

Connecticut Mandates Vaccination for Employees of Broadly Defined ‘Long-Term Care Facilities’

By Sarah R. Skubas and Jessica L. Murphy

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Connecticut is requiring certain healthcare employees be vaccinated with the COVID-19 vaccine. Connecticut joins other states, including Washington and Massachusetts, in mandating vaccination.

Connecticut’s Executive Order, issued on August 6, 2021, requires employees of long-term care facilities be fully vaccinated against COVID-19. The Executive Order broadly defines “Long-term care facility” to include:

- Nursing homes;
- Residential care homes;
- Assisted living services agencies;
- Intermediate care facilities for individuals with intellectual disabilities;
- Managed residential communities; and
- Chronic disease hospitals.

The Order requires that, by September 7, 2021, current employees, volunteers, and contractors with physical access to patients or residents must:

1. Be fully vaccinated against COVID-19; or
2. Have received the first dose of a COVID-19 vaccine *and* received a second dose or have an appointment scheduled to receive the second dose (if not a single-dose vaccine).

Similarly, long-term care facilities cannot extend an offer of employment to an individual, enter into a contract with an individual (or entity providing individuals), or allow anyone to begin volunteering, who will have physical access to a patient or resident, unless the above vaccination requirements have been satisfied.

If an individual fails to receive the second dose of a two-dose vaccination at their scheduled appointment without good cause, long-term care facilities “shall not” employ or contract for services from that individual. The Executive Order does not define “good cause.”

Exemptions

The Executive Order provides religious and medical exemptions.

Authentication, Reporting Requirements

Long-term care facilities are required to authenticate the vaccination status of the individuals subject to the Order (*i.e.*, current and prospective employees, volunteers, and contractors with physical access to patients or residents), maintain documentation of vaccination or exemption of those individuals, and report compliance with the Executive Order in a form that will be directed by the Department of Public Health.

Penalties

Failure to comply with the Executive Order will result in a \$20,000 per day fine.

Effective Date

The Executive Order is effective immediately, but essentially provides one month (until September 7, 2021) for applicable employees, independent contractors, and volunteers to become fully vaccinated or receive their first dose and schedule the second dose of a two-dose vaccine.

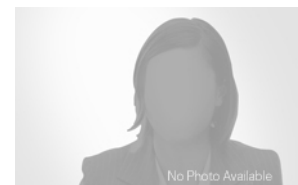
With a short turnaround on compliance, employers subject to this Executive Order should review these

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requirements to ensure their policies and procedures meet the deadline and communicate the requirements to their employees. Additionally, employers should continue to consider additional consequences of this Executive Order, including:

1. Occupational Safety and Health Administration Emergency Temporary Standard compliance implications;
2. Wage and hour considerations associated with mandatory vaccines;
3. Reasonable accommodation obligations; and
4. Potential labor implications in unionized workforces.

Employers within Connecticut and elsewhere should continue to monitor this growing industry trend.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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