



HEALTH OFFICER ORDER NO. 21-05

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA MANDATING VACCINATIONS FOR WORKERS EMPLOYED IN SPECIFIED SETTINGS

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code §§ 120175, 120295; Cal. Penal Code §§ 69, 148(a)(1))

EFFECTIVE DATE: 12:01 a.m., November 9, 2021

Summary of Order: This Order requires workers 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 workers to test weekly for COVID-19 in lieu of showing evidence of vaccination.

Background: Since March of 2020, the SARS-CoV-2 virus has circulated in Alameda County causing high numbers of COVID-19 infections, hospitalizations, and deaths, especially among older and medically frail individuals. The Delta variant of SARS-CoV2 circulating in the County since April 2021 is highly transmissible, resulting in a substantial surge in cases and hospitalizations, and other variants of concern may emerge. Despite high vaccination rates, the County has experienced high levels of community transmission due to the Delta variant.

Hospitalizations in Alameda County have also surged during the summer 2021 Delta wave. Older and medically frail adults who are vaccinated have been hospitalized in Alameda County, and they remain at risk for severe disease. In addition, the surge in hospitalizations has burdened a healthcare system already strained from 20 months of pandemic. The County has also seen a concerning increase in COVID-19 cases and outbreaks among staff and residents in long-term care facilities and in other high-risk congregate settings during the Delta wave. Given the older and medically frail population in these settings, the risk of hospitalization and death due to COVID-19 remains high.

In light of the increased transmissibility of the Delta variant, the State Public Health Officer issued an [Order](#) on August 5, 2021 (later amended August 26, 2021 regarding matters not subject to this Order) requiring vaccination of workers in acute health care, long-term care, and other high-risk health care settings, which included general acute care hospitals, skilled nursing facilities, intermediate healthcare facilities, adult and senior care facilities, among others (see [Order](#) for additional details). Unfortunately, that [Order](#) and other vaccination orders issued by the state do not reach several classes of individuals who are regularly present in High-Risk Facilities for work, such as law enforcement officers, emergency medical services workers including fire EMTs and paramedics, and those performing 911 ambulance and other medical



transport. If infected, these workers pose a threat to the health and safety of others within high-risk health care settings, including older and medically frail patients and the staff of those facilities.

Although fully vaccinated people may become infected by the Delta variant and may be able to infect other people, large studies in the US have demonstrated that the risk of infection is substantially lower among vaccinated persons. Furthermore, vaccinated persons who become infected may be infectious to others for a shorter time than unvaccinated persons. Therefore, full vaccination reduces the overall likelihood that a person will be infectious to those around them. Thus, full vaccination of any workers in health care settings, in addition to appropriate mask use and policies to keep sick people at home, is an important measure to protect patients, residents and staff in these settings. In addition, localities with high overall vaccination rates have experienced less community COVID-19 transmission and health care burden during the summer 2021 Delta variant wave. To date, insufficient data is available to guide policy that would allow a history of COVID-19 infection as evidence of immunity in place of vaccination in high-risk settings. However, vaccination has been shown to be safe and effective regardless of COVID-19 infection history.

Those individuals who are not fully vaccinated by December 21, 2021, must wear masks whenever they are in High-Risk Health Care Facilities. These individuals must also submit COVID-19 tests to their employers weekly. Tests must have either Emergency Use or Full Authorization by the FDA, and individuals must present documented evidence of the results; results from home-test kits are unacceptable, as they can be less reliable than PCR tests or supervised rapid antigen tests. Although vaccination is clearly the best option for protecting one's health and limiting the spread of COVID-19, including the Delta Variant, masking combined with testing will also reduce the possibility of transmission. Despite this option, each employer should consider requiring COVID-19 vaccination for all workers to protect the health of their workforce. In addition to the well-established individual and public health benefits of COVID-19 vaccination, employer vaccination requirements can limit staffing disruptions due to illness and quarantine requirements, and they can improve workplace safety by reducing the risk of COVID-19 spread. In addition, many employers pay a large portion of the health care costs of their workforce, including workers' families. COVID-19 can cause severe illness, including prolonged hospitalizations, intensive medical care and even death, which may present a financial burden to employers with large numbers of unvaccinated staff. Although COVID-19 risks increase with age, even younger working age adults are at risk of severe outcomes.

The Health Officer continues to strongly recommend that all eligible persons in the County be vaccinated. Vaccines are available for all persons over 12 years of age. Information on obtaining a COVID-19 vaccine in the County of Alameda is available here: <https://covid-19.acgov.org/vaccines>. COVID-19 vaccines authorized in the United States are highly safe and effective. These vaccines provide protection to individuals and communities against severe COVID-19 disease, hospitalization, and death, even for younger people, and are recommended



by the U.S. Centers for Disease Control and Prevention (CDC) for all populations authorized to receive them by the U.S. Food and Drug Administration.

The Health Officer will continue to assess the public health situation as it evolves and may modify this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

ORDER

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA (“HEALTH OFFICER”) ORDERS:

1. All Workers engaged in 9-1-1 ambulance transport, non-emergency medical transport, and first responders (including law enforcement and fire) who provide services in specified High-Risk Health Care Facilities – whether regularly or on an occasional/intermittent basis – must have their first dose of a one-dose vaccination regimen (J&J/Janssen), or their second dose of a two-dose vaccination regimen (Pfizer-BioNTech or Moderna) by December 21, 2021. Those unvaccinated or not fully vaccinated by this date must wear masks while in the presence of patients or residents, per state and local requirements, and must receive a COVID-19 test weekly. (August 5, 2021 [Order](#).)
2. “High-Risk Health Care Facilities” covered by this Order are those specifically identified in the State Public Health Officer [Order](#) dated August 5, 2021.
3. For purposes of this Order, “Worker” means and includes workers providing services within the County of Alameda, regardless of where the Worker’s agency is located.

The term “Worker” includes individuals who are (i) engaged in public-facing public safety duties, such as peace officers assigned to patrol 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.

4. Acceptable vaccines are those that have received full use- or emergency use-authority from the United States Food and Drug Administration. All COVID-19 vaccines that are currently authorized for emergency use can be found at the following links:
 - a. US Food and Drug Administration (FDA) COVID-19 Vaccines [webpage](#)
 - b. World Health Organization (WHO) COVID-19 [webpage](#)
5. A Worker may only use the following as proof of vaccination:
 - a. A Vaccination Card issued by the CDC or a foreign governmental jurisdiction which includes the name of the person vaccinated, the type of vaccine provided, and the date(s) the dose or doses were administered;



- b. A photo or copy of a Vaccination Card either as a hardcopy or stored on a phone or electronic device; or
 - c. Documentation of vaccination from a healthcare provider; or
 - d. A personal digital COVID-19 vaccine record issued by the State of California and available by going to <https://myvaccinerecord.cdph.ca.gov/> or similar documentation issued by another state, local, or foreign governmental jurisdiction.
6. Workers 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. A declination letter, signed by the Worker under penalty of perjury stating that either:
 - i. the individual is declining vaccination based on a sincerely held religious belief, practice, or observance, or
 - ii. 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.
7. Employers must ensure that Workers granted an exemption from the vaccination requirements of this Order meet the following requirements to continue to perform services in a High-Risk Facility or Residence identified in this Order:
 - a. Test for COVID-19 with either polymerase chain reaction (PCR) or antigen test that either has Emergency Use Authorization (EUA) or full approval by the US Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the US Centers for Medicare and Medicaid Services. Testing must occur once weekly for exempt Workers. Home-test kit results will not satisfy this requirement; and
 - b. Wear a surgical mask or higher-level respirator approved by the National Institute of Occupational Safety and Health (NIOSH), such as an N95 filtering facepiece respirator, at all times while inside the High-Risk Health Care Facility.
8. Employers of workers subject to this Order shall maintain records pursuant to the [California Department of Public Health \(CDPH\) Vaccine Record Guidelines & Standards](#) with the following information:
 - a. Full name and date of birth
 - b. Vaccine manufacturer
 - c. Date(s) of vaccine administration



For unvaccinated Workers: the employer must maintain signed declination forms with written healthcare provider's statement where applicable, as described in Paragraph 6 above. Testing records pursuant to Paragraph 7(a) must be maintained.

9. Employers with Workers providing services in High-Risk Health Care Facilities must comply with all applicable privacy laws and regulations in the maintenance of Workers' vaccination or exempt status, including the testing results required by Paragraph 7(a) of any Worker exempt from the vaccination requirement under Paragraph 6.
10. Upon request, an Employer with Workers providing services in High-Risk Health Care Facilities shall promptly provide vaccination or exemption records, including testing results, to the Alameda County Public Health Department or its designee and in any event no later than the next business day following the request.
11. Except as otherwise set forth herein, the June 28, 2021 [Guidance for the Use of Face Coverings issued by the CDPH](#) and [the County's Face Covering Order](#) as they may be amended from time to time, continue to apply throughout the County of Alameda. Nothing in this Order limits otherwise applicable requirements related to Personal Protective Equipment, personnel training, and infection control policies and practices.
12. The Health Officer will continue to monitor several key indicators to inform the decision whether to modify the restrictions in this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress in countering the spread of COVID-19 in the County; (2) developments in methods and strategies for preventing and treating COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.
13. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020, Proclamation of a State of Emergency issued by Governor Gavin Newsom, the Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.
14. This Order is also issued in light of the March 19, 2020, Order of the State Public Health Officer and subsequent orders and guidance issued by the Governor, the State Health Officer, and the California Department of Public Health and Department of Industrial Relations. The Health Officer may adopt more stringent restrictions and requirements addressing the particular facts and circumstances in this County, necessary to control the public health emergency as it is evolving within the County and the region. Where a County Health Officer Order and any state public health order related to the COVID-19 pandemic conflict, the most restrictive provision will apply.
15. Failure to comply with any of the provisions of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.



16. This Order shall become effective at 12:01 a.m. on November 9, 2021 and will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer. All individuals covered by this Order must be in compliance no later than December 21, 2021.
17. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (<https://covid-19.acgov.org/index.page>); and (3) provided to any member of the public requesting a copy of this Order.
18. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read "N. J. Moss", written over a light blue circular stamp.

Nicholas J. Moss, MD, MPH
Health Officer of the County of Alameda

November 3, 2021

Date