

CLIENT ALERT

August 2021



**Mandatory COVID-19 Vaccinations for Fire Department Personnel
Under Governor's Executive Order
By Douglas S. Dorando**

The COVID-19 pandemic has placed fire & EMS personnel on the front lines of the response in providing care to patients impacted with the virus, resulting in thousands of documented cases among fire personnel around the country and directly resulted in the deaths of more than 200 fire personnel.

Over the last several months, individual fire departments and districts have each had their own authority to mandate vaccination for personnel or require regular testing through general order. But now, Governor Pritzker has placed whether to exercise such power beyond dispute.

With the issuance of Governor Pritzker's Executive Order 2021-20 (COVID-19 Executive Order 87), any department or district that has not already adopted such a mandate, is obligated to ensure that all personnel who provide or assist in the provision of medical services (including all EMTs and Paramedics, as well as many firefighters) are vaccinated against COVID-19 within 10 days. Personnel getting a two-shot vaccine must get the first shot by September 5, 2021, and get their second within 30 days of the date of their first vaccine.

The Order further requires departments and districts — as well as any health care facility they service (e.g., hospitals, urgent cares, nursing homes, etc.) — to affirmatively “exclude” unvaccinated personnel from the premises. However, individuals not yet fully vaccinated (received the final dose of vaccine and allowed 2 weeks to pass) can still access their worksite or any other health care facility *if* they undergo a COVID-19 test no less than weekly. If employees refuse, they may face discipline for failure to meet an essential job requirement. As such, this mandate may be, on a case-by-case basis, subject to impact bargaining.

We do note that the Order contains additional exemptions for those whom the vaccination is medical contraindicated or those having sincerely held religious beliefs, practices, or observances. Such individuals are also required to be tested on, at minimum, a weekly basis.

We recommend our clients swiftly issue a General Order to EMS personnel (and other covered personnel) requiring them to comply with the Governor's mandatory vaccination order in full-including providing proof of compliance to the Fire Chief or their designee within 10 days.

If you have any questions about the impact of the Governor's Executive Order, its implementation, or whether specific personnel are required to be included, please contact your attorney.

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