



MEMORANDUM

Date: November 1, 2021

To: California Department of Corrections and Rehabilitation All Staff
California Correctional Health Care Services All Staff

From:

<p>DocuSigned by: <i>Kathleen Allison</i> 066FFF332C694AB... KATHLEEN ALLISON Secretary CDCR</p>	<p>DocuSigned by: <i>Clark Kelso</i> 2E3708FD02AF4DC... J. CLARK KELSO Receiver CCHCS</p>
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Subject: ORDER RE: MANDATORY COVID-19 VACCINATIONS FOR WORKERS

The Honorable Jon S. Tigar, District Judge for the United States District Court for the Northern District of California, issued an *Order Re: Mandatory Vaccinations* on September 27, 2021, in the *Plata v. Newsom* class action lawsuit. The *Plata* court has ordered that access to California Department of Corrections and Rehabilitation (CDCR) institutions be limited to those workers who establish proof of full COVID-19 vaccination or have an approved religious or medical exemption to vaccination. On October 27, 2021, the *Plata* court ordered a January 12, 2022, deadline for full vaccination of the persons covered by the September 27, 2021, order, specifically that "full vaccination of the persons covered by the September 27, 2021 order occur no later than January 12, 2022."

This memorandum provides clarification and detailed expectations for CDCR and California Correctional Health Care Services' (CCHCS) application and implementation of the *Plata* court order to CDCR/CCHCS and California Prison Industry Authority (CALPIA) civil service employees, peace officers, retired annuitants, health care registry providers, contract workers and volunteers. A separate memorandum will address the application and implementation of the *Plata* court order to incarcerated persons and their visitors.

Note: This directive does not supersede previous direction related to the August 19, 2021, [California Department of Public Health Order](#). Staff specifically identified in that order shall adhere to the requirements and timelines outlined in the [August 23, 2021, memorandum](#) and subsequent October 25, 2021, directive from the Division of Adult Institutions specific to custody classifications.

APPLICATION OF THE PLATA COURT ORDER

Mandatory COVID-19 vaccination applies to the following individuals identified as CDCR/CCHCS/CALPIA workers throughout this document:

- All CDCR/CCHCS and CALPIA civil service employees, retired annuitants, health care registry workers, and contract workers who enter CDCR institution grounds for the performance of

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job duties, including Headquarters and Regional staff who may enter CDCR institution grounds for any purpose including the performance of job duties.

- Contract workers, for this purpose, are defined as contractors who work directly with incarcerated persons.
- All CDCR/CCHCS peace officers, including retired annuitants, who enter CDCR institution grounds for the performance of job duties, regardless of work location.
- All volunteers who enter CDCR institution grounds to provide services or programming.

Mandatory COVID-19 vaccination does not apply to the following individuals who may enter CDCR institution grounds for official business or health care services. These individuals shall wear at a minimum a procedure mask at all times while on CDCR institution grounds, except when outdoors or when eating/drinking if a minimum of six (6) feet of physical distance is maintained:

- Delivery or courier services workers who deliver goods and products for CDCR/CCHCS.
- Emergency Medical or Fire Services

If unable to show proof of full vaccination, the following individuals shall wear an N95 mask at all times while on CDCR institution grounds, except when outdoors or when eating/drinking if a minimum of six (6) feet of physical distance is maintained:

- Individuals who may enter CDCR institution grounds for official state business, including, but not limited to:
 - California Division of Occupational Safety and Health
 - Office of the State Fire Marshal
 - Office of the Inspector General
 - California State Controller's Office
 - California State Auditor
 - California Department of Public Health
- California Department of Forestry and Fire Protection employees when on CDCR institution grounds (Note: The N95 mask requirement does not apply to off grounds fire camps or fire lines).
- Contracted service individuals performing a service/repair on CDCR institution grounds.
- Contracted or subcontracted individuals working on projects of any duration, including, but not limited to, Health Care Facility Improvement Program and Audio-Video Surveillance/Body-Worn Camera deployments.
- Judges, court representatives, court monitors, and non-CDCR/CCHCS attorneys and their staff.
- Visitors from any branch of local or state government, including, but not limited to:
 - Governor's Office
 - California Department of Finance
 - California State Legislature
 - Judicial Council of California
- Members of Grand Jury, Citizen Advisory Council, or Inmate Family Council.
- Business agents and/or representatives from Labor Organizations.

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- Members of the press.

All fully-vaccinated individuals shall wear at a minimum a procedure mask while on CDCR institution grounds, except when outdoors or when eating/drinking if a minimum of six (6) feet of physical distance is maintained.

Additionally, effective November 8, 2021, all unvaccinated and partially-vaccinated workers (as identified herein), including those with a pending or approved religious or reasonable medical accommodation request, shall wear an N95 mask at all times while performing job duties on CDCR institution grounds and at a minimum a procedure mask when in non-institution settings, except when outdoors or when eating/drinking if a minimum of six (6) feet of physical distance is maintained, until they comply with the order.

AVAILABILITY OF VACCINATIONS

Vaccinations are provided at no cost to CDCR/CCHCS/CALPIA workers and may be obtained onsite from scheduled [CDCR/CCHCS vaccine clinics](#). HQ, Regional and Field Office staff may also obtain vaccination from any CDCR institution. Alternatively, CDCR/CCHCS/CALPIA workers opting to obtain vaccination outside CDCR/CCHCS may select another clinic listed on the website [myturn.ca.gov](#) or their personal health care provider and follow the process for submitting proof of vaccination outlined in the [May 19, 2021, memorandum](#).

TIMEFRAME FOR COMPLIANCE

In order to ensure full compliance with the *Plata* court order, CDCR/CCHCS/CALPIA workers (as previously identified) who are subject to mandatory COVID-19 vaccination shall comply with the following timeframes for compliance:

- Latest date the first of two-dose Moderna vaccine shall be received: December 1, 2021
- Latest date the first of two-dose Pfizer vaccine shall be received: December 8, 2021
- Latest date the second of two-dose Moderna vaccine shall be received: December 29, 2021
- Latest date the second of two-dose Pfizer vaccine shall be received: December 29, 2021
- Latest date the single dose Johnson & Johnson vaccine shall be received: December 29, 2021
- Date all individuals who comply with the foregoing requirements shall be considered fully vaccinated: January 12, 2022

HQ, Regional and Field Office Hiring Authorities (HA) shall identify HQ, Regional and Field Office workers, including retired annuitants, who may enter CDCR institution grounds for the performance of job duties and shall inform these workers of the vaccination requirement between November 1, 2021, and November 30, 2021.

Beginning December 1, 2021, newly-hired or newly assigned/re-assigned CDCR/CCHCS/CALPIA workers (as identified herein) who are subject to mandatory vaccination shall obtain their first dose of a two-dose vaccine, or single dose of a one-dose vaccine, or submit a request for religious or reasonable medical accommodation, within 14 calendar days of their start date. No later than December 1, 2021, new and current advertisements for civil service jobs and registry/contract

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assignments, as well as job offer and onboarding processes, will be updated to reflect the mandatory vaccination requirement.

CDCR/CCHCS/CALPIA workers (as identified herein) who have not obtained their first-dose or full-dose by the timeframe for compliance specified herein shall continue to report to work and obtain testing twice-weekly with at least 72-hours between each test (for institution-based workers) or once-weekly testing (for non-institution-based workers), until fully vaccinated. Workers may not be removed from their assigned posts or positions.

With the exception of health care registry providers, contract workers, and retired annuitants, CDCR/CCHCS/CALPIA workers to whom the mandatory COVID vaccination applies who do not comply with the vaccination requirements and do not have a request for accommodation for religious or medical reason(s) in process or approved, shall be subject to progressive discipline commencing January 13, 2022. Non-compliant health care registry providers, contract workers and retired annuitants shall have their assignments ended commencing January 13, 2022.

RELIGIOUS AND REASONABLE MEDICAL ACCOMMODATIONS FOR CIVIL SERVICE EMPLOYEES

CDCR/CCHCS/CALPIA workers to whom the mandatory COVID-19 vaccination applies but who want to request an accommodation from COVID-19 vaccination on the basis of their sincerely-held religious belief or due to qualifying medical reason(s) shall immediately submit a request for a religious or reasonable medical accommodation. The Department shall engage in the interactive process with workers to ensure a timely and appropriate determination of religious or reasonable medical accommodation.

CDCR/CCHCS/CALPIA workers with a sincerely-held religious belief shall immediately contact their supervisor and local Equal Employment Opportunity (EEO) coordinator. Religious accommodation requests require a written statement, via the [CDCR 2273, Request for Religious Accommodation](#), indicating the individual's sincerely-held religious belief that precludes them from receiving any COVID-19 vaccine.

With the exception of health care registry and contract workers, CDCR/CCHCS/CALPIA workers with a qualifying medical, mental health, or developmental condition shall immediately contact their supervisor and local Return-to-Work Coordinator (RTWC). Reasonable medical accommodation requests shall be submitted with a [CDCR 855, Request for Reasonable Accommodation](#) and 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).

Requests for religious or reasonable medical accommodation should be submitted on or before November 17, 2021, for timely processing. If the accommodation is denied, the worker has 14 calendar days to initiate a vaccination.

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CDCR/CCHCS/CALPIA workers with a pending or approved request for a religious or reasonable medical accommodation shall continue to report to work, obtain testing twice-weekly with at least 72-hours between each test (for institution-based workers) or once-weekly testing (for non-institution-based workers), and effective November 8, 2021, shall wear an N95 ask at all times while performing job duties on CDCR institution grounds (except when outdoors or when eating/drinking if a minimum of six [6] feet of physical distance is maintained). Workers with a pending request shall not be removed from their assigned posts or positions, and no disciplinary action shall be issued to these workers unless the request is denied and the worker still refuses to comply within the compliance timeframe specified when they were notified of the denial.

ACCOMMODATION REQUESTS FOR HEALTH CARE REGISTRY PROVIDERS AND CONTRACT WORKERS

Requests for religious accommodation from CDCR/CCHCS registry providers and contract workers shall follow the same process as civil service employees, as previously outlined. Additionally, for CCHCS health care registry providers and contract workers, once a determination on the religious accommodation request is made, HAs shall include the Direct Care Contracts Section (DCCS), the provider/contractor, and the network contractor (if applicable) in the notification process.

CDCR contract workers shall direct requests for reasonable medical accommodations to their respective contractor/employer.

CCHCS health care registry providers and contract workers' requests for reasonable medical accommodation shall be submitted to their vendor/contractor/network contractor, along with the required signed medical statement. Upon determination by their vendor/contractor/network contractor, denials and/or approvals (with corresponding signed medical statements) shall be forwarded to the CCHCS DCCS Helpdesk at: cchcshealthcarecontractshelpdesk@cdcr.ca.gov. Upon receipt of the approval or denial by the vendor/contractor/network contractor, DCCS shall forward to the HA at the location(s) the provider/contractor renders services.

CDCR/CCHCS registry providers and contract workers with a pending or approved request for a religious or reasonable medical accommodation shall continue to report to work, obtain testing twice-weekly with at least 72-hours between each test (for institution-based workers) or once-weekly testing (for non-institution-based workers), and effective November 8, 2021, shall wear an N95 ask at all times while performing job duties on CDCR institution grounds (except when outdoors or when eating/drinking if a minimum of six [6] feet of physical distance is maintained).

NON-COMPLIANCE BY CIVIL SERVICE EMPLOYEES

CDCR/CCHCS/PIA workers who do not comply with mandatory COVID-19 vaccination requirements and have neither requested nor been provided a religious or reasonable medical accommodation shall be subject to corrective or disciplinary action in accordance with the Department Operations Manual (DOM) Chapter 3, Article 22, Employee Discipline, Section 33030.8, et seq., commencing January 13, 2022.

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Note: On October 4, 2021, HAs were provided the memorandum entitled [Staff COVID 19 Vaccine - Non-Compliance Accountability Process for Institution and Facility Staff Regarding Public Health Order dated August 19, 2021](#), which will be updated and distributed to address the *Plata* court order for mandatory COVID-19 vaccination.

NON-COMPLIANCE BY REGISTRY PROVIDERS, CONTRACT WORKERS, AND RETIRED ANNUITANTS

Non-compliance with vaccination, testing and masking mandates by registry providers and contract workers shall be reported to the vendor/contractor/network contractor.

Commencing January 13, 2022, the assignment for non-compliant registry providers, contractors, and applicable retired annuitants who have neither requested nor received a religious or reasonable medical accommodation shall be ended. Assignments shall not be ended prior to January 13, 2022.

HAs shall follow the established method of communication with the vendor/contractor/network contractor to report non-compliance prior to the January 13, 2022, deadline to ensure services are provided and appropriate staffing levels are maintained.

If you have any questions or concerns, inquiries shall be directed as follows:

- For religious accommodation-related questions, contact the local EEO coordinator.
- For reasonable medical accommodation-related questions for civil service employees, contact the local RTWC or assigned RTWC, Disability Management Unit.
- For reasonable medical accommodation-related questions for registry providers or contractors, contact the appropriate vendor/contractor/network contractor.
- For progressive discipline-related questions, contact the local ERO for CDCR or local HCERO for CCHCS.
- For COVID-19 vaccination questions, and any other COVID-19-related questions, contact the Employee Health Program at EHP@cdcr.ca.gov.