

# **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 mandated by the July 26<sup>th</sup> and August 5<sup>th</sup> Orders of the State Public Health Officer of the State of California.

## **II. EFFECTIVE DATE**

This policy is effective as of August 9, 2021.

## **III. SCOPE OF POLICY**

This policy applies to all County staff (including, but not limited to, employees and volunteers) who perform work in the following facilities:

### **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. High-Risk Congregate Settings:**

4. Adult and Senior Care Facilities
5. Homeless Shelters
6. State and Local Correctional Facilities and Detention Centers

### **C. Other Health Care Settings:**

7. Acute Psychiatric Hospitals
8. Adult Day Health Care Centers
9. Adult Day Programs Licensed by the California Department of Social Services
10. Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers
11. Ambulatory Surgery Centers
12. Chemical Dependency Recovery Hospitals
13. Clinics & Doctor Offices (including behavioral health, surgical)
14. Congregate Living Health Facilities
15. Dental Offices

16. Dialysis Centers
17. Hospice Facilities
18. Pediatric Day Health and Respite Care Facilities
19. Residential Substance Use Treatment and Mental Health Treatment Facilities

#### **IV. POLICY**

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

The COVID-19 pandemic is a public health emergency. The State Public Health Officer has concluded 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, vaccine requirements, or testing requirements for staff working in health care settings, long term care settings and high-risk congregate settings are critical and necessary steps to ensuring the health and safety of the staff, patients, clients, or residents in these facilities and preventing the spread of COVID-19.

As stated in the State Public Health Officer Orders, hospitals, skilled nursing facilities (SNFs), and the other health care facility types identified in these orders are particularly high-risk settings where COVID-19 outbreaks can have severe consequences for vulnerable populations including hospitalization, severe illness, and death. There is frequent exposure to staff and highly vulnerable patients, including elderly, chronically ill, critically ill, medically fragile, or disabled patients. Further, the congregate and residential settings in the July 26<sup>th</sup> order share several features with these health care settings. They are residential facilities where the residents have little ability to control the persons with whom they interact and have frequent exposure to staff and other residents. In many of the settings covered by this policy, the patients or residents are at high risk of severe COVID-19 disease due to underlying health conditions, advanced age, or both. Moreover, recent outbreaks in health care, SNFs, and other congregate settings have frequently been traced to unvaccinated staff members.

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 the above-mentioned 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 with vulnerable populations. COVID-19 vaccine status verification and testing of staff working in the above-mentioned facilities is mandatory and a condition of employment for County employees.

##### **B. Vaccine Status Verification.**

All facilities identified in Section III of this policy must verify the vaccine status of all workers.

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 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 identified by the County to be working in the above-mentioned facilities are to upload their proof of vaccination to Workday so the County can verify their vaccination status.
- 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:**

All workers who provide services or work in facilities described in sections III.A (Acute Health Care and Long-Term Care Settings) and III.C (Other Health Care Settings), *except for* III.C.9 (Adult Day Programs Licensed by the California Department of Social Services) and III.C.15 (Dental Offices), 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.

- 1. Workers may be exempt from this vaccination requirement 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).
- 2. If the County deems a worker to have met the requirements of an exemption pursuant to section IV.C.1, 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 facilities identified in this policy 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. High-Risk Congregate Settings and Other Health Care Settings: 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. 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.
- b. 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.

##### 2. High-Risk Congregate Settings:

- a. 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.

##### 3. Other Health Care Settings:

- a. 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.

- b. On and after September 30, 2021, the required weekly testing continues only for those unvaccinated or incompletely vaccinated workers who 1) provide services or work at Program of All-Inclusive Care for the Elderly (PACE) and PACE Centers or Dental Office facilities, or 2) 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.
4. All Facilities:
    - a. The County will provide tests to satisfy the testing requirements for unvaccinated or incompletely vaccinated workers described above. Alternatively, as explained in more detail below, workers may choose to get tested on their own time by a health care provider or testing facility of their choice; 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.
    - b. Unvaccinated or incompletely vaccinated workers 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 from which the individual recovered more than 90 days earlier, or a previous positive antibody test for COVID-19, do not waive this requirement for testing.
    - c. Diagnostic screening testing of asymptomatic fully vaccinated workers is not currently required by order of the State Public Health Officer of the State of California. However, fully vaccinated workers may consider continuing routine diagnostic screening testing if they have underlying immunocompromising conditions (e.g., organ transplantation, cancer treatment), which might impact the level of protection provided by COVID19 vaccine. In addition, departments may have their own specific testing policy in place that may apply to staff, regardless of vaccination status.
    - d. Facilities with workers required to undergo workplace diagnostic screening testing should have a plan in place for tracking test results, conducting workplace contact tracing, and must report results to local public health departments. There are IT platforms available that can facilitate these processes for facilities.

#### **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 may 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 covered by this policy. If entrance to such a County facility is part of the employee's regular job duties, the employee will be sent home. 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](mailto: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:
  - a. By the US Food and Drug Administration, are listed at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease2019-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 COVID19 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).