



CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES

MEMORANDUM

Date: **Date**

To: **Employee Name, Classification**
Institution or Facility Name

From: **Supervisor Name, Title**
Institution or Facility Name

Subject: **LETTER OF INSTRUCTION – FAILURE TO COMPLY WITH**
MANDATORY COVID-19 VACCINE

This Letter of Instruction (LOI) memorializes your failure to submit evidence of your full vaccination status for COVID-19. This documentation sets forth measures for addressing this issue in an effort to resolve it.

In order to address two public health orders, a memorandum was distributed via email to all staff on August 23, 2021, titled *Mandatory COVID-19 Vaccines and Testing for Institution Staff* authored by California Department of Corrections and Rehabilitation (CDCR) Secretary Kathleen Allison and California Correctional Health Care Services (CCHCS) Receiver Clark Kelso, which reiterated the requirement that specified workers show evidence of full vaccination for COVID-19 by October 14, 2021, as outlined in the California Department Public Health (CDPH) Order.

On **Date**, you were notified that you were required to show evidence of full vaccination for COVID-19 by October 14, 2021. This notification came from **(Example, Name, Chief Executive Officer, and/or Name, Warden)**, which was emailed to all institution and facility staff on **Date**. **Include any conversation with the employee and the date**. In addition, you were provided with the COVID-19 Vaccination Requirement Form which you signed on **Date**. **If employee did not sign, state refusal to sign and date employee was provided with the form**. You have not requested and/or obtained approval for a medical and/or religious reasonable accommodation.

Also, on **Date**, you were enrolled in the Mandatory COVID-19 Vaccines and Testing – Online – OJT (BET Code 11062963) course in the Learning Management System. This mandatory training required you to read and acknowledge the August 23, 2021, memorandum, titled *Mandatory COVID-19 Vaccines and Testing for Institution Staff*. You completed this training on **Date (add, if applicable)**.

On **Date**, you failed to comply with the above directive when you **refused/did not** submit evidence of full vaccination for COVID-19 by October 14, 2021. Specifically, **clearly describe the circumstances surrounding the employee's failure to comply with vaccination requirements, including the employee's response when the failure(s) was discussed with them (Example, employee refused to submit evidence of full vaccination; employee forgot**

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to submit evidence of full vaccination; is still in the process of submitting a reasonable medical or religious accommodation, etc.).

The Department deems the COVID-19 pandemic a “direct threat” to the correctional environment, public safety, as well as to the staff and inmate-patients under the jurisdiction of the Department, and has the potential to significantly disrupt custody and healthcare operations. The Department has an obligation and is taking appropriate measures to create a safer, low-risk work environment, and minimize the spread of COVID-19.

By failing to adhere to the CDPH Order and departmental directives requiring you to submit evidence of full vaccination for COVID-19, you have placed not only yourself at risk, but have also compromised the health and safety of your fellow co-workers, the inmate population, and the public.

Your actions have violated the following departmental regulations and policies:

California Code of Regulations (CCR), Title 15, Section 3270, General Policy, which states in pertinent part:

The primary objectives of the correctional institutions are to protect the public by safely keeping persons committed to the custody of the Secretary of Corrections and Rehabilitation...

CCR, Title 15, Section 3391, Employee Conduct, which states in pertinent part:

Employees shall be alert, courteous, and professional in their dealings with...fellow employees...Irresponsible or unethical conduct reflecting discredit on themselves or the department, either on or off duty, shall be avoided by all employees.

Department Operations Manual (DOM) Section 33030.3.1, Code of Conduct, which states in pertinent part:

As employees and appointees of the Department, we are expected to perform our duties, at all times, as follows:

- Demonstrate professionalism, honesty, and integrity;
- Accept responsibility for our actions and their consequences; ...
- Comply with all applicable laws and regulations; ...

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DOM Section 33030.3.2, General Qualifications, which states in pertinent part:

All employees are subject to the requirements as specified in the California Code of Regulations (CCR), Title 2, Section 172, General Qualifications, which states, in pertinent part, the following:

All candidates for, appointees to, and employees in the state civil service shall possess the general qualifications of ..., good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume the responsibilities and to conform to the conditions of work characteristic of the employment, and a state of health, consistent with the ability to perform the assigned duties of the class.

You are to immediately bring yourself in compliance with the CDPH Order and departmental directives requiring you to submit evidence of full vaccination status for COVID-19. Additionally, you are instructed to comply in an immediate, consistent, and sustained manner, with the following:

1. Abide by all lawful orders given to you by a supervisor or manager, or other higher ranking official, without exception.
2. Submit evidence of full vaccination or partial vaccination for COVID-19 no later than seven (7) calendar days from the issuance of this LOI on (Insert Date). **(Add, if applicable)** Vaccine clinics are available at Institution or Facility on the following date(s): (Insert Dates). If receiving a two-dosage vaccine within seven (7) business days, the second dosage must be taken no later than 30 calendar days from the date of the first dosage in order to be in compliance with this directive. Failure to comply with this directive will result in disciplinary action, up to and including dismissal from State service.
3. Read and familiarize yourself with the established departmental regulations and policies listed above.

Your conduct on this occasion was unacceptable and will not be tolerated by this Department. If you engage in similar conduct in the future, the Department will take adverse action against you based on the incidents cited in this memorandum, as well as any future incidents.

I will follow-up with you within seven days from issuance of this LOI to ensure your compliance with this directive. Should you fail to bring yourself into compliance with the aforementioned directives, your non-compliance will be documented and referred to the Hiring Authority for further review and disposition.

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This LOI will be placed in your Official Personnel File (OPF) and supervisory file for 12 months. Upon your written request to the Hiring Authority, this LOI will be removed from your OPF and given to you unless you request it to be destroyed.

SUPERVISOR NAME, Title
Institution or Facility Name

Date

Your signature below verifies your receipt of this LOI.

EMPLOYEE NAME, Classification
Program/Unit/Institution or Facility

Date

APPROVED/DISAPPROVED for placement in OPF:

HIRING AUTHORITY NAME, Title
Program/Unit/Institution or Facility

Date

Attachments (if applicable): August 19, 2021, CDPH Order; August 23, 2021 Memorandum titled *Mandatory COVID-19 Vaccines and Testing for Institution Staff*; Insert any local Institution or Facility notification employee received of COVID-19 vaccine evidence submission, etc.)

cc: Supervisory File - Employee Name, Classification
OPF - Employee Name, Classification
Health Care Employee Relations Officer/Employee Relations Officer