



COMMONWEALTH of VIRGINIA

Executive Department

EXECUTIVE DIRECTIVE NUMBER TWO (2022)

ENSURING PRIVACY PROTECTIONS AND INDIVIDUAL RIGHTS OF EXECUTIVE BRANCH EMPLOYEES

By virtue of the authority vested in me as Governor, I hereby issue this Executive Directive to ensure the health care privacy of Executive Branch Employees against COVID-19 vaccination requirements.

Importance of the Initiative

The Commonwealth of Virginia remains committed to providing a safe workplace for all state employees. We will continue to ensure that every Virginian has access to the information necessary to make an informed decision about the COVID-19 vaccination and ensure all who desire a vaccination can obtain one. However, the requirement of state employees to receive the COVID-19 vaccination and disclose their vaccination status or engage in mandatory testing is harmful to their individual freedoms and personal privacy. My Administration will not require that these interests be sacrificed as a condition of employment in the Executive Branch of our government.

Directive

Therefore, by virtue of the authority vested in me as Governor, by Article V, Sections 1 and 7 of the Constitution of Virginia, and by § 2.2-103 of the *Code of Virginia*, I am rescinding Executive Directive Number 18 (2021) and direct the following:

1. The Department of Human Resource Management shall work with private providers to ensure that vaccines and boosters are available to state employees and shall share provider information with all Executive Branch Employees.
2. The Department of General Services shall work with private providers to ensure that KN95 masks are available to employees and visitors at every state building.
3. No Executive Branch Employees shall be required to be vaccinated or required to disclose their vaccination status as a condition of their employment.
4. All Executive Branch employees may refer to the Department of Human Resource Management policy on COVID-19 “Public Health Emergency Leave” as revised or updated for information about paid time off for those diagnosed with COVID-19.
5. All Executive Branch employees may refer to the Department of Human Resource Management policy on teleworking and communicate with the appropriate personnel at their agency to determine if they are eligible to telework.
6. The requirements in this order do not otherwise restrict agencies under the direction of the Governor from instituting COVID-19 screening protocols that may be necessary to mitigate the spread of COVID-19, consistent with the policies established by the Department of Human Resource Management.
7. No documentation identifying an individual’s COVID-19 vaccination status shall be shared with a third party.
8. Nothing herein shall be construed to interfere with Executive Branch Employees’ rights to access their own personal health information under state or federal law.
9. Any agency that determines that a federal requirement applies to any of its offices or programs that is inconsistent with the provisions of this Directive shall notify their respective Secretary or my Chief of Staff, following consultation with the Office of the Attorney General.

For purposes of this Directive, “Executive Branch Employees” should be construed broadly and includes but is not limited to employees in the following offices, agencies, institutions, and authorities:

- Office of the Governor;
- Office of the Lieutenant Governor;
- Secretary of the Commonwealth;
- Executive Branch Agencies;
- Institutions of Higher Education; and

- Authorities established within the Executive Branch by the Code of Virginia or designated under a Secretariat in the Code of Virginia.

Effective Date

This Executive Directive rescinds Executive Directive Number 18 (2021).

This Executive Directive shall be effective upon its signing and shall remain in force and effect unless amended or rescinded by future executive order or directive.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 15th day of January, 2022.



A handwritten signature in black ink, appearing to read "Glenn Youngkin".

Glenn Youngkin, Governor

Attest:

A handwritten signature in black ink, appearing to read "Kelly Thomasson".

Kelly Thomasson, Secretary of the Commonwealth