



EMPLOYMENT &
HUMAN SERVICES

MEMORANDUM

Kathy Gallagher, Director

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To: All Staff, Code 2A

Date: June 10, 2020

From: Kathy Gallagher, EHSD Director

A handwritten signature in blue ink, appearing to read "Kathy Gallagher".

Subject: Notice of Non-compliance with Health & Safety Orders

Throughout these uncertain times, the health and safety of our employees remains a top priority at EHSD. As current events and the situation around COVID-19 continues to change and unfold, the County Administrator (CAO) issued a Memo on May 29, 2020 and Notice of Non-compliance with Health & Safety Orders form to continue to provide updates related to COVID-19. The memo also provides information related to the County's specific mandates for face coverings in the workplace and maintaining six feet of physical social distancing as quoted below. Supervisors will be required to complete the attached form if an employee fails to comply with Public Health Orders and County policies.

From May 29, 2020 CAO Memo:

"We continue to receive questions regarding face coverings. We will follow the existing health order that indicates face coverings can be anything made of cloth, fabric or other permeable material that covers the nose and mouth and the lower part of the face. Medical-grade masks are not required – and a T-shirt or bandana works fine. Masks with one-way valves for easy breathing do not qualify as face coverings under the order because they can release respiratory droplets into the surrounding air."

"We value our employees and respect their rights. Face covering is for the safety of all employees. Should employees have a documented medical condition that restricts them from wearing a face covering all day, we will work with departments to engage in the interactive process to determine reasonable accommodations, which may include teleworking or a private workspace. Even so, those employees will be required to cover their nose and mouth while in open office spaces."

"We have developed a Notice of Non-compliance with Health & Safety Orders that will be distributed to all departments to enable supervisors to adequately and uniformly notice employees when they are non-compliant, offer them the opportunity to immediately correct their practices or be sent home (attached)."

Should you have questions regarding this form, please contact your assigned Departmental Human Resources Analyst. We appreciate all you are doing to protect yourself, your colleagues and our community.

CONTRA COSTA COUNTY

NOTICE OF NON-COMPLIANCE WITH HEALTH & SAFETY ORDERS

To: _____
NAME CLASSIFICATION / DEPARTMENT

This is to notify you of your failure to comply with health and safety orders issued by the Contra Costa County Health Officer in effect to minimize the spread of COVID-19. The specific requirements for face covering and physical distancing at work have been posted in County buildings, emailed to all County employees, and posted on the County website.

You are hereby not permitted to enter the worksite for the following reasons [check all that apply]:

- Failure to comply with Contra Costa County Health Officer Order requiring face coverings in the work place on the following date(s): _____[insert date(s)]
- Failure to comply with Contra Costa County Health Officer Order requiring 6 feet of physical distancing when on the following date(s) you: _____

[insert brief description of circumstances]

You have been informed by your supervisor/manager that your actions are not in compliance with the Public Health Orders and County policies, and you have been instructed about how to comply with these requirements.

You will be allowed to re-enter the worksite upon your agreement to comply with the health and safety directives.

Until you provide such agreement, you will remain off work. You have chosen the following options regarding your pay status while off work [check all that apply]:

- Use of Available Accruals
- Absent Without Pay (AWOP)
- Combination of Accrual Use and AWOP

You have the right to meet with your supervisor to discuss this decision regarding your non-compliance and when you will be permitted to return to the worksite.

Continued refusal to comply with the health and safety orders as directed, may result in disciplinary action against you, up to and including termination of your employment. Should disciplinary action be taken, you will be provided with a Notice of Proposed Action (Skelly) and will have the right to appeal any final action to the Contra Costa County Merit Board or as otherwise prescribed in the County Personnel Management Regulations or Memorandum of Understanding covering your classification.

Date: _____

Supervisor/Manager: _____

Delivered by:

[Title]

- Personal Delivery
- Email

Cc: Department Personnel