

CDPH MANDATES SCHOOL EMPLOYEES BE VACCINATED OR SUBMIT TO WEEKLY COVID-19 TESTING

The California Department of Public Health (CDPH) issued an order on August 11, 2021, to take effect August 12, 2021, which requires public and private K-12 employers (“school employers”) to verify the COVID-19 vaccination status of employees (against COVID-19) and requires that employees who do not provide the employer with proof of full vaccination submit to weekly COVID-19 testing. (See <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Order-of-the-State-Public-Health-Officer-Vaccine-Verification-for-Workers-in-Schools.aspx> and <https://www.gov.ca.gov/2021/08/11/california-implements-first-in-the-nation-measure-to-encourage-teachers-and-school-staff-to-get-vaccinated/>).

This order covers all paid and unpaid adults serving in the school settings in public and private schools serving students in transitional kindergarten through grade 12. This includes all certificated and classified staff (and analogous staff working in private school settings), as well as volunteers who are on-site at a school campus supporting school functions.

Under the order, K-12 school employers are specifically required to do the following:

1. Verify Vaccine Status of All Workers

School employers must verify vaccination status of all employees by requiring employees to submit any of the following documentation:

- COVID-19 Vaccination Record Card issued by the CDC or WHO Yellow Card (including photocopy, photograph, or screenshot on an electronic device);
- Documentation of COVID-19 vaccination from a health care provider;
- Digital vaccine record that includes a QR code readable by a SMART Health Card reader and which displays name, birth date, vaccine date, and vaccine type; or
- Documentation of COVID-19 vaccination from “other contracted employers who follow these vaccination records guidelines and standards.”

School employers are required to have a plan in place to track employee vaccination status. If an employee declines to disclose their vaccination status or declines to provide documentation, the employee will be considered unvaccinated.

2. Require School Employees To Be Vaccinated Or Submit To Weekly Testing

Effective August 12, 2021, school employers must require all workers who are not fully vaccinated (i.e. two weeks after the final vaccination dose), including those who are partially vaccinated or whose vaccination status is unknown, to submit to at least once weekly PCR testing or antigen testing. Fully vaccinated employees are not subject to this requirement.

The test method “must have either an Emergency Authorization from the US Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.”

School employers should track test results, conduct workplace contact tracing, and must report results to local public health departments. School employers are required to provide employee vaccination records when requested by public health officials for purposes of case investigation.

3. Fully Comply With The CDPH Order By October 15, 2021

The CDPH order indicates that “facilities must be in full compliance with the Order by October 15, 2021.” This suggests that, while the order is effective August 12, 2021, school employers who are unable to immediately achieve full compliance will be given a grace period, until October 15, 2021, to achieve full compliance. School employers are advised, however, to implement the order as soon as reasonably possible, and to document any circumstances which prevent full compliance prior to October 15, 2021.

