



Frequently Asked Questions City of West Hollywood COVID-19 Vaccine Verification Requirements Order (Updated October 8, 2021)

Background

The COVID-19 Vaccine Verification Requirements Order (“Order”) was issued by the City of West Hollywood’s City Manager on September 10. Soon thereafter, on September 17, the LA County Health Officer issued a similar requirement for bars and nightclubs countywide and strongly recommended vaccine verification requirements for indoor restaurants. The City’s Order was then ratified by the West Hollywood City Council on September 20 with modifications to account for the LA County requirement in efforts to provide consistency throughout the region.

1. What does the COVID-19 Vaccine Verification Requirements Order do?

The Order seeks to safeguard health and safety throughout West Hollywood by including vaccine verification requirements for:

- **Patrons and Staff at “Covered Businesses”**
 - Covered businesses are generally defined as 1) establishments where food or drink is served indoors; 2) health/fitness facilities; and 3) personal care establishments
- **City Facilities and City Contractors**
- **City Employees and City Officials**

Bars and nightclubs are covered by the LA County vaccine requirement and to the extent West Hollywood bars and nightclubs are not covered, they would be covered by the City’s Order.

Vaccination

2. Who should get vaccinated?

Every eligible individual living, working, and visiting West Hollywood is strongly urged to get vaccinated as soon as they are able. This is especially important for people at risk for severe illness with COVID-19 and people who live or work with unvaccinated older adults and unvaccinated individuals with health risks.

3. Why is the City requiring proof of vaccination to go inside certain businesses?

The City is taking this step to protect against the continued spread of the highly contagious Delta variant, to safeguard against likely future variants and to help ensure the continued safe reopening of schools and businesses. Vaccines are safe, effective, and widely available. They are the best means of protection against COVID-19 and its known variants. They are an especially important tool to protect those not eligible to be vaccinated, like children under 12, as well as more vulnerable populations, such as people with compromised immune systems. The requirements are intended to reduce the risk of spread and transmission so that businesses can remain open without having to limit capacity or close business operations.

4. How do you show that you've been vaccinated?

There are several ways to do so. Acceptable methods of proof include:

- A CDC vaccination card or equivalent document issued by a foreign governmental jurisdiction (or photo or copy as a document or stored on a phone/device)
- Documentation of vaccination from a healthcare provider; and/or
- A personal digital COVID-19 vaccine record issued by the State of California and available by going to myvaccinerecord.cdph.ca.gov.

Businesses subject to this new requirement must cross-check proof of vaccination against each patron's photo identification.

A written self-attestation or declaration of vaccination status is not acceptable as a form of proof.

Covered Businesses

5. Is proof of vaccination required to enter all businesses in West Hollywood?

No. The proof of vaccination requirement applies to Covered Businesses under the Order, which include: (1) establishments where food or drink is served indoors (e.g., restaurants, theaters, cannabis consumption lounges, entertainment venues); (2) health/fitness facilities (e.g., gyms, dance studios); and (3) personal care establishments (e.g., skin care and cosmetology services, massage services, nail salons, and hair salons).

The nature of these types of indoor businesses creates situations where the virus could spread more easily because people are in close proximity to each other (cannot socially distance) for extended periods of time, must take off their masks to eat and drink, and because exercise accelerates breathing.

6. Can I provide results from a negative COVID-19 test in place of proof of vaccination?

No. A negative COVID-19 test is not an exemption to the Executive Order, and only applies to employees and patrons of Covered Businesses who are not capable of getting

vaccinated for specified reasons. If a patron is not able to show proof of vaccination, they may dine at the venue outdoors or order their food to go (or pursue other reasonable accommodations), or utilize the services provided outdoors or remotely. The Order applies, subject to requirements of federal, state, and local law requiring accommodation. Upon a request for an accommodation, Covered Businesses should engage in cooperative dialogue and good faith discussion to see if a reasonable accommodation is possible. The Order clarifies that if someone requires a reasonable accommodation due to a medical reason or disability and the facility does not have space for an outdoor accommodation (or remote/virtual accommodations), a reasonable accommodation may be made providing access to the interior of a building if the individual provides the following:

- Proof of a negative COVID-19 test;
- Use of a face mask or social distancing to the extent feasible; and
- Written documentation from a licensed healthcare provider that the person is excused from receiving any COVID-19 vaccine due to a medical condition or disability.

The City has taken extensive steps to support outdoor operations for businesses with Outdoor Use Temporary Zones (OUT Zones), which provide outdoor commercial space for restaurants, shops, health/fitness facilities, and personal care establishments.

Information on the OUT Zone program can be found here:

www.weho.org/outzones

7. Can unvaccinated patrons still visit Covered Businesses?

There may be limited exceptions for patrons of Covered Businesses:

- These businesses may allow patrons to use the outdoor portions of the business without vaccination verification.
- These businesses may allow patrons wearing a face mask to use a restroom indoors without vaccination verification.
- Businesses that serve food or drink “to go” may allow individuals wearing a face mask to order, pick up or pay for food or drink without vaccination verification.
- Persons under 18 are not required to show proof of full vaccination.

8. When does this take effect?

By **October 7, 2021**, proof of one dose for patrons 18 and older is required and Covered Businesses are required to post vaccine verification signage (at the front entrance for patrons and in a visible location for employees).

By **November 4, 2021**, proof of full vaccination for patrons 18 and older is required.

9. Where should Covered Businesses check patrons for vaccination compliance?

While many businesses will check upon entrance to the business, restaurants, cannabis consumption lounges, and entertainment venues may require proof of vaccination to be shown at the time of patrons' first in-person interaction with staff (e.g., at the time of ordering) rather than at the entrance to the establishment, but only if all such patrons wear face masks at all times after entering the indoor portion of the facility and before showing such proof.

Theaters where concessions are sold may require proof of vaccination to be shown at the time of patrons' purchase of concessions rather than at the entrance to the establishment.

Covered Businesses may obtain proof of vaccination in advance of a patron's arrival at a facility, e.g., by email or through a reservation system, but must confirm identification at the time of entry into the facility.

10. Do I have to post signage for patrons?

As soon as possible, but no later than **October 7, 2021**, all Covered Businesses are required to conspicuously post at the entrance to the facility signage informing individuals that Proof of Full Vaccination is required to enter the indoor portion of the facility. Sample signage is available at www.weho.org/coronavirus.

11. Do I need to show proof of vaccination to go inside a grocery store? What about to go inside a drug store?

No. Proof of vaccination is not required for patrons to enter these indoor retail spaces unless there is a portion of the business where food or drink are being served and consumed inside. In Los Angeles County, everyone 2 years of age and older must wear a mask when inside these and other public indoor spaces.

12. Is proof of vaccination required in a gym within an apartment building, office space, hotel or private building that is not open to members of the public?

No, not at this time. Offices, residential buildings, hotels, and commercial buildings that have gyms that are not open to members of the public (and are only open to employees, residents or registered hotel guests) are not required to comply with the new vaccination verification requirement. If these gym facilities are open to members of the public, businesses must comply with the vaccination verification deadline for all persons entering these facilities. Gyms with private memberships available to the public are required to comply.

13. Should my business continue to offer outdoor and pick-up / to-go service and remote services?

All businesses and governmental entities are urged to continue to offer services and activities outdoors if it is feasible and legally allowed. COVID-19 transmission risk is much lower outdoors compared to indoors.

Staff at Covered Businesses

14. Which workers must get vaccinated?

Proof of vaccination will be required for Covered Business staff who routinely work onsite.

15. Are any employees exempt from this vaccination requirement?

There are limited exemptions to vaccination requirements such as those who request an accommodation due to sincerely held religious beliefs, medical condition, or disability. In order to claim an exemption, employees must submit a declination form to their employer and work with their employer to identify a reasonable accommodation. Reasonable accommodations can take many forms. For example, an employee could work remotely, perform their job duties outside or isolated from other employees or customers, or take a leave of absence, reassignment, or wearing a mask and providing frequent negative COVID-19 tests. Persons under 18 are not required to provide proof of full vaccination to their employer.

16. Must Covered Business employers notify their employees about these requirements?

Yes. As soon as possible, but no later than **October 7, 2021**, Covered Businesses must use their best efforts to ascertain vaccination status of all staff who routinely work onsite. No later than **November 4, 2021**, Covered Business employers must ensure that all employees who routinely work onsite provide proof of full vaccination, and post signs informing employees of the City's vaccination requirement and information on how to get vaccination. Sample signage is available online at: www.weho.org/coronavirus.

City Facilities

17. Is proof of vaccination required to enter City Facilities?

Yes. Persons age 18 or older must show proof of vaccination before entering any indoor area within a City Facility. City Facilities are City buildings and areas of City parks where City employees, City contractors, and/or members of the public are present to conduct city business and/or utilize city services or facilities.

18. When does this take effect?

By **October 7, 2021**, proof of one dose for persons 18 and older is required before entering indoor area of a City Facility.

By **November 4, 2021**, proof of full vaccination for persons 18 and older is required.

19. Is proof of vaccination required to participate in Recreation Activities at City Facilities?

Yes. While most city-sponsored recreation activities are not yet being offered indoors and in person, athletes, coaches, staff, and volunteers age 18 and older must show proof of vaccination before participating in any outdoor or indoor recreation activity held at a City Facility. Recreation Activities include team sports, athletic activities, and privately organized clubs and leagues held outdoors or indoors on the premises of a City Facility. The same schedule for compliance applies.

20. Are there any exemptions to the City Facilities vaccination requirements?

Vaccination requirements do not apply to persons attending a public Brown Act meeting, though face masks, capacity limits, temperature checks, and social distancing may be required. Most public meetings are still being conducted in a remote, teleconference format and even if a city Brown Act meeting is conducted in person, teleconference participation options will continue to be provided for the foreseeable future. Vaccination requirements do not apply to City indoor cooling centers that are set up for the public on dangerously hot days, but face masks, temperature checks, and social distancing requirements may be imposed.

All City Hall services remain accessible by phone at (323) 848-6400 and via the City's website at www.weho.org. Reasonable accommodations may be provided for unvaccinated persons with certain medical conditions. Such individuals must provide proof of a negative COVID-19 test, provide a written statement from a healthcare provider, and wear a face mask before utilizing any indoor portion of a city facility.

21. Does the Order cover Youth Activities.

No. Youth activities, sports, and programming are subject to any applicable Los Angeles County Department of Public Health guidelines for those activities.

22. Is City Hall open?

The City of West Hollywood remains in a declared local emergency in response to the COVID-19 pandemic. West Hollywood City Hall is open for in-person transactions by appointment only. Visitors to City Hall and City facilities will be required to adhere to vaccine verification requirements starting on **October 7, 2021**. To make an appointment, visit www.weho.org/appointments. All City Hall services remain accessible by phone at (323) 848-6400 and via the City's website at www.weho.org.

23. Does the Order cover the West Hollywood Library?

No. The West Hollywood Library is operated by the County of Los Angeles and is not classified as a City facility. The library is subject to any applicable requirements imposed by the County. Masks are required indoors, and the library is currently operating on a reduced-hours schedule. Please visit <https://lacountylibrary.org/west-hollywood-library/> for library information.

City Contractors

24. Are City Contractors subject to vaccination requirements?

Yes. City Contractors are subject to vaccine verification requirements before working or providing service in a City Facility or engaging in person with city employees, community members, or city businesses. City Contractors include those persons providing services to the City through a contract with the City, and those persons are present a City Facilities and interact with city employees, community members, and/or City businesses as part of their contractual obligations.

25. When does this take effect?

By **October 7, 2021**, proof of one dose for contractors is required before entering any City Facility or engaging in person with city employees, community members, or city businesses

By **November 4, 2021**, proof of full vaccination for Contractors 18 and older is required.

26. Does the Order apply to City Employees and City Officials.

All city employees and officials who work at city facilities are subject to vaccine verification requirements that go into effect **November 1, 2021**.

27. Are LA County Sheriff's Department personnel and LA County Fire Department personnel subject to vaccination requirements?

LA County Sheriff's Department personnel and LA County Fire Department personnel are subject to a separate Los Angeles County executive order approved by the County Board of Supervisors that applies to all LA County employees, regardless of department.

Enforcement

28. What happens if businesses do not comply with the order?

The City's primary goal is to gain compliance through outreach and education, not punitive action. Enforcement will be complaint-driven. If a business is reported for not checking vaccination status, an inspection may be done. Written warning notices will be provided to businesses found not in compliance and any subsequent violations may result in administrative citations. Fines are set using the City's existing health order schedule: \$250 for the first citation, \$1,000 for the second, \$2,000 for the third, and \$5,000 for the fourth, with a \$50 administrative fee added to all citations issued. Businesses not in compliance after the fourth citation can be brought before the City's Business License Commission for license revocation/suspension or other available code enforcement remedies. The City's goal is to ensure compliance.

29. When will these requirements end?

The Order will remain in effect until the conclusion of the local emergency or when it is terminated by the City Manager or City Council. If the Los Angeles County Health Officer lifts countywide requirements for vaccine verification as set out in the September 17, 2021 revised Health Officer Order, the City Council will review the need for this Order at its next regularly scheduled City Council meeting. As the health pandemic continued to evolve, the policies in the Order will be consistently reviewed to determine their continued appropriateness.

30. How should covered businesses manage patrons who are unvaccinated due to a medical condition, disability, religious belief, or other reason?

Based on current health conditions, unvaccinated adults should not enter indoor covered businesses regardless of the reason they are unvaccinated, except for the limited allowances provided under the Order. For example, in a restaurant setting, a customer may go inside while wearing a well-fitted mask to use the restroom or place an order for take-out. The City will continue to monitor COVID-19 health conditions and, if conditions allow it, may consider changes to the requirements for access of unvaccinated patrons to services.

Businesses should attempt to determine whether safe and feasible options exist that will allow the customer a way to access services consistent with the requirements. Examples of options to access services in an indoor restaurant setting may include offering to:

- seat a customer in an outdoor area of the business such as an outdoor dining space;
- connect the customer with similar services in the area that host outdoor options; or
- provide the customer with take-out.

Examples of options to access services in an indoor gym or personal service setting may include offering to:

- provide access an outdoor area of the business like an outdoor gym or service space;
- connect the customer with similar services in the area that hosts outdoor options; or
- provide the customer access to virtual services, such as an online fitness class, or other remote access options or provide house calls to perform the service outdoors at the customer's home.

The Order is in place subject to a local, state or federal law requiring accommodation. The Order does not require Covered Businesses to ask questions about why a person is not vaccinated (whether medical, religious, or other). The Order does not require businesses to investigate the validity of a customer's reason for not receiving vaccination and the above suggestions should help in determining available accommodations as necessary.

The City has taken extensive steps to support outdoor operations for businesses with Outdoor Use Temporary Zones (OUT Zones), which provide outdoor commercial space for restaurants, health/fitness facilities, and personal care establishments.

Information on the OUT Zone program can be found here:

www.weho.org/outzones

Businesses should never attempt to physically engage a combative or violent customer who refuses to comply with staff requests. If a person becomes violent or threatens staff, customers, or others, staff should avoid physical contact and immediately call 911. Businesses may also contact the West Hollywood Sheriff's Department for assistance with any customer who refuses to follow staff requests to leave the premises.

Businesses must never treat a customer differently based on their race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity, weight, or height. For example, a business cannot scrutinize differently a person's proof of vaccination based on the color of their skin; nor may they refuse to accept a vaccination card because it was issued by a foreign government.

These are general guidelines only. Businesses are encouraged to seek the advice of legal counsel as appropriate in developing policies and procedures around the proof of vaccination requirement and requests for accommodation under local, state, or federal law. For a covered business that does not have a space for outdoor accommodations (or virtual/remote accommodations) and a customer requests a reasonable accommodation due to a medical condition or disability, a reasonable accommodation may include providing access to the building to unvaccinated individuals if the individual provides proof of a Negative COVID-19 Test, use of a face mask or social distancing to the extent feasible, and written documentation that the person is excused from receiving any COVID-19 vaccine due to a medical condition or disability.

Different guidelines may apply to employers in relation to proof of vaccination requirements for staff. Employers should refer to [guidance issued by the Equal Employment Opportunity Commission \(EEOC\)](#), as well as [guidance from the California Department of Fair Employment and Housing \(DFEH\)](#) and seek advice from legal counsel.

31. I run a small restaurant. Do I have to hire someone to check proof of vaccination at the door?

No. Although checking patrons before entry is preferred, restaurants may require proof of vaccination to be shown at the time of patrons' first in-person interaction with staff (e.g., at the time of ordering) rather than at the entrance to the establishment. Patrons must wear masks at all times until a restaurant staff member has obtained the required proof of vaccination.