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Santa Clara County Mandates That Employers Track Vaccination Status

On May 18, 2021, Santa Clara County's Health Officer passed a public health order requiring businesses to track the vaccination status of their employees, contractors, or volunteers **by June 1, 2021**. Businesses must now take steps to determine whether each of their employees is fully vaccinated or not, regardless of whether they are working remotely or on-site. They must also maintain records for each staff member reflecting that person's vaccinated status.

The County has also posted a variety of FAQs that address privacy and administration concerns. For example, if a worker refuses to disclose their vaccination status, the County directs employers to document that the worker declined to disclose their vaccination status and assume they are not fully vaccinated. For workers who are not fully vaccinated or declined to disclose their vaccination status by June 1, businesses are also required to request updated vaccination status every 14 days thereafter.

Employers must also maintain a record for each worker reflecting that person's vaccination status. This may include a government entity's provided documentation establishing vaccination status, such as the employee's vaccine card or a Certification template developed by the County available [here](#). Employers should continue to follow established confidentiality procedures and treat the documentation as confidential medical records.

Any business that fails to maintain records of vaccination status may be subject to fines of up to \$5,000 per violation per day. Given the steep penalties associated with this new order, businesses in Santa Clara County should take immediate steps to determine their plan for compliance.

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Questions? Contact Stokes Wagner.