

# SANTA BARBARA COUNTY EMPLOYEES' RETIREMENT SYSTEM

## COVID-19 SAFETY POLICY

### I. INTRODUCTION, SUMMARY AND PURPOSE

During the course of the COVID-19 pandemic, federal, state and local governments have provided guidance and direction to promote public health and safety. In accordance with that guidance and direction, the County of Santa Barbara ("County") has issued directives governing COVID-19 safety and protection for its employees and members of the public who regularly interact with County government. Such directives (collectively "County Health Directives") include a COVID-19 Vaccination and Testing Policy (Appendix A) applicable to County employees, including the employees of SBCERS.

The purpose of this policy is to reinforce and ratify the County Health Directives as they apply to SBCERS employees and the conduct of business on SBCERS premises, as well as to expand their scope and protection to SBCERS trustees who are not County employees, as well as to consultants who attend SBCERS Board meetings and/or interact with SBCERS trustees and staff. Further, this policy provides guidance as to procedures that will be implemented at such time as in person Board of Retirement meetings resume.

### II. POLICY PROVISIONS

1. **SBCERS Employees and Facilities.** SBCERS employees, when working on site or off-site in the proximity of other SBCERS employees, consultants or members of the public shall comply with County Health Directives as they apply to other County employees and as they are modified or amended from time to time. SBCERS offices and premises shall similarly be operated in compliance with such directives.
2. **SBCERS Trustees and Consultants.** SBCERS trustees and consultants, including without limitation personnel of investment consultants, actuaries, accountants and attorneys (collectively "Covered Persons") shall be subject to the same requirements as SBCERS employees when attending SBCERS Board or committee meetings, when visiting SBCERS premises, or when otherwise engaging in face-to-face contact with SBCERS staff or members of the public on SBCERS business. Such requirements shall include compliance with the County's COVID-19 Vaccine and Testing Policy, as well as other County Health Directives as they may be modified or amended from time to time, including any masking mandates and/or social distancing requirements.
3. **SBCERS Board Meetings.** SBCERS Board meetings, once in person meetings are again held, shall be conducted consistently with the guidelines set forth above and pursuant to further directives provided by SBCERS staff consistent with the

County Health Directives as they may be modified or amended from time to time. To the extent permitted by law, remote access to Board of Retirement meetings by videoconferencing will continue to be provided to allow access to Covered Persons not in compliance with the County's Vaccination and Testing Policy and/or to Covered Persons or members of the public who would prefer to access Board of Retirement meetings remotely.

4. **Testing Reimbursement;** Notwithstanding any County provision to the contrary, SBCERS shall reimburse SBCERS trustees and employees for the cost of obtaining required diagnostic COVID-19 screening tests.

### **III. COMPLIANCE**

SBCERS staff shall be responsible for taking action necessary to ensure compliance with this policy, including without limitation the obligation to obtain and maintain documentation confirming compliance with the County's Vaccination and Testing Policy by SBCERS employees and Covered Persons and prompt communication to SBCERS employees and Covered Persons of any modifications or amendment to County Health Directives that may affect the terms or administration of this policy.

### **IV. POLICY REVIEW**

Due to the unique circumstances presented by the COVID-19 pandemic and evolving health guidelines and requirements, the Retirement Board shall review this Policy at least once annually to ensure that it remains relevant and appropriate.

### **V. AMENDMENT HISTORY**

This Policy was adopted by the Board of Retirement on December 8, 2021.



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## **County of Santa Barbara Employee COVID-19 Vaccination and Testing Policy**

Clinical trials, scientific research, and safety monitoring have demonstrated that the federally approved COVID-19 vaccines are safe and are the most effective method of preventing people from getting and spreading the virus that causes COVID-19 and from getting seriously ill, ending up hospitalized, or dying, even if they do get COVID-19. Furthermore, when vaccination is not possible, regular testing for COVID-19 serves an invaluable tool for early detection of the virus, and prevention of further spread and/or outbreak of COVID-19.

As of August 26, 2021, 63.8% of Californians 12 years of age and older are fully vaccinated with an additional 10.3% partially vaccinated. California is currently experiencing the fastest increase in COVID-19 cases during the entire pandemic with 28.4 new cases per 100,000 people per day, with case rates increasing ninefold within two months preceding August 5, 2021. The Delta variant, which is very highly contagious and possibly more virulent, is currently the most common variant causing new infections in California.

### **PURPOSE**

This policy is issued as an emergency measure to further protect County workers and the community we serve, and thereby, all residents of the County of Santa Barbara. All County workers are expected to comply with these requirements, and County departments will be responsible for ensuring their workers act in accordance with such.

### **SCOPE OF POLICY**

This policy applies to all County workers not bound to other state, federal or local mandates, or departmental specific policies authorized by the County. By this policy, County workers bound to other such mandates will be expected to comply with those. Failure to comply with this policy, or other state, federal or local mandates, or departmental specific policies authorized by the County will result in progressive attempts to bring employees into compliance, and further failures to do so may lead to more formal corrective actions, up to and including dismissal from employment.

For the purpose of this policy “County workers” or “worker(s)” includes, but is not limited to regular staff, extra help, contractors on payroll, interns, volunteers, and all other workers who regularly perform services for the County onsite and interact with other individuals in person as part of their services for the County. This is inclusive of “remote” workers who, as designated disaster workers, may be required to report in-person and/or onsite as needed.

This policy may be updated at any time to remain in conformance with state, federal and local guidance, but will remain in effect until the local declared emergency regarding COVID-19 is no

longer in effect as determined by the Board of Supervisors, or as may be earlier revoked by the Board.

## DEFINITIONS

1. **Fully vaccinated** means it has been at least two weeks since a County worker has received one dose of a one-dose regimen or two doses of a two-dose regimen of the COVID-19 vaccine.
2. **Partially vaccinated** means a County worker has received one dose of a two-dose regimen, OR it has not been two weeks since receiving one dose of a one-dose regimen or two doses of a two-dose regimen of the COVID-19 vaccine.

## VERIFICATION OF VACCINATION STATUS

All County workers are required to provide verification of vaccination status by September 30, 2021, or immediately upon hire thereafter:

- A. **Fully vaccinated** or **partially vaccinated** workers must provide one of the following forms of verification:
  1. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or the World Health Organization (WHO) Yellow Card) which includes the name of the person vaccinated, type of vaccine provided and date doses administered); OR
  2. A photo of a vaccination card as a separate document; OR
  3. A photo of the County worker's vaccine card stored on a phone or electronic device; OR
  4. Documentation of vaccination from a healthcare provider; OR
  5. [Digital record](#) that includes a QR code that when scanned by a SMART Health Card reader displays to the reader the County worker's name, date of birth, vaccine dates and vaccine type; OR
  6. Documentation of vaccination from other contracted employers who follow these vaccination records guidelines and standards.

**Partially vaccinated** workers will still need to provide updated vaccination status, via one of the above forms, once **fully vaccinated** status is achieved.

## TESTING REQUIREMENTS

- A. Effective October 1, 2021, or immediately upon hire thereafter, all County workers who are not **fully vaccinated** will be required to:
  1. Undergo diagnostic screening testing at least **once weekly** with either PCR testing or antigen testing; AND
  2. Provide proof of each test result.
- B. Departments are expected have a plan in place for tracking test results within their facilities, conducting workplace contact tracing as needed, and reporting positive test results to the Human Resources and Public Health Departments.

- C. The County will establish and provide for testing necessary to satisfy the requirements of this policy, including training that may be necessary for staff, such as medical confidentiality training. County provided testing will be at no cost to County workers.

Alternatively, County workers may choose to get tested on their own time and cost by a health care provider or testing facility of their choice; the test used must be either a PCR or antigen test. Any PCR (molecular) or antigen test used must either have Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Workers who choose this option must provide documentation from their health care provider indicating the individual was tested for COVID-19, the date of the test and the results.

Should a worker test positive for COVID-19 at any time, the worker must notify his/her supervisor immediately, and remain out of the work environment, until receiving direction on next steps.

- D. Workers must still observe all other infection control requirements, and are not exempted from the testing requirements, even if they have a medical contraindication to vaccination, since they are still potentially able to spread the illness. Previous history of COVID-19 from which an individual recovered more than 90 days earlier, or a previous positive antibody test for COVID-19, does not waive this requirement for testing.
- E. If a worker misses a test for any reason, they will be expected to take immediate, reasonable action to schedule a new test as soon as reasonably practicable. The County will consider the reasons for a missed test, actions taken by employee to remediate the issue (where possible), and determine if the worker can continue to work until such time as they are able to provide the required documentation, depending on the circumstances of each case.

Workers who miss a test and are unable to continue working until they comply with the testing requirement, may be considered non-compliant with this policy, depending on the circumstances of each case, and subject to actions outlined in the *NON-COMPLIANCE WITH POLICY* section below.

## **CONFIDENTIALITY OF VACCINATION STATUS AND TEST RESULTS**

The County will take reasonable measures to maintain the confidentiality of information regarding COVID-19 vaccination or testing status of County workers. Any information that the County stores regarding the COVID-19 status of an employee will be maintained separate from the employee personnel file, thus limiting access to this confidential information. The results from COVID-19 testing will only be used consistent with guidance from the CDC, CDPH, CA Civil Code 56.10 et seq (CMIA) and other public health or occupational safety authorities for purposes related to preserving the health and safety of employees, patients, clients, inmates, and the community, and will not be used for any other purpose.

Any worker who has tested positive for COVID-19 and who believes they were exposed to COVID-19 while working on-site or in the field for the County should file a County incident report, and Workers' Compensation claim as soon as reasonably practicable.

### **DISCLOSURE OF TEST RESULTS**

Where possible, if the facility conducting COVID-19 testing is able to transmit a worker's results by electronic means directly to the worker's departmental testing coordinator, the worker may be required to authorize the vendor to disclose such results to the County and acknowledge receipt of testing disclosures from the County or testing vendor.

### **NON-COMPLIANCE WITH POLICY**

If a worker is unable to comply with vaccination or testing requirements based on a qualifying disability or medical restrictions, they may request an ADA accommodation by contacting the County Disability Manager. Workers who are unable to comply with the vaccination or testing requirements for any other reason must submit a written request for exemption consideration.

County workers who do not comply with this policy cannot enter any County facility. If entrance to a County facility is part of the worker's regular job duties, the worker may be precluded from entering until such time that they become compliant, or until issues causing non-compliance can be resolved.

County workers who continue to not comply with this policy may be subject to corrective action up to and including dismissal from employment.