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EXECUTIVE ORDER

No. 595: Implementing a requirement for COVID-19 vaccination for the Commonwealth's executive department employees

DATE: 08/19/2021

ISSUER: Charlie Baker

MASS REGISTER: No. 1451

RESCINDED BY: [Executive Order No. 607](/executive-orders/no-607-rescinding-executive-order-no-595) (</executive-orders/no-607-rescinding-executive-order-no-595>)

Executive Order No. 595

WHEREAS, vaccination is the most effective tool for combating the 2019 novel Coronavirus ("COVID-19") and the executive department of the Commonwealth, as the largest employer in the State, can lead in promoting policies to ensure the health and safety of all Massachusetts workers and residents;

WHEREAS, widespread vaccination is the only means the Commonwealth has over the long-term to ensure protection from COVID-19 in all its variations and to end the many negative consequences COVID-19 produces in our daily lives;

WHEREAS, COVID-19 vaccines are safe and effective, as evidenced by the fact that COVID-19 vaccines have satisfied the U.S. Food and Drug Administration's rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to permit widespread use and distribution, and to date, more than 357 million doses of COVID-19 vaccines have been safely administered in the United States, with more than 9 million safely administered in the Commonwealth, and negative side effects have proven exceedingly rare;

WHEREAS, the Commonwealth leads the nation in nearly every measure of progress in vaccinating its residents, with over 64 percent of the Commonwealth's population fully vaccinated and over 74 percent of persons 18 and older fully vaccinated, both as reported by the Centers for Disease Control;

WHEREAS, the COVID-19 vaccine is a proven measure at preventing hospitalization and severe disease;

WHEREAS, achieving full vaccination among the executive department workforce is necessary to ensure that the executive department can provide the full measure of public services due to the residents of the Commonwealth;

NOW, THEREFORE, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. 1, do hereby order as follows:

Section 1.

It is the policy of the Commonwealth that all executive department employees shall be required to demonstrate that they have received COVID-19 vaccination and maintain full COVID-19 vaccination as a condition of continuing employment.

For the purposes of this executive order, the executive department includes the office of the Governor, any executive office of the Commonwealth, as defined by

section 2 of chapter 6A of the General Laws, and any agency, bureau, department, office, or division of the Commonwealth within or reporting to such an executive office of the commonwealth.

For the purposes of this executive order, the definition of employee shall mean any person who performs services for a Commonwealth executive department agency, bureau, department, office, or division of the Commonwealth for wage, remuneration, or other compensation, including full-time, part-time, seasonal, intermittent, temporary, post-retiree and contract employees, and interns.

Section 2.

The Human Resources Division ("HRD") shall within 60 days of this order establish and issue a written policy for all executive department employees to require proof of COVID-19 vaccination, and the heads of all executive department agencies, bureaus, departments, offices, and divisions shall then implement the terms of the HRD policy. The HRD policy shall include the elements listed below:

1. a requirement that all executive department employees demonstrate no later than October 17, 2021 to their employing agency, bureau, department, office, or division that they have received COVID-19 vaccination and, going forward, that they demonstrate they are maintaining full COVID-19 vaccination;
2. a procedure to allow limited exemptions from the vaccination requirement where a reasonable accommodation can be reached for any employee who is unable to receive COVID-19 vaccination due to medical disability or who is unwilling to receive COVID-19 vaccination due to a sincerely held religious belief;
3. a method for documenting and verifying vaccination status among executive department employees that ensures all information will be maintained confidentially and separately from any employee's personnel files;
4. appropriate allowance for use of Commonwealth-provided sick leave or other time off for employees in order to obtain COVID-19 vaccination; and
5. appropriate enforcement measures to ensure compliance, which shall include progressive discipline up to and including termination for non-compliance and

termination for any misrepresentation by an employee regarding vaccination status.

Section 3.

Independent agencies and authorities, public institutions of higher education, elected officials, other constitutional offices, the Legislature, and the Judiciary are encouraged to adopt policies consistent with this Executive Order.

Section 4.

This Executive Order shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.

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