

This addendum forms a part of the Contract Documents and modifies the original Request for Proposal dated **September 22nd, 2021** as noted below. Acknowledge receipt of this addendum in the space provided on Attachment B. Failure to do so may subject the Bidder to disqualification.

QUESTIONS AND CLARIFICATIONS

Question: Questions 9A asks to “provide an example of a construction document cost estimate for a similar project in scope and size.” Will this document be considered an attachment and excluded from the page count?

Answer: This document will be considered an attachment and will be excluded from the page count.

Question: Similarly, Question 9B asks for a sample value engineering report. Will this document be considered an attachment and excluded from the page count?

Answer: This document will be considered an attachment and will be excluded from the page count.

Question: Question 9C. asks for a “copy of your Constructability Review process/program.” Will this document be considered an attachment and excluded from the page count?

Answer: This document will be considered an attachment and will be excluded from the page count.

Question: Are there going to be vaccination requirements for crews working onsite?

Answer: The Redmond School District is following the state’s mandates OAR 333-019-1030 as it relates to vaccine mandates. It is required that all companies who are performing work on district property will comply with these mandates. Enclosed in this addendum are the mandates for reference.

Question: Please provide the Exhibit E that is referenced in the RFP.

Answer: The Draft AIA A133-2019 Exhibit E - *Construction Manager’s Proposal* is the proposal of the selected firm for the CMGC Contract. Exhibit E will be attached when a firm has been selected as the CMGC and a contract is to be issued.

END OF ADDENDUM 2



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

PH 39-2021
CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED

08/25/2021 10:11 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Vaccination Requirements to Control COVID-19 for Schools and School-based Programs

EFFECTIVE DATE: 08/25/2021 THROUGH 02/20/2022

AGENCY APPROVED DATE: 08/25/2021

CONTACT: COVID Response and Recovery Unit
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Filed By:
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Rules Coordinator

NEED FOR THE RULE(S):

It is vital to this state that teachers, school staff, volunteers, and school-based program staff and volunteers be vaccinated against COVID-19 in order to protect themselves, children and students, particularly those who are too young to get vaccinated, against COVID-19, hospitalization and death. COVID-19 infection is caused by a virus, severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2). This virus undergoes frequent mutations as it replicates, which over time has resulted in variants that are more transmissible, cause more severe disease or have other features of public health concern such as decreased vaccine effectiveness. In August of 2021, the B.1.617.2 (Delta) variant accounted for more than 98% of the COVID-19 infections in Oregon.

The Delta variant is approximately 2-3-fold more transmissible than early wild-type COVID-19 variants. People infected with the Delta variant have higher viral loads and a shorter incubation period. There is emerging evidence that people infected with the Delta variant have similar viral loads regardless of vaccination status suggesting that even vaccine breakthrough cases may transmit this variant effectively. Being vaccinated, is therefore critical to prevent spread of Delta. The Delta variant is causing a surge in unvaccinated cases and vaccine breakthrough cases and Oregon's health care system is overwhelmed as a result. This rule is necessary to help control COVID-19, and to protect children, teachers, school staff, volunteers, and school-based program staff and volunteers.

JUSTIFICATION OF TEMPORARY FILING:

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and those working, attending and volunteering in schools and school-based programs. COVID-19 case numbers are higher than they have ever been, hospitalization of COVID-19 patients is on a steep rise, and Oregon's health care system is overwhelmed and at or over capacity. This rule needs to be adopted promptly so that the state can continue to prevent and slow the spread of COVID-19, for the reasons specified above. Requiring vaccination for those working and volunteering in schools and school-based programs is crucial to the effort in controlling COVID-19, and to ensure that students can stay in school and receive in-person instruction.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OHA Dashboard: Pediatric COVID-19 Cases (August 18, 2021). Available at <https://public.tableau.com/app/profile/oregon.health.authority.covid.19/viz/OregonCOVID-19PediatricReport/Demographics>.

OHA Dashboard: Hospital Capacity and Usage in Oregon (reported by HOSCAP), August 20, 2021. Available at <https://public.tableau.com/app/profile/oregon.health.authority.covid.19/viz/OregonCOVID-19Update/HospitalCapacity>.

OHA Dashboard: Oregon's Hospitalization Trend by Severity (August 20, 2021). Available at <https://public.tableau.com/app/profile/oregon.health.authority.covid.19/viz/OregonCOVID-19HospitalCapacity/HospitalizationbySeverity>.

OHA Dashboard: Oregon's COVID-19 Disease Spread (August 22, 2021). Available at <https://public.tableau.com/app/profile/oregon.health.authority.covid.19/viz/OregonCOVID-19PublicHealthIndicators/DiseaseSpread>.

Cavanaugh AM, Spicer KB, Thoroughman D, Glick C, Winter K. Reduced Risk of Reinfection with SARS-CoV-2 After COVID-19 Vaccination — Kentucky, May–June 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1081-1083. DOI: <http://dx.doi.org/10.15585/mmwr.mm7032e1>

Christie A, Brooks JT, Hicks LA, et al. Guidance for Implementing COVID-19 Prevention Strategies in the Context of Varying Community Transmission Levels and Vaccination Coverage. *MMWR Morb Mortal Wkly Rep* 2021;70:1044–1047. DOI: <http://dx.doi.org/10.15585/mmwr.mm7030e2>

Herlihy R, Bamberg W, Burakoff A, et al. Rapid Increase in Circulation of the SARS-CoV-2 B.1.617.2 (Delta) Variant — Mesa County, Colorado, April–June 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1084-1087. DOI: <http://dx.doi.org/10.15585/mmwr.mm7032e2>

Hershow RB, Wu K, Lewis NM, et al. Low SARS-CoV-2 Transmission in Elementary Schools — Salt Lake County, Utah, December 3, 2020–January 31, 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:442–448. DOI: <http://dx.doi.org/10.15585/mmwr.mm7012e3>

Li, B., Deng, A., Li, K., Hu, Y., Li, Z., Xiong, Q., Liu, Z., Guo, Q., Zou, L., Zhang, H. and Zhang, M., 2021. Viral infection and Transmission in a large well-traced outbreak caused by the Delta SARS-CoV-2 variant available at <https://www.medrxiv.org/content/10.1101/2021.07.07.21260122v1>.

Moline HL, Whitaker M, Deng L, et al. Effectiveness of COVID-19 Vaccines in Preventing Hospitalization Among Adults

Aged 65 Years — COVID-NET, 13 States, February–April 2021. MMWR Morb Mortal Wkly Rep 2021;70:1088-1093. DOI: <http://dx.doi.org/10.15585/mmwr.mm7032e3>

Nanduri S, Pilishvili T, Derado G, et al. Effectiveness of Pfizer-BioNTech and Moderna Vaccines in Preventing SARS-CoV-2 Infection Among Nursing Home Residents Before and During Widespread Circulation of the SARS-CoV-2 B.1.617.2 (Delta) Variant — National Healthcare Safety Network, March 1–August 1, 2021. MMWR Morb Mortal Wkly Rep. ePub: 18 August 2021. DOI: <http://dx.doi.org/10.15585/mmwr.mm7034e3>

Rosenberg ES, Holtgrave DR, Dorabawila V, et al. New COVID-19 Cases and Hospitalizations Among Adults, by Vaccination Status — New York, May 3–July 25, 2021. MMWR Morb Mortal Wkly Rep. ePub: 18 August 2021. DOI: <http://dx.doi.org/10.15585/mmwr.mm7034e1>

Rubin D, Eisen M, Collins S, Pennington JW, Wang X, Coffin S. SARS-CoV-2 Infection in Public School District Employees Following a District-Wide Vaccination Program — Philadelphia County, Pennsylvania, March 21–April 23, 2021. MMWR Morb Mortal Wkly Rep 2021;70:1040–1043. DOI: <http://dx.doi.org/10.15585/mmwr.mm7030e1>

Ryan S. McGee, Julian R. Homburger, Hannah E. Williams, Carl T. Bergstrom, Alicia Y. Zhou. Model-driven mitigation measures for reopening schools during the COVID-19 pandemic. DOI: <https://doi.org/10.1101/2021.01.22.21250282>

Volpp KG, Kraut BH, Ghosh S, Neatherlin J. Minimal SARS-CoV-2 Transmission After Implementation of a Comprehensive Mitigation Strategy at a School — New Jersey, August 20–November 27, 2020. MMWR Morb Mortal Wkly Rep 2021;70:377–381. DOI: <http://dx.doi.org/10.15585/mmwr.mm7011a2>

ADOPT: 333-019-1030

RULE TITLE: COVID-19 Vaccination Requirements for Teachers and School Staff

RULE SUMMARY: OAR 333-019-1030 helps to prevent and slow the spread of COVID-19 by requiring teachers, school staff, volunteers, and school-based program staff and volunteers who work in schools to be vaccinated against COVID-19 or request a medical or religious exception.

Teachers, school staff and volunteers:

(A) Means anyone age 16 and older:

(i) Who is employed at a school or anyone who is not employed but is otherwise engaged to provide goods or services to or at a school through any formal or informal agreement, whether compensated or uncompensated, and includes but is not limited to teachers, administrative staff, cleaning staff, coaches, school bus drivers, family volunteers and substitute teachers; and

(ii) Providing goods or services at or for a school that includes direct or indirect contact with students.

(B) Does not mean short-term visitors, individuals making deliveries, or school board members unless they are also volunteering in a school.

School-based program staff and volunteers:

(A) Means anyone age 16 and older:

(i) Who is employed by a school-based program or who is not employed but is otherwise engaged to provide goods or services to a school-based program through any formal or informal agreement, whether compensated or uncompensated, and includes but is not limited to teachers, administrative staff, child care staff, cleaning staff, coaches, school-based program drivers, family volunteers; and

(ii) Providing goods or services at or for a school-based program that includes direct or indirect contact with children or students.

(B) Does not mean short-term visitors or individuals making deliveries.

School means a public, private, parochial, charter or alternative educational program offering kindergarten through grade 12 or any part thereof. School does not mean stand-alone preschool program that goes up through kindergarten.

School-based program means a program serving children or students that takes place at or in school facilities.

Medical exception means that an individual has a physical or mental impairment that prevents the individual from receiving a COVID-19 vaccination.

Religious exception means that an individual has a sincerely held religious belief that prevents the individual from receiving a COVID-19 vaccination.

After October 18, 2021:

- School staff and volunteers and school-based program staff and volunteers may not teach, work, provide care, learn, study, assist, observe, or volunteer at or for a school or school-based program unless they are fully vaccinated or have provided documentation of a medical or religious exception.
- Schools and school-based programs may not employ, contract with, or accept the volunteer services of teachers, school staff and volunteers, or school-based program staff and volunteers unless they are fully vaccinated against COVID-19 or have a documented medical or religious exception.

On or before October 18, 2021, teachers, school staff and volunteers, and school-based program staff and volunteers must provide the school or school-based program with either:

- Proof of vaccination showing they are fully vaccinated; or
- Documentation of a medical or religious exception.

A medical exception must be corroborated by a document signed by a medical provider, who is not the individual seeking the exception, certifying that the individual has a physical or mental impairment that limits the individual's ability to receive a COVID-19 vaccination based on a specified medical diagnosis, and that specifies whether the impairment is temporary in nature or permanent.

A religious exception must be corroborated by a document, on a form prescribed by the Oregon Health Authority, signed by the individual stating that the individual is requesting an exception from the COVID-19 vaccination requirement on the basis of a sincerely held religious belief and including a statement describing the way in which the vaccination requirement conflicts with the religious observance, practice, or belief of the individual.

Schools and school-based programs who grant an exception to the vaccination requirement must take reasonable steps to ensure that unvaccinated teachers, school staff and volunteers, and school-based program staff and volunteers are protected from contracting and spreading COVID-19.

On or before October 18, 2021, schools must have documentation that all teachers, school staff and volunteers are in compliance with this rule.

A school may request that a school-based program operating at that school, attest to whether it is, or is not, in compliance with this rule. If a school-based program receives such a request from a school, it must respond.

A school-based program may request that a school at which they intend to operate, attest to whether it is, or is not, in compliance with this rule. If a school receives such a request from a school-based program, it must respond.

The rule permits schools and school-based programs to:

- Have more restrictive or additional requirements, including but not limited to requiring teachers, school staff and volunteers, and school-based program staff and volunteers to have documentation of an additional or booster dose of a COVID-19 vaccine if that is recommended by the U.S. Centers for Disease Control and Prevention.
- Impose the vaccination requirements at an earlier date.

The vaccination documentation and documentation of medical and religious exceptions described in the rule must be:

- Maintained in accordance with applicable federal and state laws;
- Maintained for at least two years; and
- Provided to the Oregon Health Authority upon request.

Schools and school-based programs that violate any provision of this rule are subject to civil penalties of \$500 per day per violation.

RULE TEXT:

(1) Children are required to attend school, which is a congregate setting where COVID-19 can spread easily if precautions are not taken. COVID-19 undergoes frequent mutations as it replicates, which over time has resulted in variants that are more transmissible or cause more severe disease. As of the time this rule was adopted, Delta was the variant making up more than 98 percent of sequenced specimens in Oregon. The Delta variant is approximately two to three times more infectious than early wild-type COVID-19 variants. There is emerging evidence that people infected with the Delta variant have similar viral loads regardless of vaccination status suggesting that even vaccine

breakthrough cases may transmit this variant effectively. Being vaccinated, is therefore critical to prevent spread of Delta. COVID-19 variants are running through the state's unvaccinated population and causing an increase in breakthrough cases for those who are fully vaccinated. This rule is necessary to help control COVID-19, and to protect students, teachers, school staff, and volunteers.

(2) For purposes of this rule, the following definitions apply:

(a) "COVID-19" means a disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(b) "Fully vaccinated" means having received both doses of a two-dose COVID-19 vaccine or one dose of a single-dose COVID-19 vaccine and at least 14 days have passed since the individual's final dose of COVID-19 vaccine.

(c) "Medical exception" means that an individual has a physical or mental impairment that prevents the individual from receiving a COVID-19 vaccination.

(d) "Religious exception" means that an individual has a sincerely held religious belief that prevents the individual from receiving a COVID-19 vaccination.

(e) "Proof of vaccination" means documentation provided by a tribal, federal, state or local government, or a health care provider, that includes an individual's name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card or a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority's immunization registry.

(f) "School":

(A) Means a public, private, parochial, charter or alternative educational program offering kindergarten through grade 12 or any part thereof.

(B) Does not mean stand-alone preschool program that goes up through kindergarten.

(g) "School-based program" means a program serving children or students that takes place at or in school facilities.

(h) "School-based program staff and volunteers":

(A) Means anyone age 16 and older:

(i) Who is employed by a school-based program or who is not employed but is otherwise engaged to provide goods or services to a school-based program through any formal or informal agreement, whether compensated or uncompensated, and includes but is not limited to teachers, administrative staff, child care staff, cleaning staff, coaches, school-based program drivers, family volunteers; and

(ii) Providing goods or services at or for a school-based program that includes direct or indirect contact with children or students.

(B) Does not mean short-term visitors or individuals making deliveries.

(i) "Teachers, school staff and volunteers":

(A) Means anyone age 16 and older:

(i) Who is employed at a school or anyone who is not employed but is otherwise engaged to provide goods or services to or at a school through any formal or informal agreement, whether compensated or uncompensated, and includes but is not limited to teachers, administrative staff, cleaning staff, coaches, school bus drivers, family volunteers and substitute teachers; and

(ii) Providing goods or services at or for a school that includes direct or indirect contact with students.

(B) Does not mean short-term visitors, individuals making deliveries, or school board members unless they are also volunteering in a school.

(3) After October 18, 2021:

(a) Teachers, school staff and volunteers may not teach, work, learn, study, assist, observe, or volunteer at a school unless they are fully vaccinated or have provided documentation of a medical or religious exception.

(b) A school may not employ, contract with, or accept the volunteer services of teachers, school staff or volunteers who are teaching, working, learning, studying, assisting, observing, or volunteering at a school unless the teachers or school staff are fully vaccinated against COVID-19 or have a documented medical or religious exception.

- (4) On or before October 18, 2021, teachers, school staff and volunteers must provide their school, employer or contractor with either:
- (a) Proof of vaccination showing they are fully vaccinated; or
 - (b) Documentation of a medical or religious exception.
- (A) A medical exception must be corroborated by a document signed by a medical provider, who is not the individual seeking the exception, on a form prescribed by the Oregon Health Authority, certifying that the individual has a physical or mental impairment that limits the individual's ability to receive a COVID-19 vaccination based on a specified medical diagnosis, and that specifies whether the impairment is temporary in nature or permanent.
- (B) A religious exception must be corroborated by a document, on a form prescribed by the Oregon Health Authority, signed by the individual stating that the individual is requesting an exception from the COVID-19 vaccination requirement on the basis of a sincerely held religious belief and including a statement describing the way in which the vaccination requirement conflicts with the religious observance, practice, or belief of the individual.
- (5) Schools that grant an exception to the vaccination requirement under section (4) of this rule must take reasonable steps to ensure that unvaccinated teachers, school staff and volunteers are protected from contracting and spreading COVID-19.
- (6) On or before October 18, 2021, schools must have documentation that all teachers, school staff and volunteers are in compliance with section (4) of this rule.
- (7) After October 18, 2021:
- (a) School-based program staff and volunteers may not teach, work, provide care, learn, study, assist, observe, or volunteer for a school-based program unless they are fully vaccinated or have provided documentation of a medical or religious exception.
 - (b) A school-based program may not employ, contract with, or accept the volunteer services of school-based program staff or volunteers who are teaching, working, providing care, learning, studying, assisting, observing, or volunteering at a school-based program unless the staff or volunteers are fully vaccinated against COVID-19 or have a documented medical or religious exception.
- (8) On or before October 18, 2021, school-based program staff and volunteers must provide their school-based program with either:
- (a) Proof of vaccination showing they are fully vaccinated; or
 - (b) Documentation of a medical or religious exception.
- (A) A medical exception must be corroborated by a document signed by a medical provider, who is not the individual seeking the exception, on a form prescribed by the Authority, certifying that the individual has a physical or mental impairment that limits the individual's ability to receive a COVID-19 vaccination based on a specified medical diagnosis, and that specifies whether the impairment is temporary in nature or permanent.
- (B) A religious exception must be corroborated by a document, on a form prescribed by the Oregon Health Authority, signed by the individual stating that the individual is requesting an exception from the COVID-19 vaccination requirement on the basis of a sincerely held religious belief and including a statement describing the way in which the vaccination requirement conflicts with the religious observance, practice, or belief of the individual.
- (9) School-based programs that grant an exception to the vaccination requirement under section (8) of this rule must take reasonable steps to ensure that unvaccinated school-based program staff and volunteers are protected from contracting and spreading COVID-19.
- (10) On or before October 18, 2021, school-based programs must have documentation that all school-based program staff and volunteers are in compliance with section (8) of this rule.
- (11) A school may request that a school-based program operating at that school, attest to whether it is, or is not, in compliance with this rule. If a school-based program receives such a request from a school, it must respond.
- (12) A school-based program may request that a school at which they intend to operate, attest to whether it is, or is not, in compliance with this rule. If a school receives such a request from a school-based program, it must respond.
- (13) Nothing in this rule is intended to prohibit schools or school-based programs from:

- (a) Complying with the Americans with Disabilities Act and Title VII of the Civil Rights Act, and state law equivalents, for individuals unable to be vaccinated due to a medical condition or a sincerely held religious belief.
 - (b) Having more restrictive or additional requirements, including but not limited to requiring teachers, school staff and volunteers, and school-based program staff and volunteers to have documentation of an additional or booster dose of a COVID-19 vaccine if that is recommended by the U.S. Centers for Disease Control and Prevention.
 - (c) Imposing these requirements at an earlier date.
 - (d) Allowing a school district or other governing body to collect the documentation required under sections (4), (6), (8) and (10) of this rule.
- (14) The vaccination documentation and documentation of medical and religious exceptions must be:
- (a) Maintained in accordance with applicable federal and state laws;
 - (b) Maintained for at least two years; and
 - (c) Provided to the Oregon Health Authority upon request.
- (15) Schools and school-based programs that violate any provision of this rule are subject to civil penalties of \$500 per day per violation.

STATUTORY/OTHER AUTHORITY: ORS 413.042, ORS 431A.010, ORS 431.110, ORS 433.004

STATUTES/OTHER IMPLEMENTED: ORS 431A.010, ORS 431.110, ORS 433.004

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COVID-19 VACCINATION REQUIREMENT FOR STATE EXECUTIVE BRANCH

Since early 2020, the COVID-19 pandemic has upended life for Oregonians. More than 2,900 Oregonians have lost their lives to this deadly disease since March 2020, and more than 12,000 Oregonians have been hospitalized. Oregon's frontline workers, children, parents, families, and businesses have all navigated immense challenges as we have worked together to protect the health and lives of Oregonians.

The arrival of safe and effective vaccines in late 2020 marked a new, hopeful phase in our state's collective efforts to fight the pandemic. Together, we worked our way through the early days of a painfully limited supply of vaccine from the federal government, and have now vaccinated more than two and a half million Oregonians. Lifesaving vaccines are now readily available and free of cost to any Oregonian over the age of 12.

Unfortunately, a new variant of COVID-19, known as the Delta variant, has exploded in Oregon and across the country. This variant has shown itself to be dramatically more contagious and possibly more severe. It is spreading most quickly among the unvaccinated; in Oregon, the vast majority of the reported COVID-19 cases in July were among people who were unvaccinated. However, there is emerging evidence that, while vaccinated people are less likely to contract COVID-19 than unvaccinated people, when cases do occur, people infected with the Delta variant can pass it to others. As a result of the Delta variant, COVID-19 hospitalizations and COVID-19 patients in Oregon's intensive care units are higher than they have ever been during this pandemic.

Fortunately, vaccines continue to be effective against severe disease. The vast majority of patients hospitalized with COVID-19 are unvaccinated. But with so many Oregonians still unvaccinated, the spread of the Delta variant has caused a dangerous surge in COVID-19 cases and hospitalizations. This surge is imperiling the state health system's ability to manage not just COVID-19 patients, but also those who require specialized medical care after car accidents, heart attacks, and other medical emergencies. The current struggle with the Delta variant shows that, in order for us to protect ourselves and our community—from this variant and variants that will continue to evolve so long as COVID-19 is circulating widely—it is vital that as many Oregonians as possible get vaccinated, as quickly as possible.



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Employers have a significant role to play in encouraging the uptake of vaccinations. Providing education, paid time off for vaccinations, facilitating access to vaccination through on-site clinics, and providing financial incentives are all strategies that employers can use to increase uptake and protect their workforces. Oregon companies like Nike and Intel have offered onsite vaccination clinics. Countless large and small businesses in Oregon have offered time off to their employees to get vaccinated. Walmart, a large employer of Oregonians, has offered \$150 incentives to employees who get vaccinated. The State of Oregon has worked hard to facilitate vaccine uptake by its workforce, including providing education, onsite vaccine clinics in some locations, and financial incentives for employees who choose to be vaccinated voluntarily before August 31, 2021. This has resulted in approximately seventy percent of the state's executive branch employees getting vaccinated to date.

Given the seriousness of the COVID-19 pandemic, employer vaccination requirements have become an important tool as well. According to polling from the Kaiser Family Foundation, some adults report they will only get vaccinated if required to do so for their employment. Public and private employers across the United States are beginning to move to vaccine mandates. Washington, California, New York, and Virginia have all recently announced some form of vaccine mandate for public employees, as have New York City, Honolulu, Washington, D.C., Denver, Los Angeles, San Jose, San Diego, Richmond, and New Orleans. Private companies like Walmart, Facebook, Cisco, Frontier Airlines, United Airlines, Google, Walgreens, Walt Disney Company, Washington Post, and Tyson Foods have also moved to implement employer vaccination mandates.

We all understand the urgency of moving past this pandemic. But in order to do that, we have to get vaccinated. As the leader of the executive branch of state government, one of the Oregon's largest employers, I have a responsibility to do everything I can to protect state workers, their coworkers, and the public that relies on state services. With the Delta variant raging in Oregon, with the state's ability to fully return to in-person work continuing to be hampered by the risks from COVID-19, having implemented a series of incentives aimed at achieving voluntary compliance, and with full FDA approval of the COVID-19 vaccine expected within weeks, the time has come for any remaining state employees and those who work alongside them in state government to get vaccinated.



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NOW, THEREFORE, IT IS ORDERED AND DIRECTED:

Pursuant to my authorities under Article V, section 1, of the Oregon Constitution, the emergency invoked in Executive Order 20-03, and ORS 401.168, I hereby order:

1. Definitions.
 - a. “*Executive Branch*” has the meaning given to the term Executive Department in ORS 174.112.
 - b. “*COVID-19*” means a disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
 - c. “*Fully Vaccinated*” means having received both doses of a two-dose COVID-19 vaccine or one dose of a single-dose COVID-19 vaccine and at least 14 days have passed since the individual’s final dose of COVID-19 vaccine.
 - d. “*Proof of Vaccination*” means documentation provided by a tribal, federal, state or local government, or a health care provider, that includes an individual’s name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card, a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority’s immunization registry.
 - e. “*Employee*” means any person employed by the Executive Branch, but does not include individuals whose only work for the Executive Branch is as a volunteer board, commission, or council member, and whose compensation is limited to a stipend or per diem; does not include elected or appointed District Attorneys; and does not include Workers.
 - f. “*Worker*” means an individual who is not an Employee, and is engaged to provide goods or services to the Executive Branch through any formal or informal agreement, whether compensated or uncompensated, including Oregon Corrections Enterprises, but does not include a visitor,

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patron, adult in custody, or board, commission, or council member. Individuals are exempt from the definition of Worker unless any provision of the agreement to provide goods or services requires work to be performed in person and on site at an Executive Branch worksite, regardless of frequency, whether other persons are present, or any contingent nature of that requirement.

2. Prohibitions. This order prohibits the following:
 - a. Any Employee or Worker from engaging in work for the Executive Branch after October 18, 2021, or six weeks after the date that the United States Food and Drug Administration approves a vaccination against COVID-19, whichever is later, if the Employee or Worker has not been Fully Vaccinated against COVID-19.
 - b. The Executive Branch from permitting any Employee or Worker to engage in work for the Executive Branch after October 18, 2021, or six weeks after the date that the United States Food and Drug Administration approves a vaccination against COVID-19, whichever is later, if the Employee or Worker has not been fully vaccinated against COVID-19 and provided proof or documentation thereof, as required under this Executive Order.
3. Documentation of Vaccination for Employees. On or before October 18, 2021, or six weeks after the date that the United States Food and Drug Administration approves a vaccination against COVID-19, whichever is later, Employees must provide their employer with either:
 - a. Proof of Vaccination showing they are fully vaccinated; or
 - b. A written request for an exception if available under paragraph 5 of this Executive Order.
4. Documentation of Vaccination for Workers. On or before October 18, 2021, or six weeks after the date that the United States Food and Drug Administration approves a vaccination against COVID-19, whichever is later, the Executive Branch contracting agency must have documentation that all Workers subject to this Executive Order are in compliance with paragraph



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- 2 of this Executive Order, or that an exception applies under paragraph 6 of this Executive Order.
5. Compliance with State and Federal Law. The Executive Branch is expected to make reasonable accommodations in order to comply with the Americans with Disabilities Act and Title VII of the Civil Rights Act, and state law equivalents, for individuals unable to be vaccinated due to disability, qualifying medical condition, or a sincerely held religious belief.
 6. Exceptions to Prohibition. The prohibitions described in paragraph 2 of this Executive Order do not apply if:
 - a. An exception available under paragraph 5 of this Executive Order has been requested in writing by the Employee or Worker, and the request is pending or has been approved.
 - b. The director of a contracting agency has determined in writing that there is a critical business need for a Worker to perform work without first coming into compliance with paragraph 2 of this Executive Order.
 7. Enforcement. Employees who fail to comply with this directive will face personnel consequences up to and including separation from employment. Contracting agencies may take any action in contract, at law, or in equity for any noncompliance of Workers and entities for which a Worker is an employee, contractor, or volunteer. Timelines in this Executive Order may be extended at the Governor's discretion.
 8. Executive Branch May Exceed These Requirements. Nothing in this order prohibits entities within the Executive Branch from implementing requirements that exceed the requirements of this Executive Order, provided that compliance with paragraph 5 of this Executive Order is maintained.
 9. Legal Effect. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules and orders shall be inoperative to the extent they are inconsistent with the directives set forth in this Order.
 10. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual



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right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.

11. Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Executive Order is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Order.
12. Effective date. This Executive Order is effective August 13, 2021, and remains in effect until terminated by the Governor.

Done at Salem, Oregon, this 13th day of August, 2021.



A handwritten signature in black ink, reading "Kate Brown".

Kate Brown
GOVERNOR

ATTEST:

A handwritten signature in blue ink, reading "Shemia Fagan".

Shemia Fagan
SECRETARY OF STATE