

County of Santa Clara


Office of the County Executive

County Government Center, East Wing
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San Jose, California 95110
(408) 299-5105



MEMORANDUM

TO: All County of Santa Clara Personnel

FROM: Jeffrey V. Smith, County Executive 

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

DATE: August 5, 2021 (Last updated March 28, 2022, to go into effect on April 1, 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 generally more 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 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, 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 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.

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

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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.¹ For example, as of the most recent update to this memorandum:
 - a. Individuals aged 12 or older who received their second dose of the Pfizer COVID-19 vaccine at least five months ago are eligible for and must obtain a booster shot to be up-to-date;
 - b. Individuals aged 18 or older who received their second dose of the Moderna COVID-19 vaccine at least five months ago are eligible for and must obtain a booster shot to be up-to-date;

¹ If an individual develops a documented COVID-19 infection after being fully vaccinated but before receiving a booster for which they are 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.

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- c. Individuals aged 18 or older who received one dose of the Johnson & Johnson COVID-19 vaccine at least 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](#).

B. Required Vaccination

- All current County employees must be fully vaccinated and up-to-date unless they have a pending or approved exemption.²
- All newly hired County employees must be fully vaccinated and 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 routinely perform work onsite at a County facility and share airspace with or proximity to other people must be fully vaccinated and 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 must be up-to-date within 15 calendar days of their booster eligibility.
- Regardless of exemption status, County personnel are not permitted to work in high-risk roles if they are not fully vaccinated and up-to-date. County personnel with a pending or approved exemption who are in intermediate- and low-risk roles may continue to work in those roles subject to specified measures they must take 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, 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*

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 and up-to-date 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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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.

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

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, 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

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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 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.