



Angela D. Alsobrooks
County Executive

PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

EXECUTIVE ORDER

No. 19 - 2021

August 18, 2021

COVID-19 VACCINATION AND TESTING REQUIREMENTS FOR COUNTY EMPLOYEES, VOLUNTEERS, AND CONTRACTORS

WHEREAS, Section 14-111 of the Public Safety Article of the Annotated Code of Maryland provides for the declaration of a Local State of Emergency; and

WHEREAS, Subtitle 6 of the Prince George's County Code provides for the declaration of a Local State of Emergency by the County Executive and provides authority to issue rules and regulations as deemed necessary to control the situation; and

WHEREAS, the outbreak of the highly infectious and contagious 2019 Novel Coronavirus (SARS-CoV-2), its variants, and the respiratory disease that it causes – Coronavirus Disease 2019 (COVID-19) – has been experienced by both Prince George's County ("the County") and across the world; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak to be a global pandemic; and

WHEREAS, the President of the United States proclaimed that the COVID-19 pandemic in the United States constituted a national emergency beginning March 1, 2020 and a continuation of that declaration was issued on February 24, 2021; and

WHEREAS, the County previously issued the following emergency declarations: Executive Order Number 6-2020 dated March 16, 2020; Executive Order Number 7-2020 dated April 13, 2020; CR-31-2020 adopted May 11, 2020; Executive Order Number 8-2020 dated May 14, 2020; Executive Order Number 10-2020 dated May 28, 2020; CR-51-2020 adopted June 9, 2020; Executive Order Number 13-2020 dated June 12, 2020; Executive Order Number 15-2020 dated June 25, 2020 and CR-64-2020 adopted July 7, 2020; Executive Order Number 20-2020 dated September 3, 2020; CR-90-101 adopted September 15, 2020 ; CR-101-2020 adopted October 13, 2020; CR-125-2020 adopted November 17, 2020; and Executive Order 27-2020 dated December 15, 2020; CR-02-2021 adopted January 12, 2021; Executive Order 3-2021 dated January 26, 2021; CR-13-2021 adopted February 16, 2021; Executive Order 8-2021 adopted March 11, 2021; CR-33-2021 adopted March 30, 2021; CR-48-2021 adopted May 11, 2021; Executive Order 11-2021 adopted May 14, 2021; Executive Order 14-2021 dated May 26, 2021; Executive Order 17-2021 adopted June 28, 2021 (which amended Executive Order 14-2021); CR-77-2021 adopted July 6, 2021; and Executive Order 18-2021; and

WHEREAS, the County has been and continues to be severely impacted by the COVID-19 pandemic; and

WHEREAS, as of August 17, 2021, the number of confirmed COVID-19 positive cases in the County is 89,296, with approximately 8,990 hospitalizations and approximately 1,571 deaths; and

WHEREAS, as of August 9, 2021, the County's infection rate is 1.22, which places the County in the high-risk range for COVID-19 transmission; and

WHEREAS, as of August 17, 2021, the County's positivity rate is 6.2%, which falls within the high-risk category for COVID-19 transmission; and

WHEREAS, as of August 15, 2021, the average daily case rate has risen to 16.9 per 100,000 residents, which is the high-risk range for disease transmission and is over five times higher than one month ago; and

WHEREAS, as of August 16, the County's available hospital capacity is currently at approximately 49%, and that the number of hospitalized COVID-19 patients in County facilities is nearly four times higher than it was a month ago; and

WHEREAS, COVID-19 continues to pose an imminent threat to the health, safety, and welfare of County residents; and

WHEREAS, as of the date of this Order, the U.S. Centers for Disease Control (CDC) has indicated that all jurisdictions within the State of Maryland are areas of "substantial" or "high" community transmission, and that the County, along with 13 other jurisdictions, is an area of "high" transmission; and

WHEREAS, Executive Order No. 18-2021, issued on August 5, 2021, requires all persons over the age of five to wear a face covering indoors as a mitigation measure in all public places; and

WHEREAS, effective vaccines have been authorized for emergency use by the United States Food and Drug Administration ("FDA") and public health authorities have advised that vaccination substantially decreases the likelihood that a person will die or be hospitalized from COVID-19, and also substantially decreases the likelihood that an individual will transmit the virus; and

WHEREAS, vaccinations are now widely and readily accessible and available throughout the County, State, and country, including distribution through the County's Health Department; and

WHEREAS, variants of COVID-19 have developed and the risk of new variants increases as the disease is spread from person to person; and

WHEREAS, available data shows that the predominant variant in the County is the highly transmissible Delta variant (also known as B.1.617.2), which continues to spread and affect a wider portion of the population and to create an increased risk of cases, hospitalizations, and death, particularly among unvaccinated individuals; and

WHEREAS, persons working within and on behalf of the County Government interact with other individuals, including members of the general public, on a daily basis, and it is in the interest of the County government to take all available measures to protect the health and safety of both persons within the County Government and those persons that they serve; and

WHEREAS, as of August 2, 2021, the majority of County employees, contractors, and volunteers are working in-person and on-site in County buildings and facilities and/or in the community in some capacity, although at varying frequencies; and

WHEREAS, the County government also has an interest in ensuring the continued safe and orderly operation of its agencies and the delivery of services to the community.

NOW, THEREFORE, on this 18th day of August 2021, I, Angela D. Alsobrooks, County Executive for Prince George's County, Maryland, finding that it is necessary and reasonable to save lives and to protect the public safety and welfare of all Prince Georgians during this pandemic by controlling and preventing the further spread of COVID-19, hereby issue the following Order.

IT IS HEREBY ORDERED, that:

I. DEFINITIONS:

A. **“Contractor”** means:

1. an individual who provides goods or services to, or performs services for or on behalf of, the County at County facilities or worksites, or who has in-person contact with other persons on behalf of the County government, or
2. a company whose employees, agents, or subcontractors provide goods or perform services at County facilities or worksites, or whose employees, agents, or subcontractors have in-person contact with other persons on behalf of the County government.

B. **“COVID-19 diagnostic test”** means a diagnostic test authorized by the Food and Drug Administration to detect whether a person has a SARS-CoV-2 infection. For the purposes of this Order, this definition does not include antibody testing.

C. **“Employee”** means:

1. a person employed by the County, regardless of whether the person is a part of the classified service, the exempt service, or serves a limited-term grant funded employee, or
2. a person employed by the State of Maryland who works within a County agency.

D. **“Vaccinated”** means a person has completed a series of a vaccine that has been authorized for emergency use or fully authorized for use by the FDA, including, but not limited to:

1. the second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or
2. a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine.

E. **“Volunteer”** means any person who performs work for the County without the expectation, promise, or receipt of wages for their work. For the purposes of this Order,

the term Volunteer includes both interns and members of the various County boards and commissions appointed by the County Executive, including those who receive stipends for their service.

II. COUNTY EMPLOYEES AND VOLUNTEERS:

- A. Prior to 11:59 p.m. on October 3, 2021, every Employee or Volunteer must produce written evidence of having been vaccinated for COVID-19.
- B. Beginning on October 4, 2021, every Employee or Volunteer who has not produced the evidence required in Section II.A will be presumed to have not been vaccinated and must, on a weekly basis, provide evidence that the person has, within the preceding 7 calendar days, undergone a COVID-19 diagnostic test that produced a negative result.
- C. The requirement to produce weekly COVID-19 diagnostic test results shall continue until such a time as the Employee or Volunteer produces evidence of having been vaccinated.
- D. Employees who do not comply with the requirements of this Order shall be subject to disciplinary action up to, and including, dismissal.
- E. The Office of Human Resources shall promulgate and communicate detailed policies and procedures to implement the provisions of this Section, including procedures by which an Employee may request an accommodation on the basis of a bona fide medical or religious reason.

III. CONTRACTORS:

- A. Prior to 11:59 p.m. on October 3, 2021, every Contractor must produce written evidence of having been vaccinated for COVID-19. In the case of a company, this requirement applies to all individuals who fall within the definition of I.A.2.
- B. Beginning on October 4, 2021, every Contractor who has not produced the evidence required in Section III.A will be presumed to have not been vaccinated and must, on a weekly basis, provide evidence that the Contractor has, within the preceding 7 calendar days, undergone a COVID-19 diagnostic test that produced a negative result. In the case of a company, evidence of a negative test result must be produced for each individual who fall within the definition of I.A.2.
- C. The requirement to produce weekly COVID-19 diagnostic test results shall continue until such a time as the Contractor produces evidence of having been vaccinated. In the case of a company, this requirement applies to all individuals who fall within the definition of I.A.2.
- D. The Office of Central Services shall promulgate and communicate detailed policies and procedures to implement the provisions of this Section.
- E. Failure to comply with the provisions of this Section will be subject to all available contractual remedies at the County's disposal, including, but not limited to, removal from, or denial of entry to, worksites and contract termination.

IV. QUASI-GOVERNMENT AND INDEPENDENT AGENCIES: Quasi-government and independent agencies within the County are strongly encouraged to adopt the requirements of this Order for persons employed or contracted by those agencies who do not fall within the definition of Employee, Contractor, or Volunteer in Section I.

- V. This Order shall be effective upon its issuance and shall remain in effect until it is modified, rescinded, or superseded.
- VI. If any provision of this Order, or its application to any person, entity, or circumstance, is held invalid by any court of competent jurisdiction, all other provisions or applications of the Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Order are severable.



Angela D. Alsobrooks
County Executive