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COUNTY OF SANTA CLARA**

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MEMORANDUM

TO: All County of Santa Clara Personnel

FROM: Jeffrey V. Smith, County Executive
James R. Williams, County Counsel

RE: **COVID-19 Vaccination Requirement for County Personnel**

DATE: August 5, 2021

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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.

To protect County personnel, the community members with whom County personnel interact, and all residents of the county, the County will require all County personnel to be fully vaccinated subject to the limited exceptions below. County departments are responsible for ensuring that their employees, interns, volunteers, and also any contractors who regularly work onsite for their department, comply with this policy. This policy is issued as an emergency measure based on the strong recommendation of the Health Officer 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.

County personnel may obtain the COVID-19 vaccine at a County Health System vaccination site or through another location of their choosing. County employees may take paid time off to obtain the COVID-19 vaccination, consistent with information previously provided to all County staff. Information on the COVID-19 vaccines and how to obtain vaccination is available at sccfreevax.org.

A. Definitions

County personnel, for purposes of this Memorandum and related requirements, includes: (1) County employees, interns, and volunteers; and (2) County contractors who regularly perform

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services for the County onsite and interact with other individuals in person as part of their services for the County. County contractors who qualify as County personnel include, for example, contract physicians and contracted staff who consistently work within County facilities, but would not include, for example, a third-party that a department retains on occasion to pick up or deliver a package or documents.

COVID-19 vaccine means a vaccine authorized to prevent COVID-19 by the federal Food and Drug Administration, including by way of an emergency use authorization.

Fully vaccinated means (1) it has been at least two weeks since a person has completed the entire recommended series of a COVID-19 vaccine, and (2) the person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status in the State of California's [July 26, 2021 Public Health Officer Order](#).

Partially vaccinated means (1) a person has received (i) one dose of a two dose recommended series of a COVID-19 vaccine or (ii) the complete recommended series of a COVID-19 vaccine but it has not been at least two weeks since the person has completed the entire recommended series, and (2) the person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status in the State of California's [July 26, 2021 Public Health Officer Order](#).

B. Required Vaccination

- **By August 20, 2021** (*15 days from issuance of policy*) **all County personnel must be partially or fully vaccinated** or must have submitted a request for exemption.¹
- **By September 30, 2021** (*8 weeks from issuance of policy*) **all County personnel must be fully vaccinated** or must have submitted a request for exemption.
- **Effective September 30, 2021** (*8 weeks from issuance of policy*) **all newly hired County employees and any new volunteers, interns, and/or contractors must be fully vaccinated** or must have submitted a request for exemption.

Requests for exemption must be submitted per Section C, below. If a person's request for exemption is not approved, they must be partially or fully vaccinated within 14 days and fully vaccinated within 8 weeks of when they were notified that the request was not approved.

County employees who fail to comply with this policy are subject to release or discharge from County employment. County contractors who fail to comply with this vaccination or exception

¹ If a person will not work for an extended period due to a leave of absence (such as for FMLA leave or pregnancy disability leave), they may contact their department head or designee to request a deferral of the vaccination requirements until they return to work. But they must be fully vaccinated or have submitted a request for exemption by the time they return to work.

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requirement may be barred from County worksites and not allowed to perform services for the County. In addition, the County may, as appropriate, suspend or terminate the applicable contract.

C. Limited Exemptions to Vaccination Requirement

1. Limited Exemptions for County Employees

Limited exemptions. County employees may request a reasonable accommodation to the vaccination requirement if they:

1. Have a contraindication recognized by the [U.S. Centers for Disease Control and Prevention](#) (CDC) or by the vaccine's manufacturer to *every* approved COVID-19 vaccine. A contraindication means a condition that makes vaccination inadvisable;
2. Have a disability and are requesting an exception as a reasonable accommodation; or,
3. Object to COVID-19 vaccination based on their sincerely-held religious belief, practice, or observance.

How to request exemption. To seek a reasonable accommodation from the vaccination requirements in this Memorandum, County employees should:

1. Contact their department head or designee(s) to obtain a copy of the appropriate form. The available forms are:
 - a. Medical Exemption and/or Disability Accommodation Request Form
 - b. Religious Accommodation Request Form
2. Complete and submit the applicable form(s) to the County Equal Opportunity Division (EOD) at eodra@eod.sccgov.org.

If an accommodation is granted, the EOD will notify the employee and their department of the approval and the associated expiration date. If a request for accommodation is denied, the EOD will notify the employee and their department.

2. Limited Exemptions for County Contractors, Interns, and Volunteers

If a County contractor, intern, or volunteer is covered by this Memorandum and does not meet the vaccination requirements, the individual's sponsoring department may request an ad hoc exemption from Chief Operating Officer Miguel Márquez, who will consider the requested exemption on a case-by-case basis. To the extent interns are entitled to be considered as part of the County's Reasonable Accommodation process, the Chief Operating Officer will forward the requested exception to EOD. The Chief Operating Officer's consideration will include but not

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be limited to the sponsoring department's need and whether the contractor, intern, or volunteer meets the standard for an exception under Section C-1.

CONCLUSION

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. Employees, contractors, interns, and volunteers may direct any questions to their department head or designee(s). If a department has any questions or concerns about these requirements, it may contact Chief Operating Officer Miguel Márquez.