

Governor Murphy Signs Executive Order Instituting Vaccination or Testing Requirement for All Preschool to Grade 12 Personnel

Governor Murphy Also Announces Vaccination and Testing Policy for All State Workers All Preschool to Grade 12 Settings and State Entities Will Have Until October 18, 2021 to Come Into Full Compliance With the Vaccine or Testing Requirement

Governor Phil Murphy today signed Executive Order No. 253, requiring all preschool to Grade 12 school personnel to be fully vaccinated against COVID-19 by October 18, 2021 or be subject to COVID-19 testing at minimum one to two times per week. This requirement will strengthen protections against the spread of COVID-19, including the highly transmissible Delta variant, to children in school settings, many of whom are under 12 years old and not yet eligible for vaccination.

Governor Murphy also announced that all State employees must be fully vaccinated against COVID-19 by October 18, 2021 or be subject to COVID-19 testing at minimum one to two times per week. State employees in certain healthcare and correctional facilities are already subject to the vaccination or testing requirement under previously issued Executive Order No. 252. Today's announcement extends the scope to all workers of state agencies, authorities, and colleges and universities. The State will work with impacted agencies and authorities, as well as union partners, over the coming weeks to implement this requirement. Today's Order also clarifies that individuals seeking a medical exemption from mask wearing pursuant to certain exceptions outlined in Executive Order No. 251 for all public, private, and parochial preschool programs and elementary and secondary schools, including charter and renaissance schools, will be required to produce written documentation from a medical professional to support that exemption. Self-attestations and parental attestations are not sufficient.

"Scientific data shows that vaccination and testing requirements, coupled with strong masking policies, are the best tools for keeping our schools and communities safe for in-person activities," **said Governor Murphy**. "As the school year rapidly approaches, my Administration is continuing to do all that we can to ensure a safe, full-time, in-person learning environment for our students, many of whom are not yet eligible for vaccination. Additionally, it is critically important to extend our vaccination and testing requirement to our State employees, so that they can continue to safely provide vital government services for the benefit of all New Jerseyans. We will continue to work collaboratively with school officials, teachers unions, and public-sector union partners over the next several weeks as this new requirement goes into effect."

For purposes of Executive Order No. 253, preschool to Grade 12 settings include:

- All public, private, and parochial preschool programs, elementary, and secondary schools, including charter and renaissance schools.

For purposes of Executive Order No. 253, workers are defined as:

- All individuals employed by a preschool to Grade 12 setting as defined above, both full- and part-time, including, but not limited to, administrators, teachers, educational support professionals, individuals providing food, custodial, and administrative support services;
- Substitute teachers, whether employed directly by a preschool to Grade 12 setting or otherwise contracted; and,
- Contractors, providers, and any other individuals performing work in preschool to Grade 12 settings whose job duties require them to make regular visits to such covered settings, including volunteers.

Covered workers do not include individuals who visit the covered setting only to provide one-time or limited-duration repairs, services, or construction.

All preschool to Grade 12 settings will have until October 18, 2021 to come into full compliance with the vaccine or testing requirement. At that time, if a worker has not submitted proof that they are fully vaccinated against COVID-19, the worker will be required to submit to a minimum once to twice weekly testing. Regardless of whether the setting is providing workers with on-site access to testing or requiring workers to submit proof of a COVID-19 test, both antigen and molecular tests will be acceptable to fulfill the requirements of the Order.

Workers are considered “fully vaccinated” for COVID-19 two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine. Individuals will only be considered fully vaccinated when they have received a COVID-19 vaccine that is currently authorized for emergency use by the U.S. Food and Drug Administration or the World Health Organization, or that are approved for use by the same. Workers for whom vaccination status is unknown or who have not provided sufficient proof of document, must be considered unvaccinated for purposes of this Order.

This Order will not impact a school’s ability to impose more stringent vaccination or testing requirements on workers, including any requirement for more frequent testing, for testing of both vaccinated and unvaccinated staff, and for mandatory vaccinations without a testing alternative.

Public, private, and parochial preschool programs, elementary, and secondary school settings have access to multiple sources of funding to address costs associated with worker vaccination efforts and diagnostic testing, including three rounds of federal Elementary and Secondary School Emergency Relief (ESSER) funds and Emergency Assistance for Nonpublic Schools (EANS) within the Governor's Emergency Education Relief (GEER) funds. The State will continue to work closely with these pre-K to 12 settings to successfully implement the requirements of the Order.

“Governor Murphy gets it,” **said Randi Weingarten, President, American Federation of Teachers.** “Parents and educators need the safety protocols and a plan in place to keep everyone safe and protected as we return to in-person learning. We know how important it is to be in school and stay in school, even amid the Delta surge—and vaccines, testing, ventilation, hand washing and masking are the tools to get us there. The AFT has resolved to work with employers on vaccine policies, including mandates, and we are proud to endorse the Governor’s sensible, science-based approach.”

“No one wants to be back in the classroom with their students more than educators, and student safety is our number one priority,” **said Becky Pringle, President, National Education Association.** “NEA has said from the beginning that we need to follow the science, and evidence shows that COVID-19 vaccines, combined with other mitigation strategies, are the most powerful weapon we have against the pandemic. We applaud Gov. Murphy for putting students and educators' health first and keeping New Jersey's schools safe.”

“The value of in-person education for our children is clear,” **said Jeanne Craft, MD, FAAP, President, New Jersey Chapter, American Academy of Pediatrics.** “Measures that ensure vaccination of all eligible persons, supported by testing, masking, respectful physical distancing, handwashing and staying home when sick, comprise a prudent approach to ensuring the safety of all children and adults in school settings. Children under the age of 12 who are not yet eligible for vaccination against SARS-CoV2 (the virus that causes

COVID-19) and the immunocompromised are particularly vulnerable to this virus. We must remain vigilant and surround them with protection as we fight to end this pandemic.”

“Once again, Gov. Murphy has shown courage by making this difficult decision to require vaccination or regular testing for all prekindergarten-to-12 personnel and public college-university employees,” **said AFTNJ President Donna M. Chiera.** “He’s putting politics aside and placing their health and safety and that of their communities as his top priority. Students do best academically and socially in classrooms, and requiring school personnel to be vaccinated or tested greatly contributes to the safest learning environment possible. That said, with the rise in breakthrough COVID-19 cases and the spread of the delta variant, we’re hopeful that testing of vaccinated individuals is the next safety protocol put into effect at New Jersey’s PreK-12 schools, colleges and universities so they can stay open throughout the 2021-22 school year.”

“From the beginning of the COVID-19 pandemic we have called for following the guidance of public health officials to keep the students and staff in our public schools safe,” **said Sean M. Spiller, President-elect, NJEA.** “Gov. Murphy has been a great partner in that effort to ensure that our students continue to learn and grow while remaining as protected as possible. This Executive Order is another example of Gov. Murphy’s unwavering commitment to health and safety of NJEA members and the students we serve. We will continue to urge everyone who is eligible and able to get vaccinated. Along with masking and other COVID-19 safety measures, that is the best way to keep all of our communities safe and move through this pandemic.”

“The New Jersey State School Nurses Association (NJSSNA) stands in support of the COVID-19 proposed vaccination requirement for school staff that Governor Phil Murphy announced,” **said Donna Pleus, President, New Jersey State School Nurses Association.** “School safety and return to in-person learning are two of NJSSNA’s highest priorities. School nurses are the frontline healthcare providers for the 1.3 million children in our state. Governor Murphy has the support and endorsement of NJSSNA in this important initiative. The COVID-19 vaccine is one of the most effective public health strategies we have to protect our students.”

"We have always strongly encouraged all New Jersey citizens, including AFSCME New Jersey members, to get vaccinated as soon as possible," **said Steve Tully, Executive Director of AFSCME NJ.** "We understand and support Governor Murphy’s position, and applaud his office’s willingness to bargain over the impact of mandatory vaccines or weekly testing for all state workers. This policy will help ensure the safety of workers while still respecting the rights of those who are hesitant about getting the vaccine. We hope this serves as an example to other employers across the state."

"Governor Murphy announced today that all New Jersey State workers will be required to get vaccinated for the coronavirus or undergo regular testing. IFPTE Local 194 welcomes this critical public safety measure and looks forward to working with the governor to implement this policy in our workplaces. Getting vaccinated is the safest way to build protection for you, your loved ones, your co-workers and your entire community,"**said Barry Kushnir, President of IFPTE Local 194.** "Governor Murphy has never backed down during the fight against COVID-19 and the working people of New Jersey recognize his leadership. Local 194 is proud to support his latest public health measure and our hard working union brothers and sisters will be safer as a result. Get vaccinated today and protect your fellow union members."

For a copy of Executive Order No. 253, click [here](#).