

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 13G

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – VACCINATION REQUIREMENTS FOR STATE EMPLOYEES, SCHOOL STAFF, AND CHILD CARE WORKERS

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut in response to the coronavirus disease 2019 (COVID-19) outbreak caused by the SARS-CoV-2 virus in the United States and Connecticut; and

WHEREAS, on several occasions since March 10, 2020, acting within my authority pursuant to Sections 19a-131 and 28-9 of the Connecticut General Statutes as well as Special Acts 21-2, 21-4, and 21-5 of the General Assembly, and in response to the continued need to respond adequately to the COVID-19 pandemic, I renewed the declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies; and

WHEREAS, pursuant to such declarations, I have issued various executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the Delta variant of COVID-19 is highly contagious and spreads more easily and quickly than other COVID-19 variants; and

WHEREAS, according to the Centers for Disease Control and Prevention (CDC) and Connecticut Department of Public Health (DPH), the number of COVID-19 cases associated with the Delta variant and the overall rate of infection and hospitalization has increased significantly in Connecticut, such that the CDC considers transmission to be high in multiple Connecticut counties; and

WHEREAS, COVID-19 vaccines are safe and effective, were evaluated in clinical trials involving tens of thousands of participants and met the U.S. Food & Drug Administration's rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization; and

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United States Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law from imposing vaccination mandates, even when the only vaccines available are those authorized under U.S. Food and Drug Administration Emergency Use Authorizations; and

WHEREAS, vaccination is the most effective means of preventing infection, hospitalization, and death from COVID-19 and of limiting transmission and outbreaks of the disease, and is therefore a critical tool to respond to and slow the ongoing pandemic; and

WHEREAS, vaccines are widely available in Connecticut; and

WHEREAS, on August 14, 2021, the number of children hospitalized in the United States with COVID-19 hit a record high of more than 1,900 cases; and

WHEREAS, safe, full, in-person learning for students in Connecticut is a priority, especially following studies that show students benefit from in-person learning in schools; and

WHEREAS, mandating vaccination helps schools safely return to in-person learning as well as extracurricular and sports activities that enrich students' emotional and social well-being; and

WHEREAS, state hospital employees work in settings where the risk of COVID-19 infection is higher because of the concentration of large numbers of people and the presence of people with underlying conditions or compromised immune systems; and

WHEREAS, the significant percentage of unvaccinated staff in congregate settings, hospital settings, schools, and child care facilities increases the risk of COVID-19 transmission and places this vulnerable population at increased risk of severe symptoms, hospitalization, and death; and

WHEREAS, such risks are heightened greatly for children who may not be able to receive the vaccine because of their age; for patients in hospital settings who, for medical reasons, are unable to receive a vaccination but do not have the option of avoiding such settings, and for people whose medical conditions reduce their immune response; and

WHEREAS, increasing the percentage of vaccinated persons, particularly those in hospital settings, congregate settings, school workers, and individuals in child care settings will better

protect co-workers, residents, students, and patients and reduce the likelihood of spread of the infection as well as restrictions on visitation and in-person learning; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, state employees provide essential services to the public and interact with the public on a regular basis, and because of the nature of their work, a significant portion of state employees are not able to work remotely; and

WHEREAS, the increase in infections and hospitalizations has led to increased requirements for use of protective masks in indoor settings and, without the measures detailed in this order to limit the surge in infections, could result in additional impediments to conducting social, civic, recreational and business activity and significant disruptions to in-person schooling; and

WHEREAS, responding to and treating outbreaks of COVID-19 consumes priority healthcare and emergency management resources including personnel, hospital beds, and personal protective equipment, jeopardizing the efficient operation of the statewide healthcare infrastructure and thereby endangering public health and safety and civil preparedness; and

WHEREAS, multiple large employers throughout the State of Connecticut, in recognition of the urgent need to protect their employees, customers, and fellow residents, have announced that they intend to require employees to receive COVID-19 vaccinations, and all public and private employers are encouraged to join this collective effort to protect the public health; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, Executive Order No. 13D, dated August 19, 2021, requires state employees, including state hospital employees, certain contractors, and employees and contractors of schools and child care facilities to receive vaccinations against COVID-19 by September 27, 2021; and

WHEREAS, school administrators, state agencies, employers, and collective bargaining representatives have provided valuable feedback regarding administration of the vaccination requirements required by that order;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Repeal of Executive Order No. 13D.** Executive Order No. 13D is repealed and superseded in its entirety by this order.
2. **Definitions.** For purposes of this order, the following definitions shall apply:
 - a. “Fully vaccinated” means at least 14 days have elapsed since a person has received the final dose of a vaccine approved for use against COVID-19 by the U.S. Food and Drug Administration, [or as otherwise defined by the Centers for Disease Control.](#)
 - b. “Covered State Agency” means any state government entity of the executive branch that employs, contracts for services from, or provides a workspace for any state employee or state hospital employee as defined below.
 - c. “Child care facility” refers to a Child Care Center, Group Child Care Home, or Family Child Care Home as defined in Section 19a-77 of Connecticut General Statutes and a Youth Camp as defined in Section 19a-420 of Connecticut General Statutes, provided the Youth Camp is operating during the school year.
 - d. “School board” refers to the operator of any public or non-public pre-K through grade 12 school.
 - e. “Contract worker” means any person who provides services to a covered state agency, school board, or child care facility but is not employed by a covered state agency, school board, or child care facility and is not a volunteer.
 - f. “State employee” refers to any employee or contract worker of the executive branch, including all agencies and constitutional offices, whose place of work is in or on property owned or controlled by the state, but not a contract worker who visits property owned or controlled by the state only to provide one-time or limited-duration repairs, services, or construction or who is not required to enter any building owned or controlled by the state.
 - g. “State hospital employee” refers to any person who is employed by or provides any services in the Albert J. Solnit Children’s Center-South, Whiting Forensic Hospital, John Dempsey Hospital, or Connecticut Valley Hospital, and any

Department of Mental Health and Addiction Services state-operated facility providing hospital level of care, or any state employee or contract worker whose job duties require them to make regular or frequent visits to such facilities, or to long-term care facilities as defined in Executive Order No. 13F, but not a contract worker who visits such facilities only to provide one-time or limited-duration repairs, services, or construction or who is not required to enter any building owned or controlled by the state.

- h. “Covered worker” refers to all employees, both full and part-time, contract workers, providers, assistants, substitutes, and other individuals working in a public or non-public pre-K to grade 12 school system or child care facility, including individuals providing operational or custodial services or administrative support at schools or child care facilities or any person whose job duties require them to make regular or frequent visits to any such school or child care facility or to have regular or frequent contact with children in child care, students, or staff. Covered worker does not include a contract worker who visits a public or non-public pre-K through grade 12 school or child care facility only to provide one-time or limited-duration repairs, services, or construction, or a volunteer.
- i. “Contractor” refers to “any person or business entity, including a vendor of support services or subcontractor, that provides the personnel who function as contract workers, state employees, state hospital employees, or covered workers to a covered state agency, school board, or child care facility.

3. **COVID-19 Vaccination Requirements.** Vaccines shall be required as provided below.

a. **Current State Employees and State Hospital Employees.**

- i. On and after September 27, 2021, a state hospital employee and a state employee shall: (1) be fully vaccinated against COVID-19, (2) have received the first dose and have either received a second dose or have an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine, or (3) be exempt from

this requirement because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine is likely to be detrimental to the health of the state employee or state hospital employee, or the individual objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the state employee or state hospital employee is able to perform her or his essential job functions with a reasonable accommodation that is not an undue burden on the covered state agency, provided that any state hospital employee or state employee claiming such exemption shall apply for an exemption on the basis of medical conditions or sincerely held religious or spiritual beliefs. Each request for an exemption will be considered on an individualized, case-by-case basis. Any person who has applied for an exemption must provide appropriate supporting documentation upon request; and

- ii. A state employee, but not a state hospital employee, who is hired before September 27, 2021 may, as an alternative to vaccination and regardless of whether the state employee has a medical or religious exemption, comply with the testing requirements contained in Section 4 of this order and any additional safety precautions imposed by the covered state agency, including but not limited to distancing, wearing a mask, and alternative work arrangements.

b. Prospective State Employees and State Hospital Employees.

- i. On and after September 27, 2021, a covered state agency shall, prior to extending an offer of employment to, or entering into a contract for the in-person services of a state employee or a state hospital employee require that such employee (1) is fully vaccinated against COVID-19, (2) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine, (3) is exempt from this requirement because a

physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine is likely to be detrimental to the state employee's or state hospital employee's health, or the individual objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the state employee or state hospital employee is able to perform her or his essential job functions with a reasonable accommodation that is not an undue burden on the covered state agency, provided that any state employee or state hospital employee claiming such exemption shall apply for an exemption on the basis of medical conditions or sincerely held religious or spiritual beliefs. Each request for an exemption shall be considered on an individualized, case-by-case basis. Any person who has applied for an exemption shall provide appropriate supporting documentation upon request.

- ii. Nothing in this order shall impair or disturb any agreements that either the University of Connecticut or the Board of Regents for Higher Education has negotiated with its employees in the unclassified service.

c. School Boards and Child Care Facilities and Current Covered Workers.

- i. On and after September 27, 2021, school boards and child care facilities shall require that any covered worker (1) is fully vaccinated against COVID-19, (2) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine, or (3) is exempt from this requirement because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine is likely to be detrimental to the covered worker's health, or the covered worker objects to vaccination on the basis of a sincerely held religious

or spiritual belief, and the covered worker is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the school board or child care facility, provided that any covered worker claiming such exemption shall apply for an exemption on the basis of medical conditions or sincerely held religious or spiritual beliefs. Each request for an exemption shall be considered on an individualized, case-by-case basis. Any person who has applied for an exemption shall provide appropriate supporting documentation upon request.

- ii. A covered worker who is hired before September 27, 2021 may, as an alternative to vaccination, and regardless of whether the covered worker has a medical or religious exemption, comply with the testing requirements contained in Section 4 of this order and any additional safety precautions imposed by the school board or child care facility.

d. Prospective Employees of School Boards and Child Care Facilities

- i. On and after September 27, 2021, a school board or child care facility shall, prior to extending an offer of employment to, or entering into a contract for the services of a covered worker, require that such covered worker (1) is fully vaccinated against COVID-19, (2) has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine, (3) is exempt from this requirement because a physician, physician's assistant, or advanced practice registered nurse determined that the administration of COVID-19 vaccine is likely to be detrimental to the covered worker's health, or the individual objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered worker is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the school board or child care facility, provided that any covered worker claiming such exemption shall apply

for an exemption on the basis of medical conditions or sincerely held religious or spiritual beliefs. Each request for an exemption shall be considered on an individualized, case-by-case basis. Any person who has applied for an exemption must provide appropriate supporting documentation upon request.

4. Vaccination Verification and Testing for State Employees, State Hospital Employees, and Covered Workers

a. Vaccination Verification

- i. On and after September 27, 2021, a covered state agency that employs or contracts for the services of any state employee or state hospital employee and a school board or child care facility that employs or contracts for the services of any covered worker shall, except for contract workers (see Section 5 below), authenticate the vaccination status of state employees, state hospital employees, or covered workers, maintain documentation of vaccination or exemption of such individuals and report compliance with this order, in a form and manner directed by the Department of Public Health without adoption of such requirements by regulation in accordance with Chapter 54 of the Connecticut General Statutes.
- ii. **Acceptable Proof of Vaccination.** State employees, state hospital employees, and covered workers may demonstrate proof of vaccination by providing one of the following: (1) CDC COVID-19 Vaccination Record Card or photo of the Vaccination Record Card; (2) Documentation from a health care provider or electronic health care records; (3) State Immunization Information record; or (4) other documentation prescribed by the Commissioner of Public Health. Personal attestation shall not be an acceptable form of proof of a COVID-19 vaccination. The Commissioner of Public Health may promulgate binding standards for authentication of a Vaccination Record Card or other documentation described in this subsection without adoption of such requirements by regulation in

accordance with Chapter 54 of the Connecticut General Statutes.

b. Testing Verification

- i. On and after September 27, 2021, a covered state agency that employs or contracts for the services of state employees as well as school boards and child care facilities that employ or contract for the services of covered workers shall, except for contract workers (see Section 5 below), implement a policy that requires state employees or covered workers who have not demonstrated proof of full vaccination to submit to COVID-19 testing not less than once per week on an ongoing basis until fully vaccinated and to provide adequate proof of the results of the testing on a weekly basis in a form and manner directed by the Department of Public Health without adoption of such requirements by regulation in accordance with Chapter 54 of the Connecticut General Statutes. The Department of Public Health may, without adoption of regulations pursuant to Chapter 54 of the Connecticut General Statutes, promulgate a policy and procedures for limited-duration waivers of the testing requirements contained herein.

5. Obligation of Contractors for Vaccination Verification and Testing for Contract Workers

a. Vaccination Verification

- i. On and after September 27, 2021, a contractor shall (1) authenticate the vaccination status of its contract workers according to Section 4(a)(ii) above, (2) maintain documentation of vaccination or exemption of such contract workers, and (3) provide such documentation upon request and report compliance to the relevant covered state agency, school board, or child care facility on September 28, 2021 and thereafter upon request in a form and manner directed by the Department of Public Health without adoption of regulations pursuant to Chapter 54 of the Connecticut General Statutes.

b. Testing Verification

- i. On and after September 27, 2021, a contractors shall (1) implement a policy that requires its contract workers who have not demonstrated proof of full vaccination to submit to COVID-19 testing not less than once per week on an ongoing basis until fully vaccinated and (2) provide adequate proof of the results of the testing on a weekly basis to the relevant covered state agency, school board, or child care facility, in a form and manner prescribed by the Department of Public Health without adoption of regulations pursuant to Chapter 54 of the Connecticut General Statutes. The Department of Public Health may, without adoption of regulations pursuant to Chapter 54 of the Connecticut General Statutes, promulgate a policy and procedures for limited-duration waivers of the testing requirements contained herein.

6. **Long-Term Care Workers.** State employees who fall within the definition of covered LTC worker in Executive Order No. 13F shall comply with the requirements applicable to state hospital employees as set forth in this order.

7. **Confidentiality.** Any information submitted, collected, or maintained regarding an individual state employee, state hospital employee, or covered worker pursuant to this order or a covered LTC worker pursuant to Executive Order No. 13F shall not be subject to disclosure pursuant to Section 1-210 of the Connecticut General Statutes.

8. **Violations and Enforcement**

a. Any state hospital employee, state employee, contract worker, or covered worker who fails to comply with this order shall not be allowed on the premises of a state agency, school board, or child care facility until the individual provides adequate proof of compliance or without prior written authorization of the covered state agency, school board, or child care facility.

b. Any school board, child care facility, or contractor shall be in violation of this order when it permits a covered worker who has not complied with this order to be in a public or private pre-

K through grade 12 school or a child care facility, to make regular or frequent visits to any such school or child care facility, or to have regular or frequent contact with children in child care, students, or staff. A school board, child care facility, or contractor also commits a violation if it fails to authenticate the vaccination status of a covered worker or contract worker, maintain documentation of vaccination, testing, or allowable exemptions, provide documentation, or report compliance as required by this order.

- c. Section 10-145 of the Connecticut General Statutes is modified to additionally provide:

If at any time the State Department of Education determines that a school board, as defined in this order, is not in compliance with this order, the State Department of Education may require the school board to forfeit a portion of the total sum which is paid to such school board from the State Treasury in an amount to be determined by the Commissioner of Education, which amount shall be not less than one thousand dollars nor more than ten thousand dollars. The amount so forfeited shall be withheld from a grant payment, as determined by the Commissioner, during the fiscal year following the fiscal year in which noncompliance is determined pursuant to this subsection. Notwithstanding the penalty provision of this section, the Commissioner of Education may waive such forfeiture if the Commissioner determines that the failure of a school board to comply with such a provision was due to circumstances beyond its control.

- d. Section 19a-87b-15 of the Regulations of Connecticut State Agencies is modified to provide that a violation of this order shall constitute a basis upon which the Office of Early Childhood may take enforcement action under that section against any child care facility, as defined herein.
- e. Nothing in this section shall be construed to limit, alter, modify, or suspend any disciplinary action, penalties, or remedies otherwise provided by law or other valid authority.
- f. Submission of false information to a covered state agency, school board, child care facility, the State of Connecticut or its agents or representatives, shall be subject to the provisions of Section 53a-157b of the Connecticut General Statutes. Any

covered agency, school board, child care facility or agent or representative of the State of Connecticut is authorized by this order to provide the notice described in that section that false statements are punishable.

This order shall take effect immediately and remain in effect through September 30, 2021 unless earlier modified or terminated.

Dated at Hartford, Connecticut, this 10th day of September, 2021.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State

