

County of Santa Clara

Office of the County Executive

County Government Center, East Wing
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MEMORANDUM

TO: County Executive Leaders

FROM: Jeffrey V. Smith, County Executive 

RE: **Application of COVID-19 Vaccination Requirement to County Contractors, Interns, and Volunteers**

DATE: August 20, 2021 (Last updated March 28, 2022, to go into effect on April 1, 2022)

On August 5, 2021, and as subsequently updated, the County Executive and County Counsel issued a memorandum regarding COVID-19 Vaccine Requirement for County Personnel (“County Vaccine Policy”) requiring that all County personnel obtain the COVID-19 vaccine and boosters for which they are eligible, subject to limited exceptions.¹ The vaccination requirement applies both to employees and to non-employee personnel, including contractors, interns, and volunteers. This memorandum provides further detail on the vaccination requirement, exceptions, and verification process for non-employee personnel. This memorandum supplements and incorporates the County Vaccine Policy, including all definitions and provisions therein.

Except as otherwise provided herein, all non-employee personnel 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 are subject to the requirements set forth below.

This March 28, 2022 update goes into effect on April 1, 2022.

A. Contractor personnel

Except as otherwise provided herein, contractors who routinely work indoors at, or have personnel working indoors at, a County facility must certify to the County that all personnel who work indoors at those facilities either: (1) are fully vaccinated against COVID-19 and up-to-date on all boosters for which they are eligible,² or (2) have a valid medical, disability, or religious

¹ The County Vaccine Policy has been updated to add a requirement for up-to-date vaccination, and is available on SCC Connect at: <https://connect.sccgov.org/sites/policies/FormsrelatedtoPolicies/COVID-19/Memo-COVID-19-Vaccination-Requirements.pdf>.

² Personnel must be up-to-date within 15 calendar days of their booster eligibility. If an individual develops a documented COVID-19 infection after being fully vaccinated but before receiving a booster for which they are

Memorandum to County Executive Leaders

Re: Application of COVID-19 Vaccination Requirement to Contractors, Interns, and Volunteers

August 20, 2021 (Last Updated March 28, 2022)

Page 2 of 3

exemption that has been granted by the contractor.³ The department responsible for ensuring that the contractor complies with the verification and notice requirements discussed below is the department that manages the contract at issue, even if the contractor has personnel that perform work in a facility controlled by a different department.

Contractors subject to this requirement must complete and return the certification form attached to this memorandum as Appendix A to the department's contract manager prior to sending personnel onsite to work indoors at a County facility. The certification form states that if the contractor seeks to send personnel who are not fully vaccinated and up-to-date on all boosters for which they are eligible (because they have a valid exemption granted by the contractor), the contractor must identify those individuals by name to the COVID-19 designee for the department that manages the facility or facilities where the personnel will be working at least 96 hours prior to their intended arrival at the facility.⁴ This notice period is necessary to provide the department(s) sufficient time to determine whether it will approve the contractor's requests that its personnel work onsite and, if approved, can ensure compliance with all applicable requirements. Regardless of exemption status, contractor personnel who are not fully vaccinated and up-to-date on all boosters for which they are eligible are not permitted to work in high-risk roles at County facilities.

If a department believes that a contractor has not properly scrutinized or granted an exemption to its personnel, the department may refer the matter to County Counsel.

Contractors and subcontractors performing work at closed construction sites, as defined in the next sentence, must comply with all applicable federal, state, and local public health laws, including but not limited to vaccination, testing, and masking requirements, but are not required to comply with the County Vaccine Policy. A closed construction site is any construction site at a County facility that is only open or accessible to the contractors and subcontractors performing construction work at the County facility, and other persons performing work related to the construction work at the site (e.g., inspectors, County employees monitoring the construction work, and employees from other authorities having jurisdiction over the construction project). A County facility that is partially closed for construction, but otherwise open or accessible to County employees not performing construction work and/or the general public is not a closed construction site, unless the construction site is only accessible to the persons involved with the construction project, including but not limited to having a separate means of ingress and egress to prevent interaction with other persons not involved with the construction.

eligible, they may wait for up to 90 days from the date of their first positive test or clinical diagnosis of COVID-19 before obtaining a booster.

³ Contractors who are also members of the Enterprise Medical Staff should use the separate process established by the Hospitals and Clinics to document vaccination or exemption status in ReadySet.

⁴ If the contractor sends lists of individuals who are not fully vaccinated or up-to-date, it is the contractor's obligation to ensure that it has any necessary authorization under the California Confidentiality of Medical Information Act, Cal. Civ. Code § 56 *seq.* and under any other laws to share this information with the County.

Memorandum to County Executive Leaders

Re: Application of COVID-19 Vaccination Requirement to Contractors, Interns, and Volunteers

August 20, 2021 (Last Updated March 28, 2022)

Page 3 of 3

B. Volunteers, interns, and students

Volunteers, interns, and students who are not fully vaccinated and up-to-date on all boosters for which they are eligible, are prohibited from performing work indoors at a County facility unless they have obtained an exemption from the County. Regardless of exemption status, volunteers, interns, and students who are not fully vaccinated and up-to-date on all boosters for which they are eligible are not permitted to work in high-risk roles at County facilities.

Volunteers, interns, and students who will be indoors at a County facility on a repeated basis during their tenure must verify their vaccination status using the same verification procedures applicable to employees. For students who are placed at a facility through their schools via an affiliation agreement with the County, departments may follow the contractor process described above in Section A.

All volunteers, interns, and students who will be indoors at a County facility on a one-time basis only (e.g., for a one-day event) must verify their vaccination status by showing acceptable proof of vaccination to the department prior to beginning their work at the County facility. For instance, volunteers may show a vaccination card to a department employee when checking in at a volunteer clean-up event. The department should not maintain any records of vaccination status for one-time volunteers, interns, and students.

Volunteers, interns, and students who wish to submit a request for a medical, disability, or religious exemption must fill out the required forms available at the Equal Opportunity Division's (EOD) website,⁵ and send them via email to eodra@eod.sccgov.org. The subject line of the email should read: Volunteer/Intern/Student [ENTER LAST NAME]—Exemption Request. Volunteers, interns, and students who are not fully vaccinated and up-to-date on all boosters for which they are eligible, must obtain an approved exemption before volunteering onsite at a County facility.

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 recommendations. Contractors, interns, and volunteers may direct any questions to their department head or designee(s). If a department has any questions or concerns about these requirements, it may contact Chief Operating Officer Miguel Márquez.

Appendix A: Contractor Certification of Compliance With COVID-19 Vaccine Requirements

⁵ The EOD's website is accessible at: <<https://equalopportunity.sccgov.org/home>>.