



DIRECTIVE ESTABLISHING A LIMITED WAIVER PROCESS FOR IMPLEMENTATION OF THE EXCLUSION REQUIREMENT FOR UNVACCINATED PERSONNEL IN HIGHER-RISK SETTINGS

Issued: January 10, 2022

Background and Purpose

This Directive establishes a limited waiver process for implementation of the requirement in the [December 28, 2021 Order of the Health Officer Requiring Up-To-Date COVID-19 Vaccination of Personnel in Higher-Risk Settings](#) (“Health Order”) that businesses and governmental entities exclude personnel who are not Up-to-Date on their COVID-19 vaccination from Higher-Risk Settings. This waiver process is available only to those entities that are facing critical staffing shortages.

This Directive is made in light of the rapid onset of critical staffing concerns at some facilities with Higher-Risk Settings due to the surge of cases from the Omicron variant. The severity of staffing concerns is reflected in the January 8, 2022 modification to the California Department of Public Health’s [All Facilities Letter \(AFL\) 21-08.7](#), which waives isolation for asymptomatic healthcare workers who test positive and waives testing and quarantine requirements for exposed asymptomatic healthcare workers. Although Up-to-Date vaccination remains a very important tool for controlling the spread and severity of COVID-19 in Higher-Risk Settings, certain entities that are facing critical staffing shortages require a waiver to carry out their operations for the benefit of the county’s population.

All terms defined in the Health Order apply to this Directive as defined in the Health Order, unless otherwise specifically noted. This Directive is issued in accordance with Section 7 of the Health Order.

Waiver Process

Business and governmental entities may submit a waiver from the requirement in Section 3 of the Health Order to exclude personnel who are not Up-to-Date on their COVID-19 vaccination from Higher-Risk Settings. The waiver will be acknowledged and granted upon receipt, but is subject to revocation. The waiver will only apply to those personnel who have received a bona fide medical and/or religious exemption from COVID-19 vaccination and who follow specific safety protocols as set forth in the waiver submission. A waiver may only be

requested upon certification that the entity cannot adequately staff its operations in the absence of the waiver.

To request a waiver, the entity must fill out the attached [Limited Waiver Form](#), which must be signed under penalty of perjury by the chief executive or highest-ranking administrative official of the entity. The waiver must include all of the information on the form, and the Health Officer or designee may request additional information, which must be truthfully, completely, and promptly provided.

A decision to revoke a waiver is in the sole discretion of the Health Officer or designee. If a waiver is revoked, an entity may only obtain a new waiver with the written approval of the Health Officer or designee.

Entities must ensure strict compliance with the additional safety measures set forth in the waiver. The waiver solely applies to the exclusion provision in Section 3 of the Health Order, and solely with respect to those personnel who have approved exemptions. In all other respects, the requesting entity remains subject to all the provisions of the Health Order.