



EMPLOYMENT &
HUMAN SERVICES

MEMORANDUM

Kathy Gallagher, Director

40 Douglas Drive, Martinez, CA 94553 • (925) 608-5000 • Fax (925) 313-9748 • www.ehsd.org

To: All Staff, Code 2A

Date: September 27, 2021

From: EHSD Executive Team

Subject: Contra Costa County Vaccine Requirement Update

Below outlines Contra Costa County's updated policy regarding the mandate for staff to get vaccinated.

The policy instructs all departments to implement disciplinary processes for employees who are unvaccinated and who do not have an approved exemption. EHSD is now developing our internal processes to implement this new policy, and we will provide details as soon as available.

Attachments:

COVID-19 Vaccine Requirement Update to Department Heads (September 27, 2021)

[CC County COVID-19 Mandatory Vaccination Policy \(August 24, 2021\)](#)

County Administrator

County Administration Building
1025 Escobar Street, 4th Floor
Martinez, California 94553-1229
(925) 655-2075

Monica Nino
County Administrator

Contra Costa County



Board of Supervisors

John M. Gioia
1st District

Candace Andersen
2nd District

Diane Burgis
3rd District

Karen Mitchoff
4th District

Federal D. Glover
5th District

September 27, 2021

COVID-19 Vaccine Requirement Update to Department Heads:

On August 24, 2021, I issued the **Mandatory Vaccination Policy** as an emergency measure to protect the health and safety of employees and the community. The Policy requires all employees to receive their final COVID-19 vaccine shot (second shot in a two-shot series or single shot in a single shot series) by October 4, 2021, unless granted a religious or medical exemption.

After extensive deliberation and input as a result of the meet and confer process with the County's Labor Partners, the following progressive disciplinary process will be used to address non-compliance with the County's Mandatory Vaccination Policy:

1. On October 5, 2021, employees who have not provided proof of vaccination, have not provided proof of receipt of at least one vaccine dose and who have not been granted a medical or religious exemption will be issued a Notice of Proposed Action to begin the Skelly process for two (2) week unpaid suspension. Employees will have seven (7) calendar days to request a Skelly meeting. If no meeting is requested, a Final Order and Notice will be issued and the employee will be suspended without pay for two (2) weeks. If a Skelly is requested, the decision will be imposed following the Skelly meeting. Employees should remain at work until the suspension is implemented and will be required to test.
2. If the employee does not comply with the vaccination requirements following the two (2) week suspension, a Notice of Proposed Action will be issued to begin the Skelly process for termination. Employees should remain at work until the termination is implemented and will be required to test.
3. If at any time prior to termination the employee receives at least one vaccine dose and provides proof of such to their Department, they may return to work and any unserved discipline will be placed in abeyance pending receipt of their second dose (if they received the first shot in a two-shot series) or withdrawn (if they received the only shot in a single shot series). The disciplinary process will resume for employees who fail to provide proof that they received the second shot in a two-shot series within five (5) weeks from their first dose.

Please ensure that your staff are aware of the County's progressive discipline process for non-compliance with the Mandatory Vaccination Policy. Questions regarding the procedure for carrying out the above

disciplinary process should be directed to the department's assigned Deputy County Counsel. We appreciate your collaboration and support on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Monica Nino". The signature is written in a cursive, flowing style.

MONICA NINO
County Administrator

Attachment: Covid-19 Mandatory Vaccination Policy (rev. 09.21.21)

cc: Board of Supervisors
County Labor Partners

County Administrator

County Administration Building
1025 Escobar Street, 2nd Floor
Martinez, California 94553-1229

Monica Nino

County Administrator

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August 24, 2021

COVID-19 MANDATORY VACCINATION POLICY

AUTHORITY:

In accordance with the authority delegated by the Board of Supervisors in the Contra Costa County Ordinance Code Section 24-4.008, the County Administrator has the authority and the responsibility to establish and enforce personnel policies in County departments and agencies, including in the Crockett-Carquinez Fire Protection District, the Contra Costa County Fire Protection District, and the In-Home Supportive Services Public Agency.

PURPOSE:

Contra Costa County has a duty to provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees and the public as services reopen and more employees return to workplaces. According to the Centers for Disease Control (“CDC”), the California Department of Public Health (“CDPH”), and Contra Costa County’s Health Officer, COVID-19 continues to pose a risk, especially to individuals who are not fully vaccinated. Therefore, certain safety measures are necessary to protect against COVID-19 cases and deaths.

On August 23, 2021, the Federal Food & Drug Administration (“FDA”), granted full approval to the Pfizer-BioNTech COVID-19 vaccine for people sixteen (16) and older.

Vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated employees, interns, and volunteers are at greater risk of contracting and spreading COVID-19 within the workplace and County facilities, and to the public that utilizes County services and facilities.

To best protect its employees and others in County facilities and utilizing County services, all employees who are not subject to a more stringent vaccination mandate by the California Public Health Officer or Contra Costa County Health Officer, must, as a condition of employment:

- (1) No later than October 4, 2021, receive their final dose (either the second dose in a two shot series or the first shot in a single shot series) of a COVID-19 vaccine; and

(2) provide proof of their vaccination status to the County no later than October 4, 2021.

POLICY:

Definition of “Employees”

For the purposes of this vaccine requirement only, the term “employees” includes all full, part-time, and as-needed employees of the County and Special Districts under the administration of the Board of Supervisors regardless of appointment type, as well as paid or unpaid volunteers, interns, contractors, and student workers.

VACCINATION REQUIREMENT:

Employees in Identified Healthcare Facilities

On August 5, 2021, the California Department of Public Health (“CDPH”) issued an Order mandating that all workers who provide services or work in identified health care facilities to be fully vaccinated by September 30, 2021. County employees who work in those identified healthcare facilities are *still expected to be fully vaccinated by that date*. Affected employees must receive their first shot in a single-shot series or their second shot in a two-shot series no later than September 30, 2021.

Exemptions to this order are only granted on the basis of a sincerely held religious belief or due to a qualifying medical reason. Employees granted a qualifying exemption must wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), and must test twice weekly for those working in acute healthcare and long-term care settings, and once weekly for those working in other healthcare settings.

All other Employees

All other employees not covered under the CDPH Orders are expected to receive their final dose of a COVID-19 by October 4, 2021.

Exemptions will be granted only on the basis of a sincerely-held religious belief or due to a qualifying medical condition or restriction.

EXEMPTIONS:

A medical or religious exemption from the vaccination requirements may only be granted if:

For Medical Reasons:

The employee must provide a written statement signed by their licensed physician, licensed nurse practitioner, or other licensed medical professional acting 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).

For Religious Reasons:

The employee holds a sincere religious belief, practice, or observance that is contrary to the practice of vaccination, and the employee provides written documentation and information to support an exemption.

Requests for medical and religious exemptions will be processed by the employee's department personnel officer or by the County's Human Resources Department and maintained as confidential medical information. Requests for an exemption as a reasonable accommodation for a medical or religious reason will be determined on an individualized case-by-case basis.

Employees for whom a medical or religious exemption is granted must be tested for COVID-19 at least once a week (or more as required by the State's Public Health Order or the County Health Officer's Order, if applicable) and must wear a mask or other approved or required face covering at all times while working indoors with others. The County will continue to provide face coverings for employees.

REPORTING REQUIREMENT:

Employees must report their vaccination status to their department's personnel officer by October 4, 2021, which will be maintained in a confidential medical file. Access to employee's vaccination status is strictly limited only on a need-to-know basis, for the purposes of enforcing testing, masking, quarantining in the event of a close contact, and other safety requirements.

All employees must have received their final dose of a COVID-19 vaccine as a condition of employment by October 4, 2021, unless they have been approved for an exemption from the vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely-held religious belief. Employees on an approved leave of absence as of October 4, 2021, must comply with the requirements of this Policy prior to returning to work. Failure to comply with the requirements of this policy will result in discipline up to and including termination of employment.

CONFLICTS:

Where a conflict exists between this Policy and more permissive or restrictive standards pertaining to mandatory vaccinations or testing set forth in the law, or between this Policy and any other Health Order applicable to Employees, or between this Policy and any State Public Health Officer order or CDPH guidance pertaining to mandatory vaccinations or testing in response to the COVID-19 pandemic, the more restrictive provision controls.

This policy is subject to change based on future developments as well as guidance or orders from governmental authorities, including but not limited to the CDC, CDPH, and the Contra Costa Health Officer.

Rev. 9/21/2021