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LOURDES A. LEON GUERRERO
Governor (Maga'hága)

JOSHUA F. TENORIO
Lt. Governor (Sigundo Maga'láhi)

March 15, 2022

Department of Administration Organizational Circular: 2021-025E

MEMORANDUM

To: All Line Departments and Agency Heads

From: Director, Department of Administration

Subject: **Rescindment of Vaccination Requirements for Government of Guam Employees**
RE: Executive Order No. 2022-06

Buenas yan Hafa Adai! On March 11, 2022, the Governor of Guam issued Executive Order No. 2022-06, relative to rescinding vaccination requirements for Government of Guam Executive Branch Employees and Amending Outdoor Social Gathering Restrictions effective immediately (attached). This Circular is issued to address E.O. 2022-06 and its effects on previous DOA Organizational Circulars relative to E.O. 2021-17 which implemented vaccination requirements for Government of Guam employees. This circular along with all related circulars are available on the Human Resources Division's website: <http://hr.doa.guam.gov/resources/>, click on "DOA HR CIRCULARS", which is located on the right side of the page to download.

E.O. 2022-06 states, "effective immediately, Section 1 of Executive Order No. 2021-17, which established vaccination requirements for Executive Branch employees of the government of Guam, is hereby rescinded, subject to applicable DPHSS guidance. Government agencies shall continue to comply with federal vaccination requirements, where applicable."

Pursuant to Executive Order 2022-06, the following applies to Departments/Agencies whose employees are NOT subject to Federal Vaccination Requirements:

COVID-19 vaccinations for Government of Guam employees (part-time, full-time, and new hires) are no longer mandatory. This applies to government departments and agencies that are not subject to federal vaccination requirements. These employees are no longer required to provide proof of such vaccination, and no longer required to seek exemptions from vaccination and/or COVID-19 testing. Employees that were subjected to once weekly COVID-19 testing shall no longer be scheduled and required to undergo such testing.

In addition, these departments and agencies are no longer required to obtain proof of vaccination from their new hires and current employees and therefore are no longer required to submit weekly COVID-19 vaccination reports.

Regarding any disciplinary action that has already been taken against an employee for non-compliance with E.O. 2021-17, such actions (e.g. counseling, warnings, reprimands, adverse actions) are to be maintained as part of their employees' records as appropriate. If disciplinary action against an employee is at the Notice of Proposed Adverse Action stage, the department may consider rescinding their Notice and instead issue a letter of reprimand. If you have any questions, please contact Mrs. Kathryn Diaz of our Employee Management Relations Branch for further guidance via email at: kathryn.diaz@doa.guam.gov.

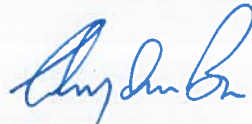
Pursuant to E.O. 2022-06, the following applies to Departments/Agencies whose employees ARE subject to Federal Vaccination Requirements:

Departments/Agencies whose employees are subject to federal vaccination requirements such as the Guam Behavioral Health & Wellness Center and Department of Public Health & Social Services as applicable, are to continue to adhere to DOA Organizational Circulars 21-1240 and 21-1240A.

Such departments and agencies that must follow federal vaccination requirements shall maintain their own records for covered new hires and covered existing employees to the extent required by such federal mandates.

In general, guidance relative to the authorization of administrative leave, as well as other guidance related to non-mandated COVID-19 vaccination and testing as indicated in DOA Organizational Circulars 2021-025, 2021-025A, 2021-025C, and 2021-025D are still in effect. However, E.O. 2022-06 shall supersede any DOA guidance that is in conflict with this executive order. DOA Organizational Circular 2021-025B is rescinded.

Please email Mr. Francis Flisco, Personnel Specialist IV at francis.flisco@doa.guam.gov if you have any questions. *Si Yu'us Ma'ase!*



EDWARD M. BIRN

Attachment



**ISLAND OF GUAM
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EXECUTIVE ORDER NO. 2022-06

**RELATIVE TO RESCINDING VACCINATION REQUIREMENTS FOR
GOVERNMENT OF GUAM EXECUTIVE BRANCH EMPLOYEES AND
AMENDING OUTDOOR SOCIAL GATHERING RESTRICTIONS**

WHEREAS, on March 14, 2020, pursuant to the Organic Act of Guam and the laws of Guam, I declared a public health emergency on Guam due to dangers posed by the 2019 novel coronavirus (“COVID-19”); and

WHEREAS, mindful of our limited healthcare resources in Guam, as well as the comorbidities that are prevalent in our community, I implemented a policy by which community-level restrictions were set and adjusted in response to measurable COVID-19 metrics, including our daily new cases, test positivity rate, retransmission rate, and, ultimately, our vaccination rate; and

WHEREAS, on August 6, 2021, in Executive Order No. 2021-17, in response to the anticipated onset of a surge resulting from the prevalence of the Delta variant of COVID-19, and after giving due consideration to the landscape of applicable federal rules and regulations as well as United States Supreme Court authority, and reflecting on the government of Guam’s obligation to provide a safe work environment for its employees, I ordered that executive branch employees be required to provide proof that they had received a COVID-19 vaccine by a date certain, or, alternatively, submit to weekly testing; and

WHEREAS, on September 16, 2021, in Executive Order No. 2021-23, I authorized the resumption of in-person learning in schools, but ordered that interscholastic athletics were similarly subject to a requirement that coaches and participants ages sixteen (16) and older provide proof of vaccination, or, alternatively, submit to weekly testing; and

WHEREAS, on February 25, 2022, the U.S. Centers for Disease Control and Prevention (“CDC”) established new metrics that monitor the transmission of COVID-19, using community level indicators that focus on reducing medically significant illness and minimizing strain on the healthcare system; and

WHEREAS, the CDC metrics are intended to inform community actions and local decisions, including implementation and easing of restrictions, individual preventive behaviors, testing strategies, and vaccine outreach; and

WHEREAS, the CDC metrics track the following items: the cumulative 7-day new COVID-19 cases per 100,000, presently 573.3 in Guam; the 7-day new hospital admissions per 100,000, which our island currently records at 20; and the percent of staffed inpatient beds occupied by COVID-19 patients, which presently stands at 9% locally; and

WHEREAS, our island’s response to the spread of COVID-19 is fortified by our robust rate of vaccination; as of the time of this writing, over 135,000 of Guam residents are fully



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vaccinated. This means that approximately 95% of our (5+) eligible population and 88% of our entire population is fully vaccinated; and

WHEREAS, over 50% of our fully vaccinated population has also received their booster shots, again among the highest rates in the country; and

WHEREAS, our government employees have also heeded the call to protect themselves, their families, and their communities, and it is a great source of pride that, at the time of this writing, approximately 95% of executive branch employees have been vaccinated against COVID-19; and

WHEREAS, based on CDC metrics, Guam's level of risk remains high, which supports the continued implementation of specific prevention strategies based on local factors; and

WHEREAS, while our residual community indicators have temporarily heightened our risk level, without question our indicators trend strongly downward, and our local medical experts and epidemiologists agree that current and emerging data supports the continued cautious and gradual lifting of local restrictions, and

WHEREAS, as part of our phased-in approach to adjusting our restrictions based on local factors, with the advice of the Physicians Advisory Group and the Guam National Guard Surgeon Cell, and with the concurrence of the Department of Public Health and Social Services ("DPHSS"), it is appropriate at this time to further adjust restrictions on outdoor social gatherings, and take another substantial but cautious step towards normalcy by rescinding the vaccine mandate for government employees, bringing these employees in line with their private sector counterparts; and

WHEREAS, it is further appropriate at this time to similarly rescind the vaccine mandate for interscholastic athletics; and

WHEREAS, it bears repeating that rescission of these requirements should not be interpreted as a statement that vaccination is no longer necessary. It continues to be critical to the health of our community that individuals who are medically able to get vaccinated and boosted do so immediately; and

WHEREAS, the COVID-19 pandemic remains a clear threat to our safety as a community. Accordingly, we must maintain common sense mitigation measures such as continuing to observe reasonable indoor social gathering limits and mask-wearing, and

WHEREAS, as our island continues to be engaged in emergency response, it is important that we utilize our best available tools against COVID-19, including vaccines, therapeutics, testing, and, as always, the practice of strict personal mitigation measures.

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NOW THEREFORE, I, LOURDES A. LEON GUERRERO, *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

1. **RESCINDING VACCINATION REQUIREMENTS FOR GOVERNMENT OF GUAM EMPLOYEES.** Effective immediately, Section 1 of Executive Order No. 2021-17, which established vaccination requirements for Executive Branch employees of the government of Guam, is hereby rescinded, subject to applicable DPHSS guidance. Government agencies shall continue to comply with federal vaccination requirements, where applicable.

Individuals who are not vaccinated or boosted are at an increased risk of infection, hospitalization, and death as a result of COVID-19. Such individuals are encouraged to get vaccinated immediately, prior to engaging in activities in congregate settings in which mask use is compromised.

2. **RESCINDING VACCINATION REQUIREMENTS FOR INTERSCHOLASTIC ATHLETICS.** Effective immediately, Section 1(a) of Executive Order No. 2021-23, which established vaccination requirements for interscholastic athletics, is hereby rescinded, subject to applicable DPHSS guidance.
3. **SOCIAL GATHERINGS OR CONGREGATIONS.** A “congregation” or “social gathering” is a meeting for a common and singular purpose of more than one (1) person, where the individuals are not members of a single household. Effective immediately, outdoor social gatherings are not subject to numerical restriction, subject to applicable DPHSS guidance. Indoor social gatherings shall continue to be limited to no more than one hundred (100) persons, subject to applicable DPHSS guidance.
 - a. **PLACES OF WORSHIP.** Places of worship may continue services, ceremonies, and operations as provided in Executive Order No. 2021-16, but must strictly comply with requirements provided in applicable DPHSS guidance, including mask-wearing requirements.
4. **CONTINUED MASK-WEARING REQUIREMENTS.** Individuals ages two (2) years or older are required to continue wearing masks in public, subject to applicable DPHSS guidance.
5. **SEVERABILITY.** If any provision of this Executive Order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.



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6. **PRIOR ORDERS REMAIN IN EFFECT.** All prior Executive Orders remain in full force and effect, except to the extent they conflict with this Order.

SIGNED AND PROMULGATED at Hagåtña, Guam, this 11th day of March 2022.

A handwritten signature in black ink, appearing to read "Lourdes A. Leon Guerrero".

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Attested by:

A handwritten signature in black ink, appearing to read "Joshua F. Tenorio".

JOSHUA F. TENORIO
Sigundo Maga'låhen Guåhan
Lt. Governor of Guam

