

COVID-19 Vaccine Status Verification and Testing Policy

I. PURPOSE

This policy is enacted in order to set forth the County of San Mateo's policy regarding COVID-19 vaccine status verification, vaccine requirements and testing requirements as directed by the County Manager and/or mandated by the July 26th, August 5th, and August 19th Orders of the State Public Health Officer of the State of California.

II. EFFECTIVE DATE

This policy is effective as of October 15, 2021.

III. SCOPE OF POLICY

This policy applies to all County staff.

IV. POLICY

A. Emergency Health and Safety Measure.

The COVID-19 pandemic is a public health emergency. The overwhelming consensus of public health authorities, including the State Public Health Officer and the County Health Officer, is that vaccination against COVID-19 is the most effective means of preventing infection with the COVID-19 virus, and subsequent transmission and outbreaks. COVID-19 vaccine status verification and vaccine or testing requirements are critical and necessary steps to ensuring the health and safety within County facilities and preventing the spread of COVID-19, especially in light of the highly transmissible variants.

State Public Health Officer Orders establish vaccine mandates for workers in specified health care facilities and other high-risk settings where there is frequent exposure to staff and highly vulnerable patients. The County is expanding these requirements and requiring all County employees not already covered by one of the State Public Health Officer Orders, to either submit proof of vaccination or to be tested for COVID-19 at least once a week.

The below COVID-19 vaccine status verification, vaccine requirements, and testing are reasonable and essential health and safety measures that are job related and consistent with business necessity because individuals with COVID-19 pose a direct threat to others in any indoor facilities during the COVID-19 pandemic. By complying with these requirements, staff diminish the risk of transmitting COVID-19 and can more safely perform their duties working among colleagues and with members of the public. COVID-19 vaccine status verification and testing pursuant to the conditions described below are mandatory and a condition of employment for County employees.

B. Vaccine Status Verification.

All County departments must verify the vaccine status of all employees. All County facilities identified in the July 26th, August 5th, and August 19th State Public Health Orders (including health care, long-term

care, and correctional facilities) must verify the vaccine status of all workers, including employees, contractors, and volunteers.

1. Pursuant to the [CDPH Guidance for Vaccine Records Guidelines & Standards](#), the County will accept the a photo or a scanned copy of any of the following records as proof of vaccination:

- a. 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
- b. Documentation of COVID-19 vaccination from a health care provider; OR
- c. Digital record that includes a QR code confirming the vaccine record as an official record of the state of California.

Please note: The proof of vaccination staff provide may be used by the County of San Mateo (1) Occupational Health Coordinator, (2) Risk Manager, (3) Community Contact Tracers, (4) County Contact Tracers, and (5) County Safety Officers to prevent, manage, and respond to COVID-19 transmission and exposure risk.

2. Employees are to upload their proof of vaccination to Workday so the County can verify their vaccination status.

- a. Employees who are required to comply with the July 26, 2021 State Health Orders must have uploaded their proof of vaccination by August 23, 2021 (or as soon thereafter as the employee is fully vaccinated), as specified in that Order.
- b. Employees who are not subject to that State Health Order must upload this proof of vaccination by November 15, 2021.

3. Workers who are not fully vaccinated, or for whom vaccine status is unknown or documentation is not provided, must be considered unvaccinated.

C. Health care setting vaccine requirements:

1. All workers who provide services or work in health care settings identified by CDPH in the August 5, 2021 State Health Order must comply with that Order and thus must have their first dose of a one-dose COVID vaccine regimen or their second dose of a two-dose COVID vaccine regimen by September 30, 2021. Prior to this date, unvaccinated or incompletely vaccinated workers in such facilities must comply with the respirator and testing requirements discussed below. This requirement applies to the following settings:

- a. Acute Health Care and Long-Term Care Settings:
 1. General Acute Care Hospitals
 2. Skilled Nursing facilities (including Subacute Facilities)
 3. Intermediate Care Facilities
- b. Other Health Care Settings:

1. Acute Psychiatric Hospitals
2. Adult Day Health Care Centers
3. Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
4. Ambulatory Surgery Centers
5. Chemical Dependency Recovery Hospitals
6. Clinics & Doctor Offices (including behavioral health, surgical)
7. Congregate Living Health Facilities
8. Dialysis Centers
9. Hospice Facilities
10. Pediatric Day Health and Respite Care Facilities
11. Residential Substance Use Treatment and Mental Health Treatment Facilities.

2. All workers who are regularly assigned to 1) provide health care or health care services to inmates, prisoners, or detainees or 2) work within hospitals, skilled nursing facilities, intermediate care facilities, or the equivalent that are integrated into the correctional facility or detention center in areas where health care is provided must comply with the August 19, 2021 State Health Order and thus must have their first dose of a one-dose COVID vaccine regimen or their second dose of a two-dose COVID vaccine regimen by October 14, 2021. Prior to this date, unvaccinated or incompletely vaccinated workers in such facilities must comply with the respirator and testing requirements discussed below.

3. Workers may be exempt from these vaccination requirements only upon providing Human Resources a declination form, signed by the individual stating either of the following: (1) the worker is declining vaccination based on Religious Beliefs, or (2) the worker is excused from receiving any COVID-19 vaccine due to Qualifying Medical Reasons.

- a. To be eligible for a Qualified Medical Reasons exemption, the worker must also provide to the County's ADA Manager, Alicia Kellie, a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the exemption (but the statement should not describe the underlying medical condition or disability) and indicating the probable duration of the worker's inability to receive the vaccine (or if the duration is unknown or permanent, so indicate).

4. If the County deems a worker subject to a State Health Officer Order vaccine requirement to have met the requirements of an exemption pursuant to section IV.C.3, the unvaccinated exempt worker must continue to comply with the 1) respirator or mask requirements and 2) testing requirements, as described below in Sections IV.D-E.

D. Respirator or mask requirements:

A. All County facilities must strictly adhere to current CDPH Masking Guidance. To the extent they are already applicable, facilities must also continue to adhere to Cal/OSHA's standards for Aerosol Transmissible Diseases (ATD), which requires respirator use in areas where suspected

and confirmed COVID-19 cases may be present, and the Emergency Temporary Standards (ETS) that requires all unvaccinated workers be provided a respirator upon request.

B. Acute Health Care and Long-Term Care Settings: In addition to respirators required under Title 8 of the California Code of Regulations, facilities must provide respirators to all unvaccinated or incompletely vaccinated workers who work in indoor work settings where (1) care is provided to patients or residents, or (2) to which patients or residents have access for any purpose. Workers are strongly encouraged to wear respirators in all such settings. The facility must provide the respirators at no cost, and workers must be instructed how to properly wear the respirator and how to perform a seal check according to the manufacturer's instructions.

C. In other County facilities, where Title 8 of the California Code of Regulations does not require the use of respirators, facilities shall provide all unvaccinated or incompletely vaccinated workers with FDA-cleared surgical masks. Workers are required to wear FDA-cleared surgical masks in indoor settings anywhere they are working with another person.

E. Testing requirements:

1. Acute Health Care and Long-Term Care Settings:

- a. This testing requirement applies to workers in facilities enumerated in Section IV.C.1.a.
- b. Prior to September 30, 2021, all asymptomatic unvaccinated or incompletely vaccinated workers are required to undergo diagnostic screening testing at least twice weekly with either PCR testing or antigen testing.
- c. On and after September 30, 2021, the required twice-weekly testing continues only for those unvaccinated workers who the County has deemed to have met the requirements of an exemption to the health care worker vaccination requirement, as discussed in Section IV.C.3.

2. Correctional Facility Health Care Settings:

- a. This testing requirement applies to workers in facilities enumerated in Section IV.C.2.
- b. Prior to October 14, 2021, all asymptomatic unvaccinated or incompletely vaccinated workers are required to undergo diagnostic screening testing at once weekly with either PCR testing or antigen testing. More frequent testing improves outbreak prevention and control and is encouraged, especially with antigen testing.
- c. On and after October 14, 2021, the required weekly testing continues only for those unvaccinated workers who the County has deemed to have met the requirements of an exemption to the correctional facility health care vaccination requirement, as discussed in Section IV.C.3.

3. High-Risk Congregate Settings (excluding correctional facility health care settings):

- a. This testing requirement applies to workers in High-Risk Congregate Settings-- Adult and Senior Care Facilities, Homeless Shelters, and State and Local Correctional Facilities and Detention Centers outside of correctional facility health care settings.
 - b. Asymptomatic unvaccinated or incompletely vaccinated workers are required to undergo diagnostic screening testing at least once weekly with either PCR testing or antigen testing. More frequent testing improves outbreak prevention and control and is encouraged, especially with antigen testing.
4. Other Health Care Settings:
- a. This testing requirement applies to workers in facilities enumerated in Section IV.C.1.b, as well as Adult Day Programs Licensed by the California Department of Social Services and Dental Offices.
 - b. Prior to September 30, 2021, all asymptomatic unvaccinated or incompletely vaccinated workers are required to undergo diagnostic screening testing at least once weekly with either PCR testing or antigen testing. More frequent testing improves outbreak prevention and control and is encouraged, especially with antigen testing.
 - c. On and after September 30, 2021, the required weekly testing continues only for those unvaccinated or incompletely vaccinated workers 1) who provide services or work at Adult Day Programs Licensed by the California Department of Social Services or at Dental Office facilities, or 2) whom the County has deemed to have met the requirements of an exemption to the health care worker vaccination requirement, as discussed in Section IV.C.3.
5. All Other County Employees:
- a. For County employees who are not already covered by Sections IV.E.1-4, beginning November 16, 2021, all unvaccinated or incompletely vaccinated employees are required to undergo diagnostic screening testing at least once weekly with either PCR testing or antigen testing. More frequent testing improves outbreak prevention and control and is encouraged, especially with antigen testing.
6. Availability of Testing:
- a. The County will provide tests to satisfy the testing requirements for unvaccinated or incompletely vaccinated individuals required to be tested pursuant this policy during regular work shifts. Alternatively, as explained in more detail below, individuals may choose to get tested on their own time by a health care provider or testing facility of their choice and submit the date-stamped and identifiable results to the County. The test used must be either a PCR or antigen test administered under the guidance of a health care professional; self-administered home tests are not sufficient. Any PCR (molecular) or antigen test used must either have Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

- b. Unvaccinated or incompletely vaccinated individuals subject to this policy must also observe all other infection control requirements, including masking, and are not exempted from the testing requirement even if they have a medical contraindication to vaccination, since they are still potentially able to spread the illness. Previous history of COVID-19 or a previous positive antibody test for COVID-19 do not waive this requirement for testing.
- c. Diagnostic screening testing of asymptomatic fully vaccinated individuals subject to this policy is not currently required by this policy. However, departments may have their own specific testing policy in place that may apply to County employees, regardless of vaccination status.
- d. Facilities and departments should have a plan in place for tracking test results, conducting workplace contact tracing, and must report results to local public health departments.

F. Periodic Testing by Vendor.

The COVID-19 testing of all staff covered by this policy will be conducted by a vendor selected by the County and will be done at no cost to staff. Alternatively, staff may choose to get tested on their own time by a health care provider or testing facility of their choice and will be required to submit documentation of the date of their test and that they received a negative result. Staff who choose to get tested on their own time will still be required to be tested (or provide date-stamped test results) on a regular and periodic basis as outlined in this policy.

G. Missed Tests.

If a staff member misses the on-site COVID-19 testing provided by the County because they were not working on the date of the County testing, the County will determine if the staff member can continue to work while still complying with the above policy requirements until such time as the next on-site COVID-19 testing occurs, depending on the circumstances of each case. Alternatively, a staff member may obtain testing through a health care provider or testing facility of their choice. Staff who choose this option must provide documentation from their health care provider indicating the individual was tested for COVID-19, the date of the test and the results. The County will determine if the staff member can continue to work until such time as they are able to provide the required documentation, depending on the circumstances of each case. Staff may be required to show documentation that they have taken the test through an outside provider and are awaiting results.

If a staff member misses a required test and is unable to continue working until they comply with the testing requirement, they will be considered non-compliant with this policy, as discussed below in Section VI.

H. Test Results and Confidentiality.

The results from COVID-19 testing will be reported by the vendor to the County's Occupational Health Coordinator, Risk Manager, Community Contact Tracers, County Contact Tracers, and for

any purpose that the County reasonably deems necessary in order to take actions consistent with guidance from the CDC, CDPH and other public health or occupational safety authorities.

The County will take reasonable measures to maintain the confidentiality of information regarding the COVID-19 vaccination or testing status of staff. Any information that the County stores regarding the COVID-19 status of an employee will be separately maintained from the employee's personnel file, thus limiting access to this confidential information. The results from COVID-19 testing will only be used for purposes related to preserving the health and safety of employees, patients, clients, inmates, and the community, and will not be used for any other purpose.

An employee who tests negative for COVID-19 may continue working. An employee who has tested positive for COVID-19 and who believes they were exposed to COVID-19 while working on-site or in the field for the County (1) must contact the County's Workers Compensation Department to make a claim, and (2) should contact the County Occupational Health Coordinator to obtain guidance on health and wellness.

V. DISCLOSURE OF RESULTS AND RECEIPT OF INFORMATION

Staff are required to authorize the testing vendor to disclose test results to the County in accordance with this policy and may be required to acknowledge receipt of testing disclosures from the County or the County's testing vendor.

VI. NON-COMPLIANCE WITH POLICY

If an individual is unable to comply with the vaccination or testing requirements based on a qualifying disability or medical restrictions, they may request an ADA accommodation by contacting the County's ADA Manager. Staff who are unable to comply with the vaccination or testing requirement for any other reason, including but not limited to a religious exemption, should contact their manager or the Human Resources Department.

Volunteers who refuse to comply with vaccination or testing requirements will no longer be permitted to volunteer at County facilities that require vaccination or testing.

County employees who do not comply with this policy cannot enter any County facility. Employees who work in the field or telework may be required to report to a County facility at any time and therefore must also comply with this policy. If an employee does not comply with this policy, the employee will be placed on leave. The employee may initially use paid time off balances, except sick pay, for all missed work time until such time that they comply with the policy or the policy is revoked by the County. If you disagree with this decision you may contact Employee & Labor Relations Manager Michelle Kuka at mkuka@smcgov.org to provide information in support of your position.

Employees who continue to not comply with this policy may be subject to disciplinary action up to and including termination.

VII. DEFINITIONS:

For purposes of this Policy, the following definitions apply:

1. “Fully Vaccinated” means individuals who are considered fully vaccinated for COVID-19: two weeks or more after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna or vaccine authorized by the World Health Organization), or two weeks or more after they have received a single-dose vaccine (Johnson and Johnson [J&J]/Janssen). COVID-19 vaccines that are currently authorized for emergency use or that are fully approved:
 - a. By the US Food and Drug Administration, are listed at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>
 - b. By the World Health Organization, are listed at <https://extranet.who.int/pqweb/vaccines/covid-19-vaccines>
2. “Incompletely vaccinated” means persons who have received at least one dose of COVID-19 vaccine but do not meet the definition of fully vaccinated.
3. “Respirator” means a respiratory protection device approved by the National Institute for Occupational Safety and Health (NIOSH) to protect the wearer from particulate matter, such as an N95 filtering facepiece respirator.
4. “Unvaccinated” means persons who have not received any doses of COVID-19 vaccine or whose status is unknown.
5. “WHO Yellow Card” refers to the original World Health Organization International Certificate of Vaccination or Prophylaxis issued to the individual following administration of the COVID-19 vaccine in a foreign country.
6. “Worker” refers to all paid and unpaid persons serving in health care, other health care or congregate settings who have the potential for direct or indirect exposure to patients/clients/residents or SARS-CoV-2 airborne aerosols. Workers include, but are not limited to, nurses, nursing assistants, physicians, technicians, therapists, phlebotomists, pharmacists, students and trainees, and persons not directly involved in patient care, but who could be exposed to infectious agents that can be transmitted in the health care setting (e.g., clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, and volunteer personnel).