

WILENTZ

—ATTORNEYS AT LAW—

WILENTZ, GOLDMAN & SPITZER, P.A.

Employment Law Update: New Jersey Executive Order to Require COVID-19 Vaccination & Booster for Workers in Certain Health Care Settings and Congregate Settings

01/26/22

[Executive Order No. 283](#), requires workers in certain health care settings, identified below, and employees at high-risk congregate settings to be fully vaccinated against COVID-19, including a booster shot, or have their employment terminated. Those workers will no longer be able to opt to undergo weekly testing instead of vaccination.

Health care facility covered employees, who are unvaccinated, and are subject to the [Biden Administration's vaccine mandate](#) (the CMS portion that was upheld by the U.S. Supreme Court) and work in health care settings had **until January 27, 2022**, to receive their first dose of the primary series of a vaccine and **until February 28, 2022**, to submit proof that they are up-to-date with their vaccination. According to the state, which includes "having completed their primary series and any booster shots for which they are eligible." Similarly, covered workers, who are *not* subject to the Biden Administration's vaccine mandate, and work in health care settings identified below, or in high-risk congregate settings have until **February 16, 2022**, to receive the first dose of the primary series of a vaccine and submit proof of vaccination completion by **March 30, 2022**.

Importantly, Executive Order No. 283 provides that accommodations must be provided to employees who request and receive an exemption because of a disability, medical condition, or sincerely held religious belief. If an employee *does* receive such exemption, they must submit to weekly or twice weekly testing in accordance with Executive Order No. 252.

For purposes of Executive Order No. 283, health care settings shall include:

- Acute, pediatric, inpatient rehabilitation, and psychiatric hospitals, including specialty hospitals, and ambulatory surgical centers;
- Long-term care facilities; intermediate care facilities; residential detox, short-term, and long-term residential substance abuse disorder treatment facilities;
- Clinic-based settings like ambulatory care, urgent care clinics, dialysis centers, Federally Qualified Health Centers,
- Family planning sites,
- Opioid treatment programs;
- Community-based health care settings include the Program of All-inclusive Care for the Elderly, pediatric and adult medical day care programs, and licensed home health agencies, and registered health care service firms operating within the State.

High-risk congregate settings shall include:

- State and county correctional facilities;
- All congregate care settings operated by the Juvenile Justice Commission, which includes secure care facilities and residential community homes;

- Licensed community residences for individuals with intellectual and developmental disabilities (“IDD”) and traumatic brain injury (“TBI”);
- Licensed community residences for adults with mental illness; certified day programs for individuals with IDD and TBI; and
- Group homes and psychiatric community homes licensed by DCF.

Additionally, workers are defined as:

- Full- and part-time employees;
- Contractors; and
- Other individuals working in the covered setting, including individuals providing operational, custodial, or administrative support.

Takeaway: Employers under the covered settings will have to move quickly to comply with the executive order. If you have questions regarding the executive order or any other employment laws, contact [Tracy Armstrong](#) or another member of the [Wilentz Employment Law](#) Team.

Attorney

- Tracy Armstrong

Practice

- Employment Law