

MANDATORY COVID-19 VACCINATION AND NON-COMPLIANCE ACCOUNTABILITY FOR INSTITUTION AND FACILITY STAFF

Frequently Asked Questions

On [August 19, 2021](#), the California Department of Public Health (CDPH) issued an [order](#) for paid and unpaid individuals who are regularly assigned to provide health care or health care services to inmates, prisoners, or detainees to show evidence of full-vaccination against COVID-19 by October 14, 2021, unless they qualify for an accommodation based on a sincerely-held religious beliefs or due to qualifying medical reason(s). On [August 23, 2021](#) and [September 20, 2021](#), California Department of Corrections and Rehabilitation (CDCR) and California Correctional Health Care Services (CCHCS) issued memorandums to clarify requirements and expectations for Institution and Facility staff regarding the public health order. This document supplements the [August 23, 2021](#) and [September 20, 2021](#) memorandums, and the following questions provide detailed information about the implementation of the [August 19, 2021 CDPH order](#).

A. SUMMARY OF ORDERS/MANDATES

a. Verification of Full-Vaccination/Regular Testing for Workers and Visitors

- i. July 26, 2021 CDPH Order
 1. [Health Care Worker Protections in High-Risk Settings](#)
 2. [CDPH FAQ](#)
- ii. July 26, 2021 California Department of Human Resources (CalHR) Requirement
 3. [Vaccine Verification and Testing Requirements](#)
 4. [CalHR FAQ](#)
- iii. July 30, 2021 CDCR/CCHCS Memo
 5. [COVID-19 Vaccination Status Verification Requirements](#)
- iv. August 05, 2021 CDPH Order
 6. [Requirements for Visitors in Acute Health Care and Long-Term Care Settings](#) (Amended August 26, 2021)
 7. [CDPH FAQ](#)
- v. August 18, 2021 CDCR/CCHCS Memo
 8. [COVID-19 Weekly Testing Requirement for Staff working in Headquarters, Regional and Field Office Locations](#)

b. Full-Vaccination for Health Care/Correctional Facilities Workers

- i. August 05, 2021 CDPH Order
 1. [Health Care Worker Vaccine Requirement](#)
 2. [CDPH FAQ](#)
- ii. August 19, 2021 CDPH Order
 3. [State and Local Correctional Facilities and Detention Centers Health Care Worker Vaccination Requirement](#)
 4. [CDPH FAQ](#)
- iii. August 23, 2021 CDCR/CCHCS Memo



5. [Mandatory COVID-19 Vaccines and Testing for Institution Staff](#)
- iv. September 20, 2021 CDCR/CCHCS Memo
6. [Mandatory COVID-19 Vaccination and Non-Compliance for Institution and Facility Staff](#)

B. APPLICABILITY TO STAFF

1. **Which staff are subject to the CDPH [August 19, 2021 CDPH Order](#) and the [August 23, 2021 CDCR/CCHCS memorandum](#)?**
 - a. All CDCR/CCHCS staff, registry providers, contractors, and volunteers who are regularly assigned to provide health care or health care services to inmates, prisoners, or detainees.
 - b. All CDCR/CCHCS staff, registry providers, contractors, and volunteers who are regularly assigned to work within hospitals, skilled nursing facilities (SNF), intermediate care facilities, or the equivalent that are integrated into the correctional facility or detention center in areas where health care is provided.
 - c. All CDCR/CCHCS staff, registry providers, contractors, and volunteers who work at CHCF, CMF, and regularly assigned to work in the CCWF SNF.
 - d. All CDCR/CCHCS staff, registry providers, contractors, and volunteers regularly assigned to work in the areas, institutions, posts and locations specified in the [August 19, 2021 CDPH Order](#) and [August 23, 2021 memorandum](#).
2. **Do all staff have to complete the [CDCR/CCHCS COVID-19 Vaccination Requirement Form](#)?**
 - a. No. Only staff regularly assigned to work in the areas, institutions, posts and locations specified in the [August 23, 2021 memorandum](#) and as determined by the Hiring Authority must complete the form.
3. **What happens if staff refuse to sign the [CDCR/CCHCS COVID-19 Vaccination Requirement Form](#)?**
 - a. Staff shall continue reporting to work, wear an N95 mask at all times while in the workplace, and test twice-weekly (with at least 72 hours between each test) if unvaccinated until they comply with the [August 19, 2021 CDPH Order](#).
 - b. The Hiring Authority (HA) shall document that staff refused to sign on the [CDCR/CCHCS COVID-19 Vaccination Requirement Form](#).
 - c. Staff shall not be disciplined solely for not signing the [CDCR/CCHCS COVID-19 Vaccination Requirement Form](#); however, if they refuse to comply with the [August 19, 2021 CDPH Order](#), they shall be subject to progressive discipline.
4. **Do staff not regularly assigned to work in healthcare areas subject to the [August 19, 2021 CDPH Order](#) need to be vaccinated or wear a mask?**
 - a. No, staff who are not subject to the [August 19, 2021 CDPH Order](#) or who are not regularly assigned to areas, institutions and locations specified in the [August 23, 2021 memorandum](#) are not required to be fully-vaccinated.



- b. Yes, staff shall continue to wear at least a procedure mask (or N95 mask if required) and test twice-weekly (with at least 72 hours between each test) if unvaccinated.
 - c. Unvaccinated staff who are subject to the [August 19, 2021 CDPH Order](#) shall wear an N95 mask while in the workplace and test twice-weekly (with at least 72 hours between each test) until further notice or until they comply with the [August 19, 2021 CDPH Order](#).
 - d. Unvaccinated staff on overtime, redirect, swap or otherwise working in areas, institutions, posts and locations specified in the [August 23, 2021 memorandum](#), and any visitors, shall wear an N95 mask while in the area subject to the [August 19, 2021 CDPH Order](#).
- 5. If a post becomes designated per the [August 19, 2021 CDPH Order](#) or the [August 23, 2021 memorandum](#), how much time will staff who are assigned to this post have to get vaccinated?**
- a. Staff shall wear an N95 mask and test twice-weekly (with at least 72 hours between each test) until they comply with the [August 19, 2021 CDPH Order](#).
 - b. Staff have the option to submit a request for religious accommodation or reasonable accommodation for qualifying medical reason(s).
 - c. Progressive discipline shall not be initiated immediately. Staff shall be informed of the [vaccination clinic schedule](#), and that they are required to obtain full-vaccination within 30 days.
 - d. Progressive discipline shall be initiated if staff fails to comply within the 30-day compliance timeframe and have neither requested nor been provided a religious or reasonable accommodation. For staff opting for Pfizer or Moderna, discipline shall be initiated as soon as staff miss their second dose within the clinically-recommended timeframe, but not earlier than October 15, 2021.
- 6. How will vaccination status be verified during Post and Bid Cycles?**
- a. Staff vaccination status will be verified by management.
 - b. Staff shall be notified of a post's vaccination requirement prior to bidding since the custody Master Assignment Roster (MAR) or applicable bid sheet(s) will be marked with a V for all vaccination-required posts.
- 7. Do staff need to get vaccinated if they previously had COVID-19?**
- a. Yes, if they are regularly assigned to work in the areas, institutions, posts and locations specified in the [August 23, 2021 memorandum](#), unless they have an approved accommodation based on a sincerely-held religious belief or due to qualifying medical reason(s) that results in reasonable accommodation exempting them from full-vaccination.
- 8. Do staff need to get tested if they previously had COVID-19?**
- a. Yes, if they are unvaccinated and 90 days have passed since they tested positive.



9. If mandated to get the vaccine and a medical complication arises as a result, will I be covered by Worker's Compensation?

- a. Staff have a right to file a claim if they believe that they have suffered an injury or illness caused by work, including receiving a vaccination for COVID-19. Claims will be processed utilizing existing Worker's Compensation policies and protocols.

10. If staff is required to wear an N95 mask in the workplace, when is the effective date?

- a. The [California Code of Regulations \(CCR\) Title 8, Section 5199](#) requires respirator use in areas where suspected and confirmed COVID-19 cases may be present. Staff working in these areas shall wear an N95 mask **effective immediately**, for as long as case(s) are suspected/confirmed.
- b. Staff subject to the [July 26, 2021 CDPH order](#) shall continue to wear an N95 mask at all times while in the workplace.
- c. Unvaccinated staff subject to the [August 19, 2021 CDPH order](#) shall wear an N95 mask at all times while in the workplace effective October 15, 2021, until they are fully-vaccinated.
- d. Vaccinated staff shall continue to wear at least a procedure mask while in the workplace, unless an N95 mask is required pursuant to [CCR Title 8, Section 5199](#) or the [July 26, 2021 CDPH order](#).

C. APPLICABILITY TO INMATES

11. Are inmate workers subject to the [August 19, 2021 CDPH Order](#) and the [August 23, 2021 memorandum](#)?

- a. Yes, the [August 19, 2021 CDPH Order](#) applies to inmate workers.

12. Can inmate workers request for religious or medical reasonable accommodation?

- a. Yes, inmate workers can request a religious accommodation or reasonable accommodation for qualifying medical reason(s).
- b. Staff who typically handle regular accommodation requests from inmates (e.g. religious diet, dress and grooming, or accessibility/mobility-related issues, etc.) shall process inmate workers' COVID-19 related accommodation requests.

13. Are inmate workers subjected to removal from position for refusal to vaccinate?

- a. Yes, inmates are required to comply with the [August 19, 2021 CDPH Order](#) by October 14, 2021 or they will be removed from their job assignment(s).

D. LOGISTICS

14. How and where can staff get vaccinated?

- a. Staff may obtain no-cost COVID-19 vaccination from [CDCR/CCHCS vaccine clinics](#). No appointment is necessary in any of these clinics.
- b. Alternatively, staff opting to obtain vaccination outside CDCR/CCHCS may select another no-cost clinic listed on the website [myturn.ca.gov](#), or from their



personal health care provider, and follow the process for submitting proof of vaccination outlined in the [May 19, 2021 memorandum](#).

15. How and where can staff get tested?

- a. Staff may obtain no-cost COVID-19 testing from CDCR/CCHCS testing clinic(s) at their institution/facility.
- b. Alternatively, staff opting to obtain testing outside CDCR/CCHCS may select another no-cost clinic listed on the [California COVID-19 website](#) or their personal health care provider to schedule testing. Staff tested outside of CDCR/CCHCS will not be compensated for time, mileage, etc.

16. How and where can staff submit their proof of testing and/or vaccination from outside CDCR/CCHCS clinics?

- a. Follow the process for submitting proof of vaccination outlined in the [May 19, 2021 memorandum](#).
- b. Follow the process for submitting proof of testing outlined in that attachment for the [August 23, 2021 memorandum](#).

17. How and where can staff get their procedure masks and/or N95 mask?

- a. Procedure and N95 masks are readily available at each institution/facility and shall be provided to staff when requested.

E. STAFF REQUESTS FOR RELIGIOUS ACCOMMODATION AND REASONABLE ACCOMMODATION FOR QUALIFYING MEDICAL REASON(S)

18. If a staff member submit a request for an accommodation on October 14, 2021, will the staff member be exempt from progressive discipline while the request is pending?

- a. Yes, progressive discipline shall not be initiated pending determination on a request for religious accommodation or reasonable accommodation for qualifying medical reason(s).

19. What happens while a request for accommodation is pending?

- a. While awaiting determination of the request for accommodation, staff shall continue reporting to work, wear an N95 mask at all times while in the workplace, and test twice-weekly (with at least 72 hours between each test).
- b. Staff shall not to be placed on ATO or involuntary dock.

20. What happens if a request for accommodation is approved?

- a. It depends upon the accommodation. While working, staff shall wear an N95 mask at all times and test twice-weekly (with at least 72 hours between each test).

21. What happens if a request for accommodation is not approved?

- a. Staff shall get vaccinated within the compliance timeframe specified in the notification of the denial of accommodation, or they shall be subject to progressive discipline.
- b. Staff shall wear an N95 mask at all times while in the workplace, and test twice-weekly (with at least 72 hours between each test) until they are in compliance with the [August 19, 2021 CDPH Order](#).



- c. Staff shall not to be placed on ATO or involuntary dock.
- 22. Will a request for religious accommodation or reasonable accommodation for qualifying medical reason(s) be accepted and considered after the October 14, 2021 due date?**
- a. Yes.
- 23. Can staff wear a procedure mask or do staff have to wear an N95 mask?**
- a. It depends on where the staff work and if they are subject to the [August 19, 2021 CDPH Order](#). If staff members are working in a post subject to the [August 19, 2021 CDPH Order](#), they shall wear an N95 mask at all times while in the workplace and test twice-weekly (with at least 72 hours between each test) if unvaccinated.
- b. The Office of Civil Rights (OCR) is requesting the HAs/EEO Coordinators who submit the CDCR 2273 form to indicate the staff's work assignment.
- 24. Do staff have the option to request leave as part of the RA/RRA interactive process?**
- a. HAs may not put staff out on unpaid leave without the staff's agreement.
- b. HAs shall consider allowing staff to request and utilize their own leave only if this request can be approved without an undue burden on operations or costs (e.g. Will this cause mandatory overtime costs? Can healthcare still be delivered?).
- 25. What is the employee's next step if the HA does not agree with OCR recommendation regarding a request for religious accommodation?**
- a. If the HA determines that the religious accommodation recommended by OCR will create an undue hardship for the Department, the HA shall specifically identify the reasons why the requested accommodation(s) creates an undue hardship for the Department and cannot be granted. The employee has a right under the Department's EEO policy to file a discrimination complaint internally via OCR or externally via EEOC/DFEH. This is a separate process from the religious accommodation process and the filing of a claim, whether internal or external, does not prevent consideration of progressive discipline once the HA determination for religious accommodation has been made.
- 26. Can staff subject to the [August 19, 2021 CDPH Order](#) or [August 23, 2021 memorandum](#) request to wear a procedure mask as a religious accommodation ?**
- a. No.
- 27. What happens if a staff member is off work between August 23, 2021 and October 14, 2021 and are not able to submit the [CDCR/CCHCS COVID-19 Vaccination Requirement Form](#) or request for religious or medical reasonable accommodation?**
- a. If a staff member is assigned to an area, institution, post or location when they return to work that is identified in the [August 19, 2021 CDPH Order](#) or [August 23, 2021 memorandum](#) as requiring vaccination and the staff member is unvaccinated, they shall be required to wear an N95 mask at all times in the work place and test twice-weekly (with at least 72 hours between each test) until they are in compliance with the [August 19, 2021 CDPH Order](#).



- b. Staff have the option to submit a request for religious accommodation or reasonable accommodation for qualifying medical reason(s).
- c. Progressive discipline shall not be initiated immediately. Returning staff shall be informed of the [vaccination clinic schedule](#), and that they are required to obtain vaccination within 30 days.
- d. Progressive discipline shall be initiated if staff fails to comply within the 30-day compliance timeframe and have neither requested nor been provided a religious or medical reasonable accommodation. For staff opting for Pfizer or Moderna, discipline shall be initiated as soon as staff miss their second dose within the clinically-recommended timeframe, but not earlier than October 15, 2021.

28. If staff submits a request for religious or medical reasonable accommodation after being issued an LOI, will the progressive discipline be paused?

- a. Yes, progressive discipline shall be paused pending determination on a request for religious accommodation or reasonable accommodation for qualifying medical reason(s).
- b. Following the approval of a request for religious or medical reasonable accommodation, HAs have the ability to remove an LOI.
- c. Progressive discipline will recommence in the event that the accommodation is denied.

E. REGISTRY PROVIDERS AND CONTRACT WORKERS

29. Are registry providers, contract workers, and volunteers subject to the [August 19, 2021 CDPH Order](#) and the [August 23, 2021 memorandum](#)?

- a. Yes, if they are regularly assigned to work in the areas, institutions, posts and locations specified in the [August 23, 2021 memorandum](#).

30. Shall registry providers, contract workers, and volunteers complete a [CDCR/CCHCS COVID-19 Vaccination Requirement Form](#)?

- a. Yes, if they are regularly assigned to work in the areas, institutions, posts and locations specified in the [August 23, 2021 memorandum](#).

31. How should registry providers, contract workers, and volunteers submit their requests for religious accommodation or reasonable accommodation for qualifying medical reason(s)?

- a. For CDCR, requests for religious accommodation shall be submitted to [OCR](#) following the same process as civil service employees.
- b. For CCHCS, requests for religious accommodation shall be submitted to their supervisor and EEO coordinator via the CDCR 2273, Request for Religious Accommodation. The Department shall engage in the interactive process with providers/contractors to ensure a timely and appropriate determination of religious accommodation. Once a determination on the religious accommodation request is made, Hiring Authorities shall notify the Direct Care Contracts Section (DCCS), the provider/contractor, and the network contractor (if applicable).



- c. For CDCR, requests for reasonable accommodation for qualifying medical reason(s) shall be processed in accordance with the underlying contract between CDCR and the contractor. For CDCR volunteers, requests for reasonable accommodation for qualifying medical reason(s) shall be submitted to the Community Resource Manager following the same process as civil service employees.
- d. For CCHCS, requests for reasonable accommodation for qualifying medical reason(s) shall be submitted to their vendor/contractor/network contractor, along with a written statement signed by a physician, nurse practitioner, or other licensed medical professional practicing under the license of a physician stating that the individual qualifies for the accommodation (but the statement shall not describe the underlying health condition or disability) and the probable duration of an individual's inability to receive any COVID-19 vaccine (or if the duration is unknown or permanent, so indicate). Upon determination by their vendor/contractor/network contractor, denials and/or approvals (with corresponding signed medical statements) shall be forwarded to the Direct Care Contracts Section (DCCS) Helpdesk at: cchcshealthcarecontractshelpdesk@cdcr.ca.gov. Upon receipt of the approval or denial by the vendor/contractor/network contractor, DCCS shall forward to HAs at the location(s) the provider/contractor renders services.

32. How shall HAs approach non-compliance from registry providers, contract workers, and volunteers?

- a. All unvaccinated registry providers, contract workers, and volunteers who are subject to the [August 19, 2021 CDPH Order](#) shall wear an N95 mask at all times while in the workplace and test twice-weekly (with at least 72 hours between each test) until they comply with the [August 19, 2021 CDPH Order](#).
- b. Non-compliance with the [August 19, 2021 CDPH Order](#), including refusal to wear an N95 mask or test twice-weekly in lieu of full-vaccination, shall be reported to the vendor/contractor/network contractor or Community Partnerships Unit (CPU) for volunteers. HAs shall follow established method of communication with the vendor/contractor/network contractor or CPU to report non-compliance prior to the CDPH deadline to ensure services are provided and appropriate staffing levels are maintained. On and after October 15, 2021, the assignment for any non-compliant providers/contractors who are not seeking/have not received a religious or reasonable accommodation may be terminated. Assignments shall not be terminated, due to non-compliance with the [August 19, 2021 CDPH Order](#), prior to the CDPH deadline of October 14, 2021.



F. FACILITY PLANNING, CONSTRUCTION AND MANAGEMENT DIVISION PROJECT FAQs

33. Does the vaccination requirement for all staff at California Health Care Facility (CHCF) and California Medical Facility (CMF) apply to Inmate/Ward Labor Program (IWL) state staff and casual tradespersons hired by prisons to work on IWL projects?

- a. Yes, the vaccination requirement for all staff at CHCF and CMF does apply to Inmate/Ward Labor Program (IWL) staff assigned to these prisons and casual tradespersons hired by the prison to work on IWL projects.

34. Does the vaccination requirement for all staff at CMF apply to the General Contractor, sub-contractors, contract construction management staff, construction inspection staff or other CDCR consultant staff working on the Health Care Facility Improvement Program project at CMF?

- a. No, the vaccination requirement for all staff at CMF does not apply to the General Contractors, sub-contractors, contract construction management staff, construction inspection staff or other CDCR consultant staff working on the Health Care Facility Improvement Program project at CMF. Persons employed by these entities are not considered “staff” at CDCR prisons.