

HENNEPIN COUNTY

MINNESOTA

Hennepin County Board Resolution No. 21-0333, adopted August 17, 2021, authorized the County Administrator to extend the vaccination and testing requirements which are applicable to County employees as of October 1, 2021, to on-site or community contractors as appropriate. Based on this delegation of authority, the County Administrator establishes the following rule:

1. Contractors whose employees or subcontractors perform services indoors in County facilities occupied by County employees shall require that such employees and subcontractors be either fully vaccinated against COVID-19 or obtain weekly negative COVID-19 test results during the period of time that they continue to perform services inside County facilities that are occupied by County employees. This rule may later be extended to County contractors whose employees or subcontractors work with county clients in the community or work in other settings. For the purposes of this rule:

- County facilities include buildings owned or leased by the County.
- “Fully vaccinated” means 14 days after receiving the second dose in a two-dose vaccination series approved by the U.S. Food and Drug Administration (FDA) on a full or emergency-use basis, or 14 days after receiving a single-dose vaccine approved by the FDA on a full or emergency-use basis. The definition of fully vaccinated may change if the FDA or other regulatory agency subsequently recommends that vaccinated individuals receive booster vaccine dose(s), in which case “fully vaccinated” may include receiving such booster dose(s).
- “Test” means a diagnostic medical test to detect infection with SARS-CoV-2 and to inform an individual’s medical care. Testing must be via a PCR COVID-19 test (also referred to as a “molecular test”). Over the counter COVID-19 antigen test kits available at many pharmacies (e.g., BinaxNOW OTC antigen test) are not an allowable option at this time.

2. Unvaccinated employees and subcontractors who have had a laboratory-confirmed case of COVID-19 within the past 90 days do not need to submit a weekly test for the 90 days after their diagnosis. This is because an individual may test positive for many weeks after their symptoms have resolved. If the employee or subcontractor is still unvaccinated at the end of the 90-day period, they will need to resume weekly testing after the 90 days have elapsed.



3. Contractors are responsible for compliance by their employees and subcontractors.
4. Contractors shall document implementation of this rule, including documenting employees' and subcontractors' vaccination status and collecting any other documents necessary to verify compliance with the testing requirement for any unvaccinated employees and subcontractors.
5. Contractors should not submit copies of vaccination and testing documentation to County unless County requests such documentation.
6. If a contractor's employee or subcontractor tests positive, then the contractor must notify the County contract/project manager by email and copy Hennepin County Human Resources at HR.COVID@hennepin.us. The contractor shall not disclose the identity of the individual who has tested positive but must provide non-identifying information to assist County in conducting contact tracing (e.g., date of positive test, county location the individual worked, etc).
7. Employees and subcontractors who test positive for COVID-19 or are experiencing COVID-19 symptoms shall not enter a County facility during the required period of isolation.
8. Contractors are required to comply with these requirements in accordance with standard County contract language requiring compliance with County rules. The County shall not be responsible for any costs associated with contractors' compliance with this rule.
9. County may terminate contracts for noncompliance.
10. County will view non-cooperation by any contractor as a basis for not renewing a contract or rejecting future bids or proposals due to the contractor being deemed not responsible or not responsive.
11. This rule shall be effective on October 7, 2021 and shall remain in effect until modified or repealed by the County Administrator.
12. If a contractor's employees or subcontractors are or become subject to a federal COVID-19 vaccination or testing requirement (e.g., OSHA emergency temporary standard, presidential executive order, etc.), the federal mandate supersedes the County's vaccination and testing rule. Within 14 days of such a federal mandate going into effect, contractors shall inform the County whether the mandate applies to their employees and subcontractors and provide written affirmation that they will comply with the federal mandate. If a federal mandate covering contractors' employees or subcontractors is enjoined after it goes into effect, contractors must comply with the County's vaccination and testing rule.
13. Contractors shall attest to the County in writing their compliance with this rule within sixty (60) days of the effective date and at any other time requested by County.