare provider such as Kaiser, PAMF, Stanford, SCVMC, or other provider. They are also available at several retail pharmacies or at the County's vaccination sites. County employees may take paid time off to obtain that COVID-19 vaccination consistent with information previously provided to all County staff. Information on the COVID-19 vaccines and how to obtain vaccination is available at sccfreevax.org.

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A. Definitions

County personnel, for purposes of this Memorandum and related requirements, includes: (1) County employees; and (2) County non-employee personnel (including contractors, interns, and volunteers) who routinely perform services for the County onsite and share airspace with or proximity to other people at a County facility as part of their services for the County. For example, County contractors who qualify as County personnel include contract physicians and contracted staff who work within County facilities, but would not include, for example, a third-party that a department retains on occasion to pick up or deliver a package or documents.

COVID-19 vaccine means a vaccine authorized or approved to prevent COVID-19 by the federal Food and Drug Administration, including by way of an emergency use authorization.

Fully vaccinated means that both of the following are true:

(1) It has been at least two weeks since the person has completed the entire recommended series of a COVID-19 vaccine. For example, as of the date of the most recent update to this memorandum, the person would be fully vaccinated at least two weeks after receiving a second dose of the Pfizer or Moderna COVID-19 vaccine or two weeks after receiving a single dose of the Johnson & Johnson COVID-19 vaccine.

(2) The person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status in the State of California's [July 26, 2021 Public Health Officer Order](#).

Up-to-date means that both of the following are true:

(1) that a person is not only fully vaccinated but has also obtained any booster doses of a COVID-19 vaccination for which they are eligible as authorized or approved by the federal Food and Drug Administration, within 15 calendar days of becoming eligible. For example, as of the date of the most recent update to this memorandum, individuals aged 16 or older who received their second dose of the Pfizer or Moderna COVID-19 vaccine more than six months ago are eligible for and must obtain a booster shot to be up-to-date, while individuals who received one dose of the Johnson & Johnson COVID-19 vaccine more than two months ago are eligible for and must obtain a booster shot to be up-to-date.

(2) the person has provided proof that they have obtained required boosters in a form consistent with the requirements for verification of vaccine status in the State of California's [July 26, 2021 Public Health Officer Order](#).

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B. Required Vaccination

- All current County employees must be fully vaccinated and, as of January 24, 2022, up-to-date, unless they have a pending or approved exemption.¹
- All newly hired County employees must be fully vaccinated and, as of January 24, 2022, up-to-date, prior to their start date unless they have obtained an approved exemption before their start date.
- County non-employee personnel (including contractors, interns, and volunteers) who perform work onsite at a County facility and share airspace with or proximity to other people must be fully vaccinated and, as of January 24, 2022, up-to-date, or have an approved exemption before they perform work onsite at a County facility.
- All personnel who become eligible for a booster after January 24, 2022 must be up-to-date within 15 calendar days of their booster eligibility.
- As explained below in section C.2, regardless of exemption status, effective no later than February 1, 2022, County personnel are not permitted to work in higher-risk settings at County facilities² if they are not fully vaccinated and, as of January 24, 2022, up-to-date.

Requests for exemption by County employees must be submitted per Section C, below. If a County employee's request for exemption is denied, they must receive their next vaccine dose within 14 days of notification their exemption was denied, be fully vaccinated within 8 weeks, and must remain up-to-date. Exemptions for County non-employee personnel are addressed in the County memorandum, *Application of COVID-19 Vaccination Requirement to County Contractors, Interns, and Volunteers*. Personnel who have already obtained an exemption or provisional exemption from the County's full vaccination requirement are not required to obtain an additional exemption from the County's booster requirement.

¹ If a person will not work for an extended period due to a leave of absence (such as for FMLA leave or pregnancy disability leave), they may contact their department head or designee to request a deferral of the vaccination requirements until they return to work. But they must be fully vaccinated and up-to-date or have an approved exemption by the time they return to work.

² "Higher-risk settings" are those identified in the Order of the Health Officer of the County of Santa Clara Requiring Up-to-Date COVID-19 Vaccination of Personnel in Higher-Risk Settings, *available at*: <https://covid19.sccgov.org/december-28-2021-booster-health-order>. There are certain high-risk roles and high-risk areas that are not within higher-risk settings. Regardless of exemption status, effective no later than February 1, 2022, County personnel are not permitted to work in these high-risk roles and high-risk areas if they are not fully vaccinated and, as of January 24, 2022, up-to-date.

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County employees who fail to comply with this policy are subject to release or discharge from County employment. County non-employee personnel who fail to comply with this policy may be barred from County worksites and not allowed to perform services for the County. In addition, the County may, as appropriate, suspend or terminate the applicable contract.

C. Limited Exemptions to Vaccination Requirement

1. Limited Exemptions for County Employees

Limited exemptions. County employees may request a reasonable accommodation to the vaccination and booster requirement if they:

1. Have a contraindication recognized by the [U.S. Centers for Disease Control and Prevention](#) (CDC) or by the vaccine's manufacturer to every authorized and approved COVID-19 vaccine. A contraindication means a condition that makes vaccination inadvisable;
2. Have a disability and are requesting an exception as a reasonable accommodation; or,
3. Object to COVID-19 vaccination based on their sincerely-held religious belief, practice, or observance.

How to request exemption. To seek a reasonable accommodation from the vaccination and booster requirements in this Memorandum, County employees should:

1. Contact their department head or designee(s) to obtain a copy of the appropriate form. The available forms are:
 - a. Medical Exemption and/or Disability Accommodation Request Form
 - b. Religious Accommodation Request Form
2. Complete and submit the applicable form(s) to the County Equal Opportunity Division (EOD) at eodra@eod.sccgov.org.

If an accommodation is granted, the County will notify the employee and their department of the approval and the associated expiration date. If a request for accommodation is denied, the EOD will notify the employee and their department.

The County memorandum, *Application of COVID-19 Vaccination Requirement to County Contractors, Interns, and Volunteers*, details the vaccination requirement, exemptions, and verification process for County non-employee personnel. In that memorandum, exemptions for contractor personnel are discussed in Section A and exemptions for volunteers, interns, and students are discussed in Section B.

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2. Prohibition on Working in Higher-Risk Settings

County Departments, in collaboration with the Office of the County Counsel, have implemented guidance and direction from the Public Health Department and the County Executive on which settings and assignments present higher risk for the spread of COVID-19. To work in those settings and assignments, employees must be fully vaccinated and, as of January 24, 2022, up-to-date. Even with an approved exemption, County personnel who are not fully vaccinated and up-to-date are prohibited from working in higher-risk settings, as defined by the December 28, 2021 Order of the County Health Officer, and in other high-risk roles or high-risk areas.

CONCLUSION

Your timely attention to ensure compliance with these requirements is essential to the County's efforts to control the spread of COVID-19 and to comply with public health orders and recommendations. Employees, contractors, interns, and volunteers may direct any questions to their designated point of contact at the County. If a department has any questions or concerns about these requirements, it may contact Chief Operating Officer Miguel Márquez.