



**HUMAN RESOURCES**  
— Work Here Thrive Here —

## COUNTY OF SAN BENITO

### COVID-19 VACCINE STATUS VERIFICATION AND TESTING POLICY

#### **PURPOSE:**

To protect the County's workforce and the public that it serves from COVID-19. The County of San Benito is committed to providing a healthy workplace and a safe space for the public to receive services. This policy is part of an effort to help control the spread of COVID-19 and keep County employees and patrons healthy and safe from the spread of this virus.

#### **SUMMARY OF POLICY:**

The County of San Benito will require all unvaccinated County personnel to undergo twice weekly testing. This policy applies to *All County Staff* defined as all county employees and volunteers. Please see the [County of San Benito Novel Coronavirus COVID-19 \(Pandemic\) Emergency Policy for all the COVID-19 Policy Definitions](#) for all definitions described below.

#### **AUTHORITY:**

This policy will remain in effect due to County of San Benito proclaiming the existence of a local emergency due to COVID-19 and this procedure will cease to have effect by further Resolutions or acts by the County declaring the end of the local emergency, or other action ending the local emergency. This policy is issued as an emergency measure based on the strong recommendation of the Health Officer and the California Department of Public Health that employers adopt such policies immediately and based on the significant rise of COVID-19 cases and hospitalizations among the unvaccinated due to the Delta variant.

#### **POLICY PROVISIONS:**

This is an emergency policy in accordance with Government Code 3504.5 subdivision (b) that allows the County an emergency exception to the normal meet and confer process prior to **adoption** of a policy which would otherwise be subject to the meet and confer requirements under state law. A notice will be provided to each affected employee association and/or union; further, the County will provide each with the opportunity to meet and confer over the impacts on this policy at the earliest practicable time.

#### **POLICY:**

##### **A. Emergency Health and Safety Measure.**

The COVID-19 pandemic is a public health emergency, and it continues to pose a significant risk, therefore, additional safety measures have become necessary to protect against COVID-19 cases, hospitalizations and deaths. The federal Centers for Disease Control (CDC) and the State Public Health Officer has concluded that vaccination against COVID-19 is the most effective means of preventing infection against the COVID-19 virus, and subsequent transmission and outbreaks. Clinical trials, scientific research, and safety monitoring have demonstrated that the 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.

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 and critical public infrastructure/personnel during the COVID-19 pandemic. By complying with these requirements, County staff reduces the risk of transmitting COVID-19 and can more safely perform their duties. COVID-19 vaccine status verification and twice weekly testing of County staff is mandatory and a condition of employment for County employees. Under the California Occupational Safety and Health Act (Cal-OSHA), as employers, we are required to maintain safe and healthy working conditions for employees.

## **B. Vaccine Status Verification for All County Staff.**

All County employees that self-attested on the [COVID-19 Vaccine Self-Attestation Form](#) that they are fully vaccinated as defined in the *COVID-19 Policy Definitions* will have their vaccination status verified by County Human Resources staff following California Department of Public Health Vaccine Record Guidelines & Standards, see Appendix H. County Human Resources staff will not be taking a copy of the vaccine record.

1. Pursuant to the [CDPH Guidance for Vaccine Records Guidelines & Standards](#), the County will accept 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 Human Resources Staff, to prevent, manage, and respond to COVID-19 transmission, exposure risk and quarantine protocols.

2. County staff who are not fully vaccinated, or for whom vaccine status is unknown or documentation is not provided, must be considered unvaccinated and subject to testing.
3. If your vaccination has changed, you must fill out a new [COVID-19 Vaccine Self-Attestation Form](#).

## **C. Health care setting vaccine requirements:**

Pursuant to State Public Health Officer Order of August 5, 2021 (See Appendix H), Section 1.

All workers who provide services or work in facilities described in subdivision (a) of the August 5, 2021 State Public Health Order must have their first dose of a one-dose regimen or their second dose of a two-dose regimen by September 30, 2021: Subdivision 1.a.ix. *Clinics & Doctor Offices (including behavioral health, surgical)*: Prior September 30, 2021, unvaccinated or incompletely vaccinated staff in such facilities must comply with the respirator and testing requirements discussed below.

1. Workers may be exempt from the vaccination requirements of the August 5, 2021, State Public Health Order only upon providing the operator of the facility 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 Human Resources, 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).
2. If the County deems a worker to have met the requirements of an exemption pursuant to the section above, the unvaccinated exempt worker must continue to comply with the following:
  - a. Testing requirements, as described below in Section E; and,
  - b. Wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator, at all times while in the facility.

#### **D. Respirator or mask requirements:**

All County facilities must strictly adhere to current CDPH Masking Guidance (See Appendix H) to the extent they are already applicable and mentioned on the COUNTY OF SAN BENITO NOVEL CORONAVIRUS COVID-19 (PANDEMIC) EMERGENCY POLICY. All County facilities must continue to adhere to California Division of Occupational Safety and Health (Cal/OSHA) Emergency Temporary Standards.

#### **E. Testing requirements- All County Staff:**

The County will provide COVID-19 tests to satisfy the testing requirements for County staff who are not fully vaccinated, or for whom vaccine status is unknown or documentation is not provided as described on the State Public Health Officer Order of August 5, 2021 (See Appendix H) and the

Order of the County of San Benito Health Officer of August 17, 2021 (See Appendix H). Alternatively, as explained in more detail below, workers that need to get tested on their own time by a health care provider or testing facility; the test used must be either a PCR or antigen test. 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.

1. County staff who are not fully vaccinated, or for whom COVID-19 vaccine status is unknown or documentation is not provided must also observe all other infection control requirements, including masking, and are not exempted from the testing requirement even if they have a medical or religious exemption to vaccination, since they are still potentially able to spread the illness. (Please note that this is the general rule, but the County will engage in reasonable accommodations discussion for unvaccinated employees who are not able to mask or test on a case-by-case basis.)
2. Previous history of COVID-19 from which the County employee recovered more than 90 days earlier, must present paper or electronic copies of the positive test result using PCR (Nucleic Acid) testing, (dated no more than 90 days ago) and a signed letter, on official letterhead that contains the name, address, and phone number of a licensed healthcare provider or public health official, stating that you have been cleared to end isolation and return to work will be exempt from testing.

## **F. COVID-19 Testing**

The COVID-19 testing of all County staff covered by this policy will be conducted by a vendor selected by the County and will be done at no cost to staff twice a week. This testing time will be considered “excused” work time and will not require use of personal time. Testing will be provided to the employees at no cost during their work hours following a process and timeline determined by the County.

Employees teleworking shall be subject to COVID-19 testing when they are asked to report to a worksite on an as-needed basis.

## **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, if directed by the County to do so, a staff member may obtain testing through a health care provider or testing facility of their choice if they miss the on-site COVID-19 testing provided by the County. 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 approved in advance, costs associated with outside testing will be paid by the County. However, the employee shall use any available health insurance to offset the cost and submit any proof of copayments to the County for reimbursement. Employees wishing to test through their own health care provider or testing facility of their choice when not directed by the County will be responsible for all associated costs.

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

#### **H. Test Results and Confidentiality.**

The results from COVID-19 testing will be reported by the vendor to County Human Resources, and may be used 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 County 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, 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, must follow the guidance set forth on Page 9 in this policy under **PROCEDURE:**

#### **I. 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.

#### **J. 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 County Human Resources. County 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 County Human Resources.

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.

If entrance to a County facility is part of the employee's regular job duties and the employee is not allowed to enter due to noncompliance with COVID-19 policies or orders, the employee will be sent home.

The employee may initially use paid time off balances, except sick pay, if approved by their Department, for all missed work time until such time that they comply with the policy. This initial period shall not exceed 10 days. County employees who fail to comply with this policy are subject to disciplinary action up to and including termination (release or discharge from County employment). 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.