

**EXECUTIVE ORDER NO. -2021**

**DATED: SEPTEMBER 10, 2021**

**BE IT ORDERED BY THE MAYOR OF THE CITY OF ORANGE TOWNSHIP THAT:**

**WHEREAS**, on January 30, 2020, the World Health Organization designated the Novel Coronavirus Disease 2019 (COVID -19) outbreak as a Public Health Emergency of International Concern; and

**WHEREAS**, in accordance with N.J.S.A. App. A:9-34 and -51, New Jersey Governor Phil Murphy issued Executive Order No. 103 on March 9, 2020, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act (“EHPA”), N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act (“Disaster Control Act”), N.J.S.A. App A:9-33 et seq., in the State of New Jersey for Coronavirus disease 2019 (“COVID-19”); and

**WHEREAS**, on March 19, 2020, the Mayor of the City of Orange Township in consultation with the City Health Official signed Executive Order 1-2020 declaring a State of Emergency within the City; and

**WHEREAS**, through Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1, 2020, August 27, 2020, September 25, 2020, October 24, 2020, November 22, 2020, December 21, 2020, January 19, 2021, February 17, 2021, March 17, 2021, April 15, 2021, and May 14, 2021, respectively, the facts and circumstances of which are adopted by reference herein, the Governor declared that the COVID-19 Public Health Emergency continued to exist and declared that all Executive Orders and Administrative Orders adopted in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect; and

**WHEREAS**, on June 4, 2021, the Governor signed Assembly Bill No. 5820 into law as P.L.2021, c.103 and issued Executive Order No. 244, which terminated the Public Health Emergency declared in Executive Order No. 103 (2020) but maintained the State of Emergency declared in that same Order; and

**WHEREAS**, the Centers for Disease Control and Prevention (“CDC”) has reported that new variants of COVID-19 have been identified in the United States, and that certain variants, particularly the B.1.617.2 (Delta) variant, are more transmissible; and

**WHEREAS**, the CDC has emphasized that vaccination is a critical means to prevent spread of COVID-19 and to avoid infection of those individuals that cannot be vaccinated because their age or medical conditions precludes them from receiving one; and

**WHEREAS**, the Governor’s executive orders recognize that over 5 million people in the State have been fully vaccinated against COVID-19, and that additional steps are necessary to ensure continued receipt by individuals to protect against spread of COVID-19 and to protect at-risk populations including in the City of Orange Township and its public buildings; and

**WHEREAS**, on July 6, 2021, the U.S. Department of Justice's Office of Legal Counsel issued an opinion based on constitutional analysis and U.S. Supreme Court decisions concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3 does not prohibit local governments from imposing vaccination requirements; and

**WHEREAS**, although for the past several months, the number of COVID-19 deaths has been decreasing, the virus is still prevalent evidenced by the increasing number of new coronavirus cases; and

**WHEREAS**, there are concerns that the Delta variant of the virus, reported to be as contagious as chicken pox, could gain traction and spark another, more infectious wave of COVID-19; and

**WHEREAS**, the City of Orange Township and all of its agencies remain committed to protecting the health, safety, and well-being of all of its community; and

**WHEREAS**, given the recent increase of cases and the Delta variant in our area, based on the advice and counsel of the City Health Official and guidance from the State Health Officials, a vaccination requirement for the City of Orange Township employees has become necessary to help keep the community safe; and

**WHEREAS**, the vaccination requirement aims to promote safety and prevent the spread of COVID-19 in municipal buildings and with the City of Orange Township community since many public employees regularly come into contact with residents and community stakeholders; and

**WHEREAS**, pursuant to the duties of the Mayor as set forth in N.J.S.A. 40:69A-40(c), (f) and (k) and in consultation with the City Health Official, employee vaccinations must be mandated pursuant to certain rules and regulations in regard to the enforcement of safety measures in the City of Orange Township; and

**NOW, THEREFORE BE IT ORDERED BY DWAYNE D. WARREN, ESQUIRE  
MAYOR OF THE CITY OF ORANGE TOWNSHIP, NEW JERSEY:**

1. All employees of the City of Orange Township are required to be vaccinated against COVID-19 by September 15, 2021, unless they have proof of valid religious or health reasons that would preclude vaccination. For examples of valid proof, see the Business Administrator. Upon proof acceptable to the City, unvaccinated employees must be tested for COVID19 weekly on Wednesdays. Proof of such vaccination or testing shall be provided to the Business Administrator.
2. Employees who refuse both vaccination and/or coronavirus testing will be terminated.
3. All employees of the City of Orange Township are required to wear a mask in City owned buildings at all times. The mask must cover your mouth and nose at all times. This requirement will begin on September 13, 2021.
4. The City of Orange is attempting to keep its employees safe, while in a municipal building owned or controlled by the City of Orange Township.

5. Employees refusing to not wearing a mask will receive a termination warning. The employee who refuses to not wear a mask will be escorted from the municipal building owned or controlled by the City of Orange Township and will receive a termination warning. The employee who is escorted from the premises will be charged a full leave day.
6. All employees of the City of Orange Township who experience symptoms of any illness will be required to remain home from work and not enter City Hall or any municipal building owned or controlled by the City of Orange Township. Any employee who begins to experience symptoms of any illness while at work shall immediately separate from other individuals by returning home and obtain a COVID-19 test. During the time the employee is awaiting their negative COVID-19 test result and the results have been provided to the Business Administrator, the employee will be utilizing their sick leave time. If sick time is exhausted, they will be utilizing any other available leave time until they return to work. If no leave time is available, the employee will not get paid.
7. Any employee of the City of Orange Township experiencing COVID-19 symptoms (including, but not limited to, fever, chills, cough, difficulty breathing, fatigue, muscle or body aches, headache, a new loss of sense of smell or taste, sore throat, stuffy or runny nose, nausea or vomiting, and diarrhea) should stay home and immediately schedule a COVID-19 test while seeking medical attention, if needed. During the time the employee is awaiting their negative COVID-19 test result and the results have been provided to the Business Administrator, the employee will be utilizing their sick leave time. If sick time is exhausted, they will be utilizing any other available leave time until they return to work. If no leave time is available, the employee will not get paid.
8. Any employees of the City of Orange Township who travel internationally are advised as follows: (A) if you are NOT vaccinated against COVID19, you are to get a viral test three (3) to five (5) days after travel; (B) you are to stay home for seven (7) days after travel if your test is negative. If your test is positive, you are to stay home for AT LEAST ten (10) days (could be longer based on illness). If you cannot get tested three (3) to five (5) days after travel, you are to stay home and self-quarantine for ten (10) days after travel; and (C) if you ARE fully vaccinated against COVID-19, you must still get tested for COVID-19 three (3) to five (5) days after international travel. During the time the employee is awaiting their negative COVID-19 test result and the results have been provided to the Business Administrator, the employee will be utilizing their sick leave time. If sick time is exhausted, they will be utilizing any other available leave time until they return to work. If no leave time is available, the employee will not get paid.
9. All members of the public entering City Hall or any municipal building owned or controlled by the City of Orange Township must wear a face mask or covering with the protective layer covering both the mouth and the nose.
10. The City of Orange Township, through a policy developed by the Business Administrator in consultation with the City Health Official, will provide free vaccinations to all municipal employees from 2:00 p.m. to 4:00 p.m. on September 14, 2021 at City Hall.
11. COVID-19 testing for unvaccinated employees will be conducted every Wednesday at City Hall beginning on September 15, 2021. All unvaccinated employees of the City of Orange Township who undergo COVID-19 testing will be required to have a negative test result prior to entering into City Hall or any municipal building owned or controlled by the City of Orange Township.

12. This Order shall take effect immediately and shall remain in full force and effect until rescinded, modified and supplemented by me in response to the ongoing public health emergency.

**APPROVED:**

---

**Dwayne D. Warren, Esq., Mayor**

**Dated & Effective: September 10, 2021**

c: All Department Directors