

FAQ: Updated COVID-19 Guidance

NEW QUESTIONS - Testing Q&A

Q: Why is CDFW implementing a COVID-19 testing program and is it required?

A: On July 26, 2021, in conjunction with Governor Gavin Newsom's enhanced safety measures for health care settings, the California Department of Human Resources (CalHR) mandated vaccine verification of all State employees and regular COVID-19 testing for all unvaccinated employees working on site. Under this program, employees are subject to weekly testing if they meet one of the following criteria:

- *Partially vaccinated**
- *Not vaccinated*
- *Declined to disclose vaccination status*
- *Failed to provide proof of full vaccination status*

**In order to be exempted from further testing, partially vaccinated employees who receive their second dose in a two-dose COVID-19 vaccine series must provide verification of their full vaccination to their supervisor or manager 14 days beyond receipt of the second dose.*

Yes, testing for qualifying unvaccinated employees is required. CDFW is being directed to test all employees who have not verified they are fully vaccinated to ensure a safe workplace. If an identified employee does not get tested as required, that employee may be excluded from the workplace. Failure to comply with the mandatory weekly testing policy may result in disciplinary action up to and including dismissal.

Q: When will the testing program begin implementation?

A: CDFW expects to begin implementing a testing program by mid-fall through a phased approach, with full program implementation throughout the department by the end of 2021. CDFW's testing program will include on site testing and home testing. The determination of the testing method is directed by CalHR and California Department of Public Health (CDPH) and not at the discretion of CDFW.

Q: How will I know if I am required to test?

A: All CDFW employees who are partially vaccinated, not vaccinated, have not disclosed vaccination status, or have not verified their vaccination status with their supervisor will be notified via email when they are required to begin testing and what procedures to follow.

Q: Do employees pay for the test?

A: No. The state pays for testing.

Q: What kind of COVID-19 testing will take place and what is involved?

A: Under direction and guidance from CDPH, CDFW is utilizing both Antigen Rapid tests and Polymerase Chain Reaction (PCR) COVID-19 tests depending on the testing model (on site or home testing).

The Antigen Rapid test and PCR test are both self-administered by the employee and involve a sterile swab (like a Q-Tip) slid into both nostrils for 15 seconds (per nostril) to obtain a sample. The swab is to be inserted no more than ¼ of an inch into the nose and slowly rotated around the nose.

For on site testing, the swab sample is then provided to a test administrator who will package the test for transportation to the lab. Results are expected within 24-48 hours after the lab receives the sample (up to approximately 72 hours from the time of the test).

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Employees testing at on site testing facility are required to test at the designated CDFW facility during specific testing hours and be observed while administering the test.

For home testing, employees will self-administer the test and need to follow the sample/results reporting and return procedures.

Q: Who will be implementing the testing program?

A: CDFW is working with the state contracted vendor [Color](#) to implement the testing program. Actual testing program administration is being conducted by CDFW personnel.

Q: How often will qualifying employees need to test?

A: At this time all CDFW employees who meet the criteria are required to test once a week.

Q: How long will it take to get results of my test?

A: For employees utilizing PCR tests at on site testing locations, results are expected within 24-48 hours after the lab receives the sample (up to approximately 72 hours from the time of the test). For employees utilizing Antigen Rapid tests at home, results take 15-30 minutes after self-administration of the test. If a Rapid test returns a positive result, it shall be treated as a true positive and in the same manner as a PCR positive.

Q: What if the employees refuses to test?

A: CDFW already has tools and a process to address employee behavior and conduct, and failure to comply with the testing requirements would also fall under these tools and processes, such as progressive discipline. Please contact Human Resources for assistance or with any questions should you encounter situations related to non-compliance or willful defiance. Employees who do not comply with testing requirements and fail to get tested may be excluded from work or the workplace and may be subject to discipline up to and including dismissal.

Q: If an employee is required to test, but are having symptoms of a cold (not sure if it is COVID-19), are they still required to come onsite for their weekly testing?

A: If an employee is feeling sick or has COVID symptoms, they should communicate this information to their supervisor, stay home and not report to work. It is strongly encouraged that they get tested with their doctor or in the community to confirm. Employees may be required to test prior to returning to work if no longer symptomatic.

Q: What happens if an employee receives a positive PCR test result?

A: In the event that an employee tests positive, the employee will be contacted directly by Color to inform them of the positive result. The CDFW site administrator for the testing facility will also be alerted of the positive result. All employees that receive a positive result will need to contact their supervisor immediately to notify them of the positive test result, and the supervisor will follow the CDFW procedure for reporting and responding to COVID-19 Positive Test reports in the workplace. Additionally, COVID testing site leads may notify the employee's immediate supervisor of the positive test result to start the COVID reporting procedures and ensure the employee is aware and does not report to a worksite.

Q: What do I do if I am scheduled to be on vacation during the week of my required testing?

A: Employees that are scheduled to be out during their required testing days will need to work with their supervisors to determine the next appropriate testing timeframe.

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If an employee will not be reporting to a worksite for the week of testing for vacation, extended illness, leave of absence or any other reason, supervisors must update the employee's telework status in HRMS, by close of business Wednesday of the prior week, to "full-time telework".

If the supervisor learns later than Wednesday, HRMS should be updated immediately upon awareness of the absence. Once the employee returns, the work status will need to be updated again in HRMS to resume required testing.

Q: Do I have to test if I am regularly teleworking under the emergency telework and not coming into the office?

A: CDFW employees who meet the criteria for testing, will be required to test in the week in which they plan to work on site. If the employee teleworks 100% of the week, they are not subject to testing. 'On site' is defined as coming to a work site or facility (including picking up or dropping off a vehicle, equipment, or paperwork/documents), working in the field, or having contact with the public in the normal course of your work. Employees who meet the criteria for on site work at any time during the work week shall be required to test for the week in which they work on site. For the purpose of COVID-19 testing, an employee is considered 100% telework when an employee will not be reporting to a worksite during the week of testing. This would include full time telework, any full week absence, leave or other circumstance (such as seasonal employees who are not currently working) where an employee would not report to a worksite during the week of testing.

Q: Will staff be compensated for their time and travel to be tested?

A: Employees subject to testing will be allowed to do so on state time using their regular funding source. Supervisors and employees will need to work together to adjust the employee's schedule to allow for testing during their designated timeframes. Testing facilities and procedures are being provided in accordance with employee's designated headquarter locations, no additional travel compensation is being offered.

Q: Does CDFW have to maintain a copy of the vaccination card or QR Code?

A: No. CalHR is recommending validation of vaccination status – validation can be accomplished by visually verifying the information provided and documenting the verification in HRMS.

Q: What information is required to be reviewed for proof of vaccination status?

A: Either the QR Code or vaccination card, or other valid medical record.

Q: What is the web address for the QR Code?

A: <https://myvaccinerecord.cdph.ca.gov>

Q: How do you confirm the information on the QR Code?

A: You can confirm the information with a QR smart reader. For SMART Verifier App: <https://thecommonsproject.org/smart-health-card-verifier>

Q: Do we have to view the vaccination record or QR in person or can it be emailed, shared via Teams/Zoom, etc.?

A: Managers/supervisors may verify vaccination status by viewing (in person, or virtually via TEAMS, Facetime or other application) the vaccination card or digital copy of the employee's vaccination record.*

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Vaccination verification should not be sent via email, fax, text message or mail. No permanent record of proof of vaccination should be kept at this time.

**Employees can access their Digital COVID-19 Vaccine Record to receive a link to a QR code and digital copy of their vaccine record. Their Digital COVID-19 Vaccine Record can be found at <https://myvaccinerecord.cdph.ca.gov/>*

Q: Is asking for vaccination status a violation of health privacy rights (HIPPA)?

A: No. We are asking employees to share vaccination status; vaccination status is not a health condition. Similarly, requesting confirmation of vaccination is not a disability related inquiry under the ADA, and the ADA's rules about such inquires do not apply. However, documentation or other confirmation of vaccination provided by the employee to the employer is medical information about the employee and must be kept confidential.

Q: What do we do if we suspect a fraudulent vaccine card or QR code?

A: Managers/Supervisors should handle this situation similar to how CDFW handles other situations where falsification of official documents is suspected. Conduct an appropriate review to ensure sufficient proof of actual vaccination exists. If the employee cannot produce the appropriate supporting document, they will be subject to frequent testing and must observe other health and safety protocols. Similarly, if upon further questioning, the employee acknowledges that they did not tell the truth, treat the situation as you would treat other serious misrepresentations.

Q: Can unvaccinated employees get vaccinated for COVID-19 on state time?

A: Yes, employees are eligible up to 2 hours of ATO to obtain an approved COVID-19 vaccination or booster for themselves. Employees must request ATO through their manager/supervisor.

Q: Can employees refuse to provide vaccination status?

A: Yes. Employees may elect not to show documentation or other confirmation of vaccination; however, they will then be required to participate in mandatory weekly testing and observe other health and safety protocols, such as facial coverings as applicable for unvaccinated employees.

Q: Is union representation afforded when verifying employee vaccination status?

A: Rules about right to representation have not changed. If the employer is simply requiring proof of vaccination, there is no right to a representative. However, if management is investigating suspected misrepresentation of vaccination status, this could rise to a right of representation. Questions about such matters should be elevated to CDFW's Labor Relations for guidance.

Q: For employees who are unvaccinated, are they excused from having to work on site?

A: No. Unvaccinated employees who are required to work on site must be tested and observe all other health and safety protocols pursuant to the [Covid-19 Prevention Program \(CPP\)](#) and local Public Health orders.

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Q: Since vaccinated employees can still spread COVID-19, should we require them to be tested under this policy?

A: The verification and testing rules apply to unvaccinated employees because the case rate and severity of infection continues to be significantly higher for unvaccinated employees.

Q: Should an employee be excluded from the workplace until the results of the COVID test are received?

A: Employees who are participating in the state testing program, should not be excluded pending the results. If the result is positive, supervisors should follow the department COVID Positive procedure and the return to work criteria in the CPP.

Q: Are contractors considered state employees for purposes of verification and testing?

A: The goal is to keep the workplace safe from COVID-19. DGS recommends that each department and agency review its contracts and or leases which govern the services that necessitate contractors to work on -site to determine if there are applicable provisions that may be invoked without amendment to require testing of all unvaccinated contractors or provide proof of vaccination. At this time, CDFW is not requiring contractors to verify vaccination status or testing, though they must follow all other COVID-related requirements specified in our CPP while at CDFW facilities and/or worksites. Contractors who regularly work onsite may be required to show proof of vaccination or be tested weekly.

Q: Are all employees required to wear a face covering in the office?

A: Face coverings are not required, but strongly encouraged for all employees regardless of vaccination status, except as required by more restrictive CalOSHA requirements, local public health orders, CDPH directives, or other applicable mandates or regulations.

Q: Are employees required to wear a face covering while in a state vehicle or while working outside:

A: Face coverings are not required, but strongly encouraged for all employees regardless of vaccination status, except as required by more restrictive CalOSHA requirements, local public health orders, CDPH directives, or other applicable mandates or regulations.

Q: If someone reports testing positive for COVID-19 am I still required to report it?

A: Yes, under the current OSHA Emergency Temporary Standards, CDFW is still required to respond to reports of COVID-19 Positive Test Reports and continue to follow the CDFW procedure for reporting and responding to COVID-19 Positive Test reports in the workplace. In addition, there are mandated reporting requirements from the State Compensation Insurance Fund (SCIF).

Note: If a worksite has multiple COVID-19 positive reports or an "outbreak", additional safety precautions may be required at the impacted site, including physical distancing, increased mask wearing, etc., so please be sure to report all COVID-19 positive reports pursuant using CDFW's procedure.

Q: Are members of the public, vendors, or other non-CDFW employees required to wear a face covering in state buildings?

A: For individuals entering CDFW facilities, and who are not CDFW employees, they are expected to comply with the Temporary Emergency Standards established by CalOSHA.

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This compliance is on the honor system, and we should not ask these individuals for their vaccination status or to wear a face covering. A face covering should be provided if any of these individuals requests one.

Q: If someone in the workplace displays flu or cold-like symptoms, how should we approach that person?

A: If an employee reports symptom(s) consistent with COVID-19 while in the workplace, the employee should be isolated from others, provided a mask to wear, and sent home (or to a medical provider, if needed), as soon as possible. Employees who develop symptoms at home should stay home. Employees should work with their supervisors to discuss all viable options for telework or contact the EWS unit in HRB to discuss available leave options.

Q: Can we allow the public to congregate at our facilities? For example, we host overnight special hunts on our lands and normally they congregate, eat, and sleep in our buildings. If they attest/verify to being vaccinated, can that happen, if so, how does the public attest/verify to us?

A: Compliance by members of the public is on the honor system. Please do not ask members of the public for the vaccination status or request/require proof should a member of the public self-disclose. Additionally, at this time there is no guidance limiting the size of gatherings, so there should be no issues or concerns allowing members of the public to congregate unless there are restrictions established by local Public Health Officials which would otherwise limit gatherings.

Please note indoor gatherings at our facilities by members of the public shall be permitted at the discretion/direction of Regional Managers, Branch Chiefs, or equivalent, unless otherwise required by local Public Health, OSHA regulations, or CDFW Policy decision.

Q: Will new guidance be provided on traveling for employees who are fully vaccinated?

A: Currently CDPH recommends following the CDC Travel Guidance [Travel - Coronavirus COVID-19 Response \(ca.gov\)](#). Current CDC recommendations for domestic travel can be found at the following link [Domestic Travel During COVID-19 | CDC](#).

The CDC Travel Guidance identifies different recommendations for vaccinated and unvaccinated individuals including a self-quarantine for up to 10 days after travel for unvaccinated individuals. Please work with employees who have verified they are fully vaccinated and who have traveled to evaluate telework options during the self-quarantine period, and if telework is not feasible contact the EWS unit to discuss leave options.
