

Mandating Vaccinations for Workers Employed in Specified Settings

(Effective Date: November 9, 2021)



Why is this Order needed now?

Health Officer Orders are issued to address the public health needs of Alameda County residents. Evidence shows that unvaccinated persons are more likely to get infected by the virus that causes COVID-19, which is transmitted through the air. With winter approaching, forecasts predict another wave of increasing cases starting in late November. Unvaccinated providers entering High-Risk Health Care Facilities could spread COVID-19 to vulnerable residents, patients, and staff. This Order is necessary to reduce that risk and protect those populations.

What does this Order require?

This [Order](#) requires providers and employees engaged in 9-1-1 ambulance transport, non-emergency medical transport, and first responders (including law enforcement and fire) whose work takes them into specified High-Risk Health Care Facilities **within the County of Alameda to be fully vaccinated by December 21, 2021**. This Order allows these providers and employees to test weekly for COVID-19 and wear a surgical mask or higher-level respirator approved by NIOSH while inside the High-Risk Health Care Facility in lieu of showing evidence of vaccination.

Which providers and employees does this Order apply to?

This Order applies to workers who enter High-Risk Health Care Facilities as identified in the [State's August 5, 2021 Order](#) that are located in Alameda County. Workers includes individuals who are (i) engaged in public-facing public safety duties, such as peace officers assigned to patrol or transport duties, firefighters, paramedics, and emergency medical technicians; AND (ii) whose duties include (A) entering into High-Risk Health Care Facilities in response to 911 system dispatches OR (B) in response to non-emergency medical transport to or from a High-Risk Health Care Facility.

Who qualifies as law enforcement workers in the Order?

Law enforcement workers include employees of city police departments, the Alameda County Sheriff's Office, the Alameda County Probation Department, and the California Highway Patrol.

Does this order apply to Paratransit and ride-share drivers who might have to enter in High-Risk Health Care Facilities to pick up or drop off a rider?

No. This Order does not apply to Paratransit and ride-share drivers. However, everyone including passengers, and regardless of vaccination status, must wear a face covering during transit under State and County mask wearing mandates. Paratransit and ride-share drivers must also wear masks while in a [health care setting](#).

How will employers verify if their employees are fully vaccinated?

An employer may accept one of the following four options as proof of vaccination:

1. A vaccination card issued by the CDC or a foreign governmental jurisdiction that includes the name of the vaccinated person, the type of vaccine received, and the date(s) the dose(s) were administered;
2. A photo or copy of a vaccination card either as a hardcopy or stored on a phone or other electronic device;
3. Documentation of vaccination from a health care provider, either as a hardcopy or stored on a phone or other electronic device; or
4. A personal digital COVID-19 vaccine record issued by the State of California (available by going to <https://myvaccinerecord.cdph.ca.gov/>) or similar documentation issued by another state, local, or foreign governmental jurisdiction

Note: Everyone's identity must be confirmed using government-issued photographic identification (ID), such as a State ID, driver's license, or passport.



Who is considered “fully vaccinated”?

An individual is considered fully vaccinated two weeks after their second dose in a two-dose series, such as Pfizer or Moderna, or two weeks after a single-dose series, such as the Johnson & Johnson/J&J vaccine. Booster vaccinations are not required to be considered “fully vaccinated” at this time.

For a comprehensive list of vaccine sites near you, visit <https://linktr.ee/AlamedaCountyOHE> and for assistance scheduling a free vaccine appointment, call 510-208-4VAX (510-208-4829).

Can unvaccinated employees who do not claim a religious or medical exemption be allowed to test weekly and follow the masking requirement?

Yes. Employees who do not claim a religious or medical exemption and are not fully vaccinated by December 21, 2021 must wear masks while in the presence of patients or residents and must test for COVID-19 weekly.

What are the requirements for unvaccinated employees who claim a religious or medical exemption?

Employees who claim exemption from this requirement under state or federal law due to a sincerely held religious belief or qualifying medical reason must provide a letter, signed by the Worker under penalty of perjury stating that either:

1. the individual is declining vaccination based on a sincerely held religious belief, practice, or observance, or
2. the individual is excused from receiving any COVID-19 vaccine due to a medical condition or disability recognized by the FDA or CDC as a contra-indication to COVID-19 vaccination, in which case the declination letter must be signed by a licensed medical provider.

Is there a requirement for unvaccinated employees who do not claim a religious or medical exemption to provide a declination letter?

Yes.

How long are employers required to maintain documentation of employee vaccination status?

1. In alignment with the [Cal/OSHA COVID-19 Prevention Emergency Temporary Standards \(ETS\)](#), vaccination records created by the employer under this Order and ETS need to be maintained for the length of time necessary to establish compliance with the regulation, including during any County investigation, Cal/OSHA investigation or appeal of a citation.
2. Cal/OSHA has determined that it would not effectuate the purposes of Labor Code to subject such records to the 30-year record retention requirements that apply to some medical records.

Does the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule prohibit an employer from requiring a workforce member to disclose whether they have received a COVID-19 vaccine to the employer, clients, or other parties?

No. According to the federal Department of Health and Human Services (HHS), the Privacy Rule does not apply to employment records, including employment records held by covered entities or business associates in their capacity as employers. Generally, the Privacy Rule does not regulate what information can be requested from employees as part of the terms and conditions of employment that an employer may impose on its workforce. However, other federal or state laws do address terms and conditions of employment. For example, federal anti-discrimination laws do not prevent an employer from choosing to require that all employees physically entering the workplace be vaccinated against COVID-19 and provide documentation or other confirmation that they have met this requirement, subject to reasonable accommodation provisions and other equal employment opportunity considerations.

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Documentation or other confirmation of vaccination, however, must be kept confidential and stored separately from the employee's personnel files under Title I of the Americans with Disabilities Act (ADA).

HHS issued HIPAA, COVID-19 Vaccination, and the Workplace [guidance](#). Please review it for more information.

As an employer, am I required to continue to follow the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS)?

Yes. Employers must continue to comply with [Cal/OSHA's employer requirements](#). [Local face covering guidance](#) can be more protective and more restrictive than [Cal/OSHA's COVID-19 Prevention ETS face covering requirements](#). Under this [Order](#), employees who are not fully vaccinated by December 21, 2021 must wear a surgical mask or [a higher-level respirator approved by NIOSH](#) while in the presence of patients or residents, per state and local requirements, and must test weekly for COVID-19. Employers are required to comply with the County's face covering requirements and continue to comply with the other provisions within the Cal/OSHA COVID-19 Prevention ETS.

If you have any questions, please email COVIDRecovery@acgov.org

How do the testing requirements apply to those employees who previously tested positive for COVID-19?

The Health Officer Order is aligned with [the testing guidance of the California Department of Public Health](#). Employees who had a positive viral diagnostic test in the past 90 days and are currently asymptomatic do not need to be retested as required by Health Officer Order 21-05. The testing requirement would be required again if it is more than 90 days after the date of onset of the prior infection, or if new symptoms occur.



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