

HOUSE No. 4121

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 22, 2021.

The committee on Rules, reports, under the provisions of House Rule 7C, that the accompanying Order to safeguard the health of House Members and employees during the ongoing COVID-19 pandemic (House, No. 4121), ought to be adopted.

For the committee,

WILLIAM C. GALVIN

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

1 *Ordered*, on January 30, 2020, the World Health Organization designated the
2 Coronavirus Disease 2019, hereinafter COVID-19, outbreak as a Public Health Emergency of
3 International Concern; and

4 Whereas, COVID-19 is a highly contagious, and at times fatal, respiratory disease; and

5 Whereas, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the
6 World Health Organization; and

7 Whereas, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-
8 person transmission significantly affect the life and health of Members, officers and employees,
9 as well as the economy, and is a disaster that impacts the health, security, safety and convenience
10 of the public; and

Whereas, the B.1.617.2 (Delta) variant, which is more than twice as contagious as previous variants and more likely to lead to severe illness, including higher rates of hospitalization, has become the predominant variant in the United States; and

Whereas, multiple COVID-19 vaccines, specifically the Pfizer-BioNTech, Moderna, and Johnson & Johnson vaccines, have been approved by the United States Food and Drug Administration (FDA) for Emergency Use Authorization (“COVID-19 vaccines”) and the Pfizer-BioNTech vaccine has been granted full approval by the FDA; and

Whereas, COVID-19 vaccines are safe and readily available to the general public and are the most effective way to protect people from COVID-19, especially from severe illness and death, and significantly reduce the risk of people contracting and spreading the virus; and

Whereas, the House of Representatives (“House”) is an institution comprised of 160 Members and over 450 officers and employees, and has a duty to provide and maintain a workplace free of recognized hazards, including COVID-19 and its variants, and the COVID-19 vaccines are an effective tool in satisfying such duty; and

Whereas, on September 20, 2021, the House Working Group on COVID-19 announced a plan for safely allowing Members, officers and employees to resume reporting to the State House; and

Whereas, pursuant to Article 10 of Section 3 of Chapter 1 of Part the Second of the Constitution of the Commonwealth, the House has the exclusive constitutional authority to settle the rules and orders of proceeding in the House; and

Whereas, the House exercised its exclusive constitutional authority to settle the rules and orders of proceeding in the House for the 192nd General Court pursuant to Article 10 of Section 3 of

32 Chapter 1 of Part the Second of the Constitution of the Commonwealth on July 7, 2021 by
33 establishing standing rules of the House (the “standing rules”); and

34 Whereas, standing rule 101 establishes temporary emergency rules for the operation of the House
35 in the event of a declared state of emergency by the House; and

36 Whereas, a state of emergency in the House shall only be declared, and the temporary emergency
37 rules shall only be activated, upon the adoption of an Order by the House declaring a state of
38 emergency; now therefore be it

39 Ordered, That, due to the ongoing threat posed by the coronavirus and its variants, the House
40 hereby declares that a state of emergency exists within the House; and be it further

41 Ordered, That, the temporary emergency rules of the House, as appearing in standing rule 101,
42 are hereby activated; and be it further

43 Ordered, That, notwithstanding temporary emergency rule 18, as appearing in standing rule 101,
44 the temporary emergency rules of the House, as appearing in said standing rule 101, shall remain
45 activated until a majority of the House adopts an Order declaring that the state of emergency
46 within the House has ceased; and be it further

47 Ordered, That, there shall be established a House Working Group on COVID-19 (the “House
48 Working Group”) comprised of 7 Members appointed by the Speaker and 1 Member appointed
49 by the Minority Leader; and be it further

50 Ordered, That, all Members physically working at the State House shall, by a date to be
51 determined by the House Working Group: (1) establish that they are fully vaccinated against
52 COVID-19, as defined by the CDC; (2) request and receive a reasonable accommodation due to

a qualifying disability or qualifying medical condition that contraindicates administration of a COVID-19 vaccine pursuant to the procedures prescribed by the House Working Group; or (3) request and receive a reasonable accommodation due to a sincerely held religious belief pursuant to the procedures prescribed by the House Working Group; and be it further

Ordered, That, as a condition of physically working at the State House, all officers and employees, including full-time, part-time, temporary, post-retiree and contract employees, House vendors, House fellows and House interns shall, pursuant to a schedule established by the House Working Group: (1) establish that they are fully vaccinated against COVID-19, as defined by the CDC; (2) request and receive a reasonable accommodation due to a qualifying disability or qualifying medical condition that contraindicates administration of a COVID-19 vaccine pursuant to the procedures prescribed by the House Working Group; or (3) request and receive a reasonable accommodation due to a sincerely held religious belief pursuant to the procedures prescribed by the House Working Group; and be it further

Ordered, That, as a condition of physically working at the State House, all Members, officers and employees shall maintain full vaccination status against COVID-19 on an ongoing basis, as recommended by the CDC; and be it further

Ordered, That, all Members, officers and employees physically working at the State House shall submit written proof of vaccination to the Office of Human Resources unless they have requested and received a reasonable accommodation pursuant to this Order; and be it further

Ordered, That, all Members, officers and employees who have not established that they are fully vaccinated against COVID-19 as defined by the CDC or who have not requested and received a

74 reasonable accommodation pursuant to the procedures prescribed by the House Working Group
75 shall continue to work remotely from outside the State House; and be it further

76 Ordered, That, all information relative to the vaccination status of a Member, officer or
77 employee submitted to the Office of Human Resources pursuant to this Order shall be
78 confidential; and be it further

79 Ordered, That, any officer or employee shall be provided paid time off to receive a COVID-19
80 vaccination in accordance with this Order; and be it further

81 Ordered, That, all Members, officers and employees physically working at the State House shall
82 undertake any additional mitigation measures as ordered by the House Working Group
83 including, without limitation, wearing face masks, maintaining physical or social distancing or
84 submitting to coronavirus testing; and be it further

85 Ordered, That, the House Working Group shall establish policies and procedures for the
86 implementation, administration and enforcement of this Order; and be it further

87 Ordered, That, this Order shall take effect on Friday October 1, 2021.