

**8/24/21**

**Memo of Understanding between  
Sonoma County Office of Education (SCOE)  
and Service Employee International Union Local 1021 (SEIU)**

1. SCOE will follow all applicable laws related to leaves, etc. related to COVID and vaccinations, including those outlined on the attached page (2021 COVID-19 Supplemental Paid Sick Leave from March 29, 2021), granting this leave for employees that have not exhausted it unless otherwise prohibited by law, through December 31, 2021.
2. SCOE will continue in-person instruction in accordance with the guidelines set by the California Department of Public Health and Sonoma County Public Health. SCOE will follow all aspects of the COVID Prevention Plan and COVID Safety Plans procedures of host districts and/or SCOE.  
Before September 15, 2021, SCOE will send notice with links to all SCOE-based plans to all members. For district-based employees, SCOE will provide links to district webpages for plans at specific sites at which they work.
3. SEIU and SCOE will encourage all staff to get vaccinated if they have not already done so. Should members have questions or concerns about the vaccine they should speak to their doctor.
4. SEIU and SCOE agree to implement the COVID-19 Vaccination/Testing Mandate by the California Department of Public Health on August 11, 2021. This calls for staff to either get fully vaccinated or submit participate in weekly testing. Testing shall be offered at least once per week during business hours at Skylane. Testing will be offered at each of these locations, Mendocino, LaBath and Amarosa at least three times per month. SCOE will make every effort to provide testing at these sites to accommodate employees' schedules. SCOE will also add sites to the testing schedule as is feasible.  
For complete information on ETS please click the following link:  
<https://www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html#testing>
5. Per ETS, SCOE-provided testing for those not vaccinated or otherwise require testing will be conducted during working paid hours and at no cost to employees. SCOE agrees to pay for any costs associated with travel to and from the testing site (e.g. mileage, public transportation) and supplemental time as appropriate when an employee participates in SCOE-provided testing. Testing Results shall be submitted to (insert names here) no later (day of week and time). The same rules apply to staff

who are directed to be tested due to worksite exposure to COVID-19 regardless of vaccination status.

Employees do not need to submit the results of SCOE-provided testing because SCOE has access to those test results. If an employee tests positive as a result of SCOE-provided testing, they should contact their supervisor for instructions about whether and when to return to work. If members do not participate in SCOE-provided testing, they are required to submit evidence of a negative test result to covidtestresults@scoe.org by noon Friday in order to be cleared to work for the next week.

Refusal to participate in these mandated activities will result in progressive discipline including termination for repeated offenses.

SCOE will notify the member and the union when someone has not met the timeline for testing results being submitted. An employee will be put on sick leave when results are not received before the deadline unless SCOE perceives that a good faith effort has been made by the employee.

If any state mandate eliminates the option to submit to testing instead of being vaccinated, the parties agree to cooperate fully with such directives.

6. SCOE shall notice any unit member and SEIU of any possible worksite COVID-19 exposure of a bargaining unit member within one (1) business day of notification to HR per AB 685.
7. SEIU members who serve in classrooms who have special circumstances such as child or family care challenges, etc., that member will contact his/her supervisor (principal, etc.) and put their concerns in writing. The department lead will consider each proposal. SCOE will arrange a meeting with the employee to discuss possible flexibility of scheduling. SEIU members are, as always, welcome to bring union representation to any meeting of this type. SCOE and SEIU will examine the applicability of Labor Code 230.8 in situations such as transportation of their children to/from school.
8. With regard to employees who work in office spaces that share only a cubicle wall and plexiglass divider, those employees are encouraged to report any concerns with work in the office environment to their supervisor. SCOE will consider all possible means of accommodating that employee for effective work within the office environment including but not limited to: alternative work location within the building, a hybrid transitional plan schedule of remote/office work, etc. Consideration of these accommodations can take place and be effective until June 30, 2022. If needed, the date will be extended by a mutual written agreement from both parties.
9. SCOE will follow all aspects of the required COVID Prevention Plan that is posted on the SCOE website and the site-specific COVID-19 Safety Plans. These plans include the provision of PPE, cleaning and sanitation, and other related topics. SCOE contractors must also be required to follow the Prevention Plan. All members of the

public must wear a mask inside any SCOE buildings unless exempted by law (e.g. medical condition).

10. This agreement will be in effect until June 30, 2022. If needed, the date will be extended by a mutual agreement from both parties.

For SCOE:

*S. Herrington*

Steve Herrington  
County Superintendent

Date: 08 / 27 / 2021

*John Laughlin*

John Laughlin  
Associate Superintendent

Date: 08 / 27 / 2021

For SEIU:

*Aaron Burton*

Aaron Burton  
Field Representative

Date: 08 / 27 / 2021

*Alli Britton*

Alli Britton  
Job Steward

Date: 08 / 27 / 2021

*Karen Catalano*

Karen Catalano  
Job Steward

Date: 08 / 27 / 2021

*Abigail Ward*

Abigail Ward  
Job Steward

Date: 08 / 27 / 2021

# 2021 COVID-19 Supplemental Paid Sick Leave

Effective March 29, 2021

Covered Employees in the public or private sectors who work for employers with more than 25 employees are entitled to up to 80 hours of COVID-19 related sick leave from January 1, 2021 through September 30, 2021, immediately upon an oral or written request to their employer. If an employee took leave for the reasons below prior to March 29, 2021, the employee should make an oral or written request to the employer for payment.

**A covered employee may take leave** if the employee is unable to work or telework for any of the following reasons:

- Caring for Yourself: The employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer with jurisdiction over the workplace, has been advised by a healthcare provider to quarantine, or is experiencing COVID-19 symptoms and seeking a medical diagnosis.
- Caring for a Family Member: The covered employee is caring for a family member who is subject to a COVID-19 quarantine or isolation period or has been advised by a healthcare provider to quarantine due to COVID-19, or is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.
- Vaccine-Related: The covered employee is attending a vaccine appointment or cannot work or telework due to vaccine-related symptoms.

## **Paid Leave for Covered Employees**

- 80 hours for those considered full-time employees. Full-time firefighters may be entitled to more than 80 hours, caps below apply.
  - For part-time employees with a regular weekly schedule, the number of hours the employee is normally scheduled to work over two weeks.
  - For part-time employees with variable schedules, 14 times the average number of hours worked per day over the past 6 months.
- Rate of Pay for COVID-19 Supplemental Paid Sick Leave: Non-exempt employees must be paid the highest of the following for each hour of leave:
  - Regular rate of pay for the workweek in which leave is taken
  - State minimum wage
  - Local minimum wage
  - Average hourly pay for preceding 90 days (not including overtime pay)
- Exempt employees must be paid the same rate of pay as wages calculated for other paid leave time.

**Not to exceed \$511 per day and \$5,110 in total for 2021 COVID-19 Supplemental Paid Sick leave.**

**Retaliation or discrimination against a covered employee requesting or using COVID-19 supplemental paid sick leave is strictly prohibited.** A covered employee who experiences such retaliation or discrimination can file a claim with the Labor Commissioner's Office. Locate the office by looking at the [list of offices on our website](http://www.dir.ca.gov/dlse/DistrictOffices.htm) (<http://www.dir.ca.gov/dlse/DistrictOffices.htm>) using the alphabetical listing of cities, locations, and communities or by calling 1-833-526-4636.

This poster must be displayed where employees can easily read it. If employees do not frequent a physical workplace, it may be disseminated to employees electronically.



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**TOMÁS J. ARAGÓN, M.D., Dr.P.H.**  
*State Public Health Officer & Director*

State of California—Health and Human  
Services Agency  
**California Department of  
Public Health**



**GAVIN NEWSOM**  
*Governor*

August 11, 2021

**TO:** All Californians

**SUBJECT:** Vaccine Verification for Workers in Schools

**Related Materials:** Vaccine Verification for Workers in Schools - Q&A

### **State Public Health Officer Order of August 11, 2021**

The COVID-19 pandemic remains a significant challenge in California. COVID-19 vaccines are effective in reducing infection, serious disease, hospitalization, and death. At present, 63% of Californians 12 years of age and older are fully vaccinated with an additional 10% partially vaccinated. Children under the age of 12 are not currently eligible for any authorized vaccines.

California is currently experiencing the fastest increase in COVID-19 cases during the entire pandemic with 22.7 new cases per 100,000 people per day, with case rates increasing tenfold since early June. The Delta variant, which is two times more contagious than the original virus, is currently the most common variant causing new infections in California.

Unvaccinated persons are more likely to get infected and spread the virus, which is transmitted through the air. Most current hospitalizations and deaths are among unvaccinated adults. Almost all K-6th graders are unvaccinated and will not be eligible for vaccines at the outset of the 2021-22 school year. Additionally, although some 7-12th grade students will be fully vaccinated by the start of the school year, many will not. As of August 10, 2021, less than 41% of Californians 12 to 17 years old were fully vaccinated.

California is committed to safe, full, in-person learning for all in K-12 schools, following strong public health science. For example, California has implemented a universal masking requirement in all K-12 schools, as well as recommendations around testing strategies for K-12 schools, to support the successful return to full in-person instruction at the outset of the school year, as well as minimizing missed school days.

Vaccination against COVID-19 is the most effective means of preventing infection with the COVID-19 virus, and subsequent transmission and outbreaks. Current CDPH K-12 guidance strongly recommends vaccination for all eligible individuals, thereby reducing COVID-19 rates throughout the community, including in schools, and creating a wrap-around safety layer for unvaccinated students. This Order, consistent with this recommendation,

requires verification of vaccination status among eligible K-12 school workers, and establishes diagnostic screening testing of unvaccinated workers to minimize the risk that they will transmit while on K-12 school campuses, where a majority of students are not vaccinated and younger students are not yet eligible for vaccines.

Schools may use funds received from multiple sources to address costs associated with employee vaccination verification and COVID-19 diagnostic screening testing, including Elementary and Secondary School Emergency Relief Fund (ESSER) I, II, and III; Governor's Emergency Education Relief Fund (GEER) I and II; and In-Person Instruction Grants (AB 86). Additionally, the California Department of Public Health provides access to subsidized COVID-19 testing for schools through specified partners.

For these reasons, in order to prevent the further spread of COVID19 in K-12 schools, the following temporary and limited public health measures are necessary at this time.

**I, as State Public Health Officer of the State of California, order:**

I. This Order applies to the following facilities: public and private schools serving students in transitional kindergarten through grade 12, inclusive, except that it does not apply to home schools. Further, it does not apply to child care or to higher education.

II. All schools identified in this Order must verify vaccine status of all workers.

A. Pursuant to the CDPH Guidance for Vaccine Records Guidelines & Standards, only the following modes may be used as proof of vaccination:

1. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes name of person vaccinated, type of vaccine provided and date last dose administered);  
OR
2. a photo of a Vaccination Record Card as a separate document; OR
3. a photo of the client's Vaccination Record Card stored on a phone or electronic device; OR
4. documentation of COVID-19 vaccination from a health care provider; OR
5. digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client 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.

In the absence of knowledge to the contrary, a school may accept the documentation presented as valid.

B. Schools must have a plan in place for tracking verified worker vaccination status. Records of vaccination verification must be made available, upon request, to the local health jurisdiction for purposes of case investigation.

C. Workers who are not fully vaccinated, or for whom vaccine status is unknown or documentation is not provided, must be considered unvaccinated.

III. Testing requirements:

A. Asymptomatic **unvaccinated** or incompletely vaccinated workers are **required to undergo** diagnostic screening testing.

B. Workers may be tested with either antigen or molecular tests to satisfy this requirement, but unvaccinated or incompletely vaccinated workers must be tested **at least once weekly** with either PCR testing or antigen testing. 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.

C. Unvaccinated or incompletely vaccinated workers must also observe all other infection control requirements, and are not exempted from the testing requirement 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 the individual recovered more than 90 days earlier, or a previous positive antibody test for COVID-19, **do not** waive this requirement for testing.

D. Schools with workers required to undergo workplace diagnostic screening testing should have a plan in place for tracking test results and conducting workplace contact tracing, and must report results to local public health departments. There are IT platforms available that can facilitate these processes for schools.

IV. Definitions: For purposes of this Order, the following definitions apply:



A. "Fully Vaccinated" means individuals who are considered fully vaccinated for COVID-19: two weeks or more after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna or vaccine authorized by the World Health Organization), or two weeks or more after they have received a single-dose vaccine (Johnson and Johnson [J&J]/Janssen). COVID-19 vaccines that are currently authorized for emergency use:

1. By the US Food and Drug Administration (FDA) , are listed at the FDA COVID-19 Vaccines webpage
2. By the World Health Organization (WHO), are listed at WHO COVID-19 Vaccines webpage

B. "Incompletely vaccinated" means persons who have received at least one dose of COVID-19 vaccine but do not meet the definition of **fully vaccinated**.

C. "Transitional Kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

D. "Unvaccinated" means persons who have not received any doses of COVID-19 vaccine or whose status is unknown.

E. "WHO Yellow Card" refers to the original World Health Organization International Certificate of Vaccination or Prophylaxis issued to the individual following administration of the COVID-19 vaccine in a foreign country.

F. "Worker" refers to all paid and unpaid adults serving in the school settings described in Section I. Workers include, but are not limited to, certificated and classified staff, analogous staff working in private school settings, and volunteers who are on-site at a school campus supporting school functions.

V. The Terms of this Order supersede any conflicting terms in any other CDPH orders, directives, or guidance.

VI. Except to the extent this Order provides otherwise, all other terms in my Order of June 11, 2021 remain in effect and shall continue to apply statewide.

VII. This Order shall take effect on August 12, 2021, at 12:01 am. Facilities must be in full compliance with the Order by October 15, 2021.

VIII. This Order is issued pursuant to Health and Safety Code sections 120125, 120140, 120175, 120195 and 131080 and other applicable law.



Director and State Public Health Officer

California Department of Public Health

California Department of Public Health  
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Department Website ([cdph.ca.gov](http://cdph.ca.gov))

