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COUNTY OF SANTA CLARA**

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MEMORANDUM

TO: All County of Santa Clara Personnel DS
JVS

FROM: Jeffrey V. Smith, County Executive DS
JKW
James R. Williams, County Counsel

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

DATE: August 5, 2021 (Last updated September 27, 2022)

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, 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 updated policy. This updated policy is issued as an emergency measure based on the strong recommendation of the Health Officer that employers adopt such policies immediately.

The Health Officer continues to recommend that all individuals receive booster shots for which they are eligible, including the new bivalent booster. However, given the rapid emergence of new and different variants, the anticipated release of additional boosters on a periodic basis, and changing guidance on when individuals should obtain boosters in light of prior vaccination and prior COVID-19 infection, the requirement that employees obtain a booster shot within 14 days of becoming eligible is being discontinued at this time. Accordingly, while the County continues to require that all County personnel be fully vaccinated, as of the effective date of this updated policy, it will no longer require that County personnel remain up-to-date on all boosters for which they are eligible, even though the County continues to encourage all employees to obtain all boosters for which they are eligible.¹

¹ County departments are required by law to implement any State-issued requirements, including ones that are more restrictive than the County's internal policies. As of the date of this policy, the California Department of Public Health (CDPH) requires that workers in [health care facilities](#), as well as specified workers in [custodial settings](#),

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County personnel should obtain vaccines through their regular healthcare provider such as Kaiser, Palo Alto Medical Foundation (PAMF), Stanford, or Santa Clara Valley Medical Center (SCVMC). They are also available at several retail pharmacies or at the County's vaccination sites. County employees may take paid time off to obtain their 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](https://www.sccfreevax.org).

This September 27, 2022 updated policy goes into effect upon issuance.

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 an indoor 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 initial 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, Moderna, or Novavax 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 [May 2, 2022 Vaccine Records Guidelines and Standards](#).

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obtain a COVID-19 booster dose. Thus, personnel subject to this CDPH booster requirement are expected to comply with it, in addition to this policy. The exemption process in Section C of this memorandum shall apply to any requests for exemption from the State booster requirement.

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B. Required Vaccination

- All current County employees must be fully vaccinated unless they have a pending or approved exemption.²
- All newly hired County employees must be fully vaccinated 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 routinely perform work indoors at a County facility and share airspace with or proximity to other people must be fully vaccinated, or have an approved exemption before they perform work indoors at a County facility.
- County personnel in intermediate- and lower-risk roles who have a pending or approved exemption may work in those roles subject to completion of specified measures they must take to reduce the risk of COVID-19 transmission. County personnel who are unvaccinated may not work in high-risk roles until they receive an approved exemption and successfully complete specified safety measures to reduce the risk of COVID-19 transmission.³

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 and be fully vaccinated within 8 weeks. Exemptions for County non-employee personnel are addressed in the County memorandum, *Application of COVID-19 Vaccination Requirement to County Contractors, Interns, and Volunteers*.

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 working indoors at County facilities. In addition, the County may, as appropriate, suspend or terminate the applicable contract.

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² 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 or have an approved exemption by the time they return to work.

³ The risk ratings associated with certain roles, and the resulting risk-reduction requirements, are subject to change based on several factors, including but not limited to, changes in job duties, changes in scientific data regarding the nature of risk associated with the role, and other changed circumstances. The risk rating process also takes into account requirements in State and local health orders.

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C. Limited Exemptions to Vaccination Requirement

Limited exemptions. County employees may request a reasonable accommodation to the updated vaccination 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 *each and 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 receiving a 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, or obtain a copy from the County Equal Opportunity Division (EOD) [website](#). 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 EOD at eodra@eod.sccgov.org.

If an accommodation is granted, the County will notify the employee and their department of the approval and any 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.

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

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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 Greta Hansen.