|  |  |
| --- | --- |
|  | ***COMPANY NAME******COVID-19 VACCINATION POLICY***[NOTE: THIS IS JUST A SAMPLE. CONTRACTORS SHOULD DO ITS OWN DUE DILIGENCE AND CONFIRM WHAT IS NEEDED FOR THEIR ENTITY.]  |

**PURPOSE**

It is the obligation of the (Company Name) to provide a safe and secure workplace.

Guidance provided by the federal Centers for Disease Control and Prevention (CDC), the California Department of Public Health (CDPH), the Los Angeles County Department of Public Health (DPH), and other local health authorities related to the SARS-CoV-2 virus (COVID-19) uniformly cite vaccination as the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths. Unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace, at (Company Name) facilities, and to/from the public and employees of the County of Los Angeles that depend upon our contracted services.

To best protect its employees from the spread of COVID-19, and fulfill its obligations to the County of Los Angeles, the (Company Name) is adopting a *COVID-19 Vaccination Policy* (Policy).

This Policy is effective as of Date.

**POLICY**

All (Company Name) employees must be fully vaccinated against COVID-19 and must provide proof of full vaccination against COVID-19, unless they have been granted an accommodation as outlined in this Policy.

Failure to comply with this Policy may result in corrective action, up to and including discharge.

**DEFINITIONS**

 “Fully vaccinated” means it has been at least two weeks since an individual has received:

1. The second dose in a two-dose COVID-19 vaccine series, such as the Pfizer-BioNTech or Moderna vaccines;
2. A single-dose COVID-19 vaccine, such as the Johnson and Johnson [J&J]/Janssen vaccine; or
3. The final dose of any vaccine authorized by the World Health Organization (e.g. AstraZeneca/Oxford).

“COVID-19 booster shot” means any additional dose of a COVID-19 vaccine authorized for use by the U.S. Food and Drug Administration (FDA).

"Unvaccinated" means an individual is not fully vaccinated.

"Proof of Vaccination" means any of the following documentation showing that an individual is vaccinated:

* Official COVID-19 Vaccination Record Card (issued by the California Department of Health and Human Services, Centers for Disease Control ("CDC") (CDC or WHO Yellow Card)), which includes the name of the person vaccinated, type of vaccine provided, and date of the last dose administered ("Vaccination Record Card");
* Copy (including a photographic copy) of a Vaccination Record Card;
* Documentation of vaccination from a licensed medical provider;
* A digital record that includes a quick response ("QR") code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates, and vaccine type, and the QR code must also confirm the vaccine record as an official record of the State of California; or
* Documentation of vaccination from Contractor(s) who follow the California Department of Public Health's ("CDPH") vaccination records guidelines and standards.

**PROCEDURES**

**Vaccination Requirement**

Unless otherwise prescribed by federal, state or local orders:

1. All current, new and rehired employees commencing after the effective date of this Policy are considered “covered” by this policy. Covered employees must be fully vaccinated against COVID-19 and must provide proof of vaccination against COVID-19 or request an accommodation as outlined in this Policy during the onboarding process.
2. All covered employees must be fully vaccinated against COVID-19 and must provide proof of vaccination against COVID-19, unless they have been granted an accommodation as outlined in this Policy.

Proof of vaccination may be subject to review and audit.

**Request for Accommodations**

Employees may request an accommodation from this Policy's COVID-19 vaccination requirement due to the following:

* A medical condition that does not allow them to get vaccinated for COVID-19; or
* A sincerely held religious belief, practice, or observance that conflicts with receiving a COVID-19 vaccine.

In accordance with federal and state law, (Company Name) is obligated and committed to ensure the equitable treatment of all employees regardless of disability, religion or other protected characteristics. Medical conditions that may qualify for an accommodation under this Policy include (1) a contraindication or precaution to COVID-19 vaccination recognized by the CDC or vaccine manufacturers; or (2) a disability or medical condition as determined by a licensed medical provider that interferes with the employee’s ability to receive a COVID-19 vaccine.

Personal or philosophical objections to a COVID-19 vaccine are not sufficient justification for granting an accommodation under this Policy.

Covered employees seeking an accommodation from the COVID-19 vaccination requirement must submit the appropriate completed Request for Accommodation forms to (Human Resources or equivalent). All requests for accommodation will be reviewed on a case-by-case basis. Submission of a Request for Accommodation does not automatically excuse a covered employee from the requirements of this Policy. (Company Name) will engage an employee requesting an accommodation in a timely, good faith interactive process.

No corrective action will be taken until the interactive process is complete and the covered employee is notified in writing of the outcome of their request and any request for reconsideration, if applicable.

Covered employees who request an accommodation may be subject to additional requirements to help maintain workplace safety, in alignment with federal, state and local public health guidance. Such requirements may include masking, physical distancing, and/or regular COVID-19 testing as a condition of continued employment.

**NOTE:** Employees covered under the State Public Health Officer Orders of July 26, 2021 (Health Care Worker Protections in High-Risk Settings), August 5, 2021 (Health Care Worker Vaccine Requirement), August 19, 2021 (State and Local Correctional Facilities and Detention Centers Health Care Worker Vaccination Requirement), the Los Angeles County Health Officer Order of August 12, 2021 (Health Care Worker Vaccination Requirement), and similar orders covering applicable workers must also satisfy the requirements in those orders. Organizations subject to these orders may take any non-disciplinary operational actions necessary to comply with them. However, any disciplinary actions taken for violations of this Policy must be in accordance with this Policy and the accompanying *COVID-19 Vaccination Policy Corrective Action Plan*.

**Regular Testing Requirements**

Unvaccinated employees may be required to undergo regular COVID-19 testing as a condition of continued employment. However, testing does not eliminate the requirement that covered employees must be fully vaccinated unless they have been granted an accommodation. Testing frequency will be determined by (Company Name) in its discretion, which may be informed by local, State, and federal laws, regulations and requirements for COVID-19. Unvaccinated employees may be required to submit to regular COVID-19 testing through a provider and at a location designated by (Company Name).

Covered employees undergoing regular COVID-19 testing at the direction of (Company Name) are required to provide proof of testing through the system designated by the Company and notify (Human Resources or equivalent) of test results in accordance with company safety protocols.

***Testing on Company Time [OPTIONAL]***

*Consistent with existing practice, employees shall be allowed reasonable time to test for COVID-19. Exempt employees will continue to receive their regular pay for such activities under the following conditions:*

* *Leave to receive a COVID-19 test shall be requested and approved as far in advance as reasonable to minimize interruption of services or operations.*
* *The employee may be required to provide verification of receipt of the COVID-19 test in order to receive paid time off for these purposes.*

*Paid time off to receive COVID-19 testing may include the time an employee spent traveling to and from a location to receive the COVID-19 test. Under no circumstances within the control of or reasonably foreseeable by the employee shall an employee accrue overtime or compensatory time spent for COVID-19 testing purposes. Eligible employees who are designated as mileage permittees or occasional drivers/permittees are eligible for mileage reimbursement, if appropriate.*

*Testing will be provided at no cost to the employee. Where practicable, onsite testing will be offered. An employee should request reasonable time off from their supervisor to test for COVID-19.*

***Vaccination on Company Time [OPTIONAL]***

*Employees shall be allowed reasonable paid time off to receive or recover from a COVID-19 vaccination or booster shot required by (Company Name). Employees will continue to receive their regular pay for such activities under the following conditions:*

* *Leave shall be requested and approved as far in advance as reasonable to minimize interruption of services or operations.*
* *The employee may be required to provide verification of receipt of the COVID-19 vaccine as outlined in this policy in order to receive paid time off.*

*Paid time off to receive a COVID-19 vaccine may include the time an employee spent traveling to and from a vaccination appointment, receiving the vaccination, and recovering from vaccination-related side effects that prevent the employee from being able to work or telework.*

*Under no circumstances within the control of or reasonably foreseeable by the employee shall an employee accrue overtime or compensatory time spent for COVID-19 vaccination purposes. Eligible employees who are designated as mileage permittees or occasional drivers/permittees) are eligible for mileage reimbursement, if appropriate.*

**Confidentiality of Records**

Records pertaining to an employee’s vaccination status and COVID-19 tests are considered confidential health records for purposes of (Company Name) employee records and privacy policies and are only to be shared with individuals who have a legitimate need to know such information, as required by law.

**AUTHORITIES**



* California State Public Health Officer Order of [July 26, 2021](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Unvaccinated-Workers-In-High-Risk-Settings.aspx)
* California ​State Public Health Officer Order of [August 5, 2021​](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Health-Care-Worker-Vaccine-Requirement.aspx)
* California ​State Public Health Officer Order of [August 19, 2021​](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Correctional-Facilities-and-Detention-Centers-Health-Care-Worker-Vaccination-Order.aspx)
* CDPH’s [Vaccine Record Guidelines & Standards](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Vaccine-Record-Guidelines-Standards.aspx)
* Title VII of the Civil Rights Act of 1964
* Americans with Disabilities Act of 1990
* U.S. Equal Employment Opportunity Commission (EEOC): [What You Should Know About Covid-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws).
* California Department of Fair Employment and Housing (DFEH): [DFEH Employment Information on COVID-19 FAQ](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ_ENG.pdf)
* California Department of Industrial Relations:
	1. [2021 COVID-19 Supplemental Paid Sick Leave FAQs](https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-for-SPSL-2021.html)
	2. [California Paid Sick Leave: Frequently Asked Questions](https://www.dir.ca.gov/dlse/paid_sick_leave.htm)
	3. [FAQs on Exclusion Pay Under the Emergency Temporary Standard](https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-Exclusion-Pay-ETS.html)
* Centers for Disease Control and Prevention (CDC): [COVID-19 Guidance](https://www.cdc.gov/coronavirus/2019-ncov/index.html)
* Los Angeles County Department of Public Health (DPH): [COVID-19 Homepage](http://publichealth.lacounty.gov/media/Coronavirus/index.htm)
* Los Angeles County Code Chapter 2.212 (COVID-19 Vaccinations of County Contractor Personnel)