



**COUNTY OF LOS ANGELES  
WORKFORCE DEVELOPMENT, AGING  
AND COMMUNITY SERVICES**



**WORKFORCE DEVELOPMENT  
PROGRAMS DIRECTIVE**

DATE: December 15, 2021

NUMBER: WDP D21-21

**LA County Workforce Development Programs  
Storing COVID-19 Vaccination Records and Testing  
For Work-Based Activities**

**EXECUTIVE SUMMARY**

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This directive provides guidance to Los Angeles County America's Job Centers of California (AJCCs) and LA County Youth@Work service providers on maintaining COVID-19 vaccination and testing records for Workforce Development program participants who are enrolled in work-based activities and who are requested by employers to provide proof of COVID-19 vaccination or weekly COVID-19 testing records. This directive provides policy and guidance to ensure these records are protected and maintained confidential in accordance with all applicable Federal, State and local laws and applies to all Los Angeles County workforce development programs.

**REFERENCES**

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- [Workforce Innovation and Opportunity Act 2014 \(WIOA\) Section 188](#)
  - [Title 20 Code of Federal Regulations Part 683](#)
  - [Title 29 Code of Federal Regulations Part 38](#)
  - [The Health Insurance Portability and Accountability Act of 1996 \(HIPAA\) \(Public Law 104-191\)](#)
  - [EDD Directive WSD17-01 Nondiscrimination and Equal Opportunity Procedures](#)
  - [EDD WSIN21-19 Storing COVID-19 Vaccination Records and Testing for Work-based Activities](#)
  - County of Los Angeles One Stop Operator for the America's Job Centers of California (AJCCs) Subaward
  - [County of Los Angeles WDP D21-12 WIOA Equal Opportunity and Grievance and Complaint Procedures](#)

- [County of Los Angeles WDP D17-03 Collection and Maintenance of Medical and Disability Related Information](#)
- [WDP D18-13 CalJOBS Document Imaging and Scanning](#)

## **BACKGROUND**

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As noted in [County of Los Angeles WIOA D17-03 Collection and Maintenance of Medical and Disability Related Information](#), Title 29 Code of Federal Regulations (CFR) Section 38.41 (b)(3) states the following: "any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (e.g., password protected)."

Furthermore, section 7.6 of the County of Los Angeles One Stop Operator for the America's Job Centers of California subaward states that AJCCs "shall maintain the confidentiality of all records and information in accordance with all applicable Federal, State and local laws, rules, regulations, ordinances, directives, guidelines, policies, program memoranda and procedures relating to confidentiality, including, without limitation, County policies concerning information technology security and the protection of confidential records and information."

These requirements extend to COVID-19 vaccination and testing records of workforce development program participants in work-based activities if an employer requests participants to provide proof of COVID-19 vaccination or proof of weekly testing. In keeping with Federal, State, and Local policies any medical or disability related participant information, including COVID-19 vaccination and testing records, must be kept separate and stored apart in a secure location following the policies and procedures indicated in this directive.

## **POLICY AND PROCEDURES**

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Employers may require proof of COVID-19 vaccination or weekly testing as an additional safety standard to protect the health and safety of their worksite. This could directly impact LA County workforce development program participants engaged in work-based learning activities (activity listing below). Thus, AJCCs and Youth@Work service providers must handle all collection of this medical information as confidential and must comply with all applicable Federal, State, and Local policies if collection is requested by the employer. These requirements apply to all Youth@Work Level 1 Work-based Learning participants and all workforce development program participants in the following Work-based learning activities:

CalJOBS Activity Code	Work-Based Learning Activity	CalJOBS Activity Code	Work-Based Learning Activity
218	Internship	408	Youth Internship (Unpaid)
219	Work Experience	409	Youth Job Shadowing
224	Pre-Apprenticeship Training	425	Work Experience (Paid)
227	Disaster Relief Employment/Temporary Job (NDWG Only)	426	Work Experience (Unpaid)
304	Customized Training	427	Internship (Paid)
307	Pre-Apprenticeship Program w/Occupational Skill Training (ITA)	428	Youth On-the-Job Training
308	Incumbent Worker Training	431	Enrolled in Pre-Apprenticeship Training
321	Transitional Job	432	Enrolled in Apprenticeship Training
323	Workplace Training & Cooperative Education	437	Pre-Apprenticeship Program with Occupational Skills Training (ITA)
325	Apprenticeship Training	439	Education Offered Concurrently w/Workforce Prep and Training
400	Youth Summer Employment		

***Maintenance of Confidential COVID-19 Vaccination and Testing Records***

AJCCs and Youth@Work service providers must maintain any medical or disability information including COVID-19 vaccination and testing related information or documentation in a separate medical file locked or otherwise secured (e.g., password protected) and stored in a separate secure location apart from information kept in hard copy and/or electronic formats, following the Health Insurance Portability and Accountability Act of 1996 (HIPAA) security standards and general requirements for protecting health information established via HIPAA's Privacy and Security Rules.

If an individual with a disability requests an accommodation, all documentation and information concerning the medical condition or history of the nature of the individual's disability must be collected on forms separate from other forms related to that individual and must be maintained by the AJCC or Youth@Work service provider in separate medical files that are stored in a separate secure location.

This information shall be treated as confidential medical records, and access to the records must be limited, except to the extent of the following:

- AJCC or Youth@Work service provider management that must be informed about work restrictions or reasonable accommodations.
- First-aid and safety personnel that need to be informed if a participant's medical condition or disability may require emergency treatment.

- Government officials investigating compliance with the law are required to be provided with relevant information upon request.

Please refer to [County of Los Angeles WDP D21-12 WIOA Equal Opportunity and Grievance and Complaint Procedures](#) for full guidance and procedures regarding nondiscrimination and equal opportunity procedures outlined in WIOA Section 188 and 29 CFR Part 38 and refer to [County of Los Angeles WIOA D17-03 Collection and Maintenance of Medical and Disability Related Information](#) for additional guidance on collection and maintenance of medical and disability related records.

### **COVID-19 Vaccination and Testing Resource**

COVID-19 vaccines are available at no charge for individuals ages 5 and up, regardless of immigration or insurance status and all medical information collected is protected by law. If necessary, AJCCs can refer WIOA participants to the following resources for vaccination or testing information:

- [My Turn](#) – Provides information about where an individual can book an appointment or find a walk-in site for their COVID-19 vaccine.
- [Find a Testing Site](#) – Allows individuals to search for their nearest COVID-19 test site.
- [How To Get Vaccinated](#) – Los Angeles County Department of Public Health (LADPH) webpage for information on how to get vaccinated, how to make an appointment, available sites and documentation required.
- [COVID-19 Vaccine](#) – LADPH COVID-19 Vaccine webpage with booster information community resources and information on how to get vaccinated. Note, residents with disabilities or without computer access can call 833-540-0473 between 8:00 am and 8:30 pm 7 days a week for assistance with appointments.

### **ACTION**

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AJCCs and Youth@Work service providers shall ensure that the requirements described herein are communicated throughout the operations, management, and governance structures of the AJCC's organization and that this directive is appropriately maintained until further notice.

### **INQUIRIES**

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Inquiries regarding this directive and the policies and procedures described herein should be directed to [AJCCOPS@wdacs.lacounty.gov](mailto:AJCCOPS@wdacs.lacounty.gov).

*Irene Pelayo*

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