

ARCHIVED: Verification of Vaccine Status & Requirement for Testing

This order has been rescinded and replaced by the [January 6, 2022 Health Order](#). The language below is here for archive purposes.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175,
THE HEALTH OFFICER OF THE COUNTY OF MARIN ("HEALTH OFFICER") ORDERS:**

1. Summary

This Order supersedes the August 20, 2021 Order of the Health Officer ("Prior Order") requiring Law Enforcement, Fire, Emergency Medical Services ("EMS"), Temporary Disaster Shelter, and Public Sector Employers to verify the Coronavirus Disease 2019 ("COVID-19") vaccination status of all Personnel. The Prior Order also required Law Enforcement, Fire, EMS, and Temporary Disaster Shelter Personnel who are not Fully Vaccinated to undergo weekly testing for the virus that causes COVID-19. This Order maintains all of the requirements set forth in the Prior Order but clarifies that Employers must verify the vaccination status of all Personnel. This Order also imposes reporting requirements in the event an employee tests positive for COVID-19.

2. Basis for Order

On July 26, 2021, the California Department of Public Health ("CDPH") issued an [Order](#) requiring employers of high-risk health care and congregate settings to verify the vaccine status of all workers and require unvaccinated or unverified workers to undergo routine COVID-19 surveillance testing. This order did not include Law Enforcement, Fire, EMS and Temporary Disaster Shelter Personnel despite their critical role in public health and safety and the fact that Personnel in these sectors regularly interact with and enter high-risk health care and congregate settings. Personnel within these sectors also interact regularly with medically vulnerable individuals in the community. The July 26, 2021 CDPH Order is insufficient to protect our community from the spread of COVID-19 due to its omission of Law Enforcement, Fire, EMS, and Temporary Disaster Shelter Personnel.

This Order is being issued in light of the continued public health threat of COVID-19 in Marin County. Since April 2021, the SARS-CoV-2 B.1.617.2 (Delta) variant has been circulating in Marin County. This variant is more contagious and causes more severe illness than previous strains of COVID-19. With the easing of COVID-19 prevention restrictions since June 15, 2021, Personnel in Law Enforcement, Fire, EMS, and Temporary Disaster Shelters have potentially more exposure risk outside the workplace.

Vaccination against COVID-19 is the most effective means of preventing infection with the COVID-19 virus, with the risk of infection reduced by 70 percent to 95 percent. Vaccination also appears to reduce the chance of transmission by an infected vaccinated person by 40 percent to 60 percent. The combination of reduced infection risk plus reduced transmission risk provides a very high level of protection for patients and residents who are in close proximity to a fully vaccinated worker. In contrast, the wearing of face coverings reduces transmission by an infected person by about 70 percent; however, the combination of wearing face coverings and regular testing, followed by isolation of individuals who test positive, may approach the level of efficacy vaccination provides in terms of reduction of transmission risk.

On June 17, 2021, the California Occupational Safety and Health Standards Board adopted workplace regulations for the prevention of COVID-19 ("Regulations"). The Regulations generally allow documentation of vaccination status by self-attestation and require testing of unvaccinated employees only if they cannot wear face coverings for specified reasons. For purposes of this Order, documentation of the vaccination status of Law Enforcement, Fire, EMS, Temporary Disaster Shelter, and Public Sector Personnel must be based on more reliable documentation than a self-attestation. Law Enforcement, Fire, EMS, and Temporary Disaster Shelter Personnel who are not documented as fully vaccinated must undergo at least weekly COVID-19 testing. Documentation of vaccination status is required for Public Sector Personnel to ensure safe and healthy workplaces and to protect employees and the public as more government functions return to in-person operation. Additionally, knowing the vaccination rate of Public Sector Employees allows for more effective planning and risk assessment.

Given the continued spread of COVID-19, including the Delta variant, in our community, this Order also reinstates reporting requirements when an employee tests positive for COVID-19. Employers must require employees to report positive cases. Employers must also report cases to Public Health in certain circumstances. These reporting requirements ensure proper contact tracing can occur and that exposed individuals can quarantine or isolate as necessary. Unlike other aspects of this Order, these reporting requirements apply to all businesses in the County of Marin.

3. Definitions

For purposes of this Order, the following terms have the meanings given below.

- a. **CDC.** "CDC" means the U.S. Centers for Disease Control and Prevention.
- b. **COVID-19 Test.** "COVID-19 Test" means a nucleic acid or antigen test to detect infection of a person with SARS-CoV-2, the virus that causes COVID-19.
- c. **COVID-19 Vaccine.** "COVID-19 Vaccine" means a vaccine to prevent COVID-19 that is (1) administered under an emergency use authorization from the FDA; (2) approved by the FDA; or (3) listed for emergency use by the World Health Organization.
- d. **FDA.** "FDA" means the U.S. Food and Drug Administration.
- e. **Fully Vaccinated.** "Fully Vaccinated" means a person's status two weeks following the person's receipt of a single-dose COVID-19 Vaccine or the second dose of a two-dose COVID-19 Vaccine.
- f. **Law Enforcement.** "Law Enforcement" means all law enforcement officers and administrative/clerical support staff working in (1) the Marin County Sheriff's Office; (2) any police department of a city or town within Marin County; (3) the Central Marin Police Authority; and (4) the College of Marin Police Department.
- g. **Fire.** "Fire" means all firefighters and administrative/clerical support staff, including part-time, stipend, and volunteer.
- h. **Emergency Medical Services or EMS.** "Emergency Medical Services" or "EMS" means all prehospital emergency medical personnel and administrative/clerical support staff, including but not limited to: authorized registered nurse or mobile intensive care nurse, emergency medical technician, advanced emergency medical technician, paramedic, or a physician and surgeon who provides prehospital emergency medical care or rescue services.
- i. **Temporary Disaster Shelters.** "Temporary Disaster Shelters" means small-, medium-, and large-scale, organized, and temporary accommodations for persons displaced by disasters. Facilities may be residential (e.g., dormitories, campsites) or non-residential (e.g., sports stadiums, school, churches).
- j. **Public Sector.** "Public Sector" means all personnel working for local government entities within Marin County, including the County of Marin and towns and cities within Marin County.
- k. **Employer.** "Employer" means an employer of Law Enforcement, Fire, or Emergency Medical Services, or an operator of a Temporary Disaster Shelter in Marin County.
- l. **Personnel.** "Personnel" means employees and volunteers of an Employer.
- m. **WHO.** "WHO" means the World Health Organization.

n. **Business.** “Business” means any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure, having a place of business within Marin County.

4. Verification of COVID-19 Vaccination Status

All Law Enforcement, Fire, EMS, Temporary Disaster Shelter, and Public Sector Employers must verify the COVID-19 vaccination status of all Personnel. Any Personnel asserting that they are Fully Vaccinated must present their Employer with one of the following:

- a. The original U.S. Department of Health and Human Services CDC vaccination card issued to the individual following administration of the COVID-19 Vaccine (“CDC Card”);
- b. The original WHO International Certificate of Vaccination or Prophylaxis issued to the individual following administration of the COVID-19 in a foreign country (“WHO Yellow Card”);
- c. A paper photograph or photocopy of the CDC Card or WHO Yellow Card;
- d. An electronic image of the CDC Card or WHO Yellow Card;
- e. A digital copy of the individual’s COVID-19 Vaccine record, obtained through the following [portal](https://myvaccinerecord.cdph.ca.gov/): <https://myvaccinerecord.cdph.ca.gov/>; or
- f. Documentation from a licensed healthcare provider that the individual is Fully Vaccinated.

In the absence of knowledge to the contrary, an Employer may accept the documentation presented as valid.

For clarity, Employers must ascertain the vaccination status (fully vaccinated, partially vaccinated, or unvaccinated) of all Personnel. Personnel who do not provide the documentation specified in section 4.a-f., must be considered unvaccinated.

5. COVID-19 Test Requirements

COVID-19 Test Requirements. Except as set forth in Section 6 of this Order, Law Enforcement, Fire, EMS, and Temporary Disaster Shelter Employers shall require its Personnel to do the following:

- a. Receive a COVID-19 Test at least once a week; and
- b. Unless test results are sent directly to the Employer by the test provider, Personnel must promptly provide the results of each COVID-19 test to the Employer for Record-Keeping.

An Employer may confirm a positive antigen test with a confirmatory nucleic acid amplification test (e.g., polymerase chain reaction (“PCR”) test); an Employer shall not use another antigen test to confirm a positive antigen test. Employers must exclude from work any Personnel who receives a positive antigen test until the Employer receives results from a confirmatory nucleic acid amplification test.

While not required under this order, Law Enforcement, Fire, EMS, and Temporary Disaster Shelter Personnel Employers are encouraged to consider more frequent surveillance testing (e.g., twice weekly) for Personnel who have regular contact with high-risk patients and/or health care settings as defined by the July 26 CDPH Order (e.g., hospitals, nursing facilities).

6. Fully Vaccinated Personnel

An Employer may exempt an individual member of its Personnel from the COVID-19 Test requirements set forth in Section 5 of this Order if the Employer verifies that the individual is Fully Vaccinated as set forth in Section 4 of this Order.

7. Record Keeping Requirements

An Employer must keep and maintain a record of the following information for the purpose of inspection by an authorized representative of the Health Officer:

- a. For Personnel who provide the Employer with documentation of Fully Vaccinated status in accordance with Section 4 of this Order: (1) Full name and date of birth; (2) COVID19 Vaccine manufacturer; and (3) date of COVID-2 Vaccine administration (first dose, and if applicable, second dose).
- b. For other Law Enforcement, Fire, EMS, and Temporary Disaster Shelter Personnel: (1) COVID-19 Test results, if applicable.

8. Mandatory Reporting Regarding Personnel Contracting COVID-19

Businesses and Employers must require all employees to immediately alert the Business or Employer if they test positive for COVID-19 and were present in the workplace within the 48 hours prior to the onset of symptoms or within 48 hours of the date on which they were tested. If a Business or Employer identifies three or more COVID-19 cases at a single worksite within fourteen days, the Business or Employer must report the cases to the Public Health Department at 415-473-7191 within forty-eight hours pursuant to Labor Code section 6409.6. Businesses and Employers must also comply with all case investigation and contact tracing measures by the County, including providing any information requested.

9. Effective Date

This Order shall become effective at 12:01am on September 15, 2021. This Order shall continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.

10. Copies

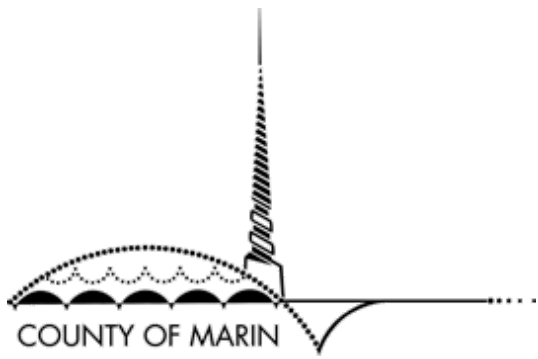
Copies of this Order shall promptly be: (1) made available at the Bulletin Board adjacent to the entrance to the Chambers of the Board of Supervisors, Room 330, Administration Building, and in the display case in the center arch of the Hall of Justice, Marin County Civic Center, San Rafael, California; (2) posted on the County of Marin website (www.marincounty.org) as well as the County of Marin Department of Health and Human Services website (www.marinhhs.org); and (3) provided to any member of the public requesting a copy of this Order.

11. Severability

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:

Matt Willis MD,
Health Officer of the County of Marin
Dated: September 1, 2021



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