

Puerto Rico Implements Mandatory Vaccination of Certain Employees, Reinstates Mask Requirements

By Juan Felipe Santos

August 9, 2021

Meet the Authors



Juan Felipe Santos

Office Managing Principal and
Office Litigation Manager
(787) 522-7315
Juan.Santos@jacksonlewis.com

Related Services

COVID-19
Disability, Leave and Health
Management
Workplace Safety and Health

Puerto Rico Governor Pedro R. Pierluisi has issued an Executive Order ([EO-2021-058](#)) making COVID-19 vaccination mandatory for all public employees in the Executive Branch. EO-2021-058, which goes into effect August 16, 2021, also recommends that all commercial establishments and private entities that are open to the public implement similar requirements.

In addition, the Secretary of Health of Puerto Rico has issued an administrative order reinstating masking requirements for fully vaccinated people in all indoor spaces and in outdoor spaces when social distancing of at least six feet is not possible.

Governor Pierluisi also issued EO-2021-062, which goes into effect August 16, 2021, to expand the scope of EO 2021-058 and establish a mandatory vaccination requirement for the following individuals:

1. Independent contractors in the Executive Branch, and their employees, who physically work in a government agency.
2. Employees in the health sector (*i.e.*, hospitals, laboratories, emergency rooms, medical services clinics, health centers, medical offices, therapy centers, pharmacies, blood banks, elderly care centers, medical cannabis dispensaries, among others).
3. Employees and guests of all hotels, hostels, guesthouses, and short-term rentals across the island.

As to vaccination requirements for contractors and employees of certain sectors or industries, EO 2021-062 provides the following:

- By August 16, 2021, all Executive Branch contractors that physically work in a government agency and all employees in the health sector and employees of hotels, hostels, and guesthouses must submit evidence to their employers of having received at least the first dose of the vaccine, depending on the type of vaccine, and must be fully vaccinated by September 30.
- All businesses and casinos operating in or near hotels and guesthouses are encouraged to implement the same vaccination requirements.
- Executive Branch contractors and health sector employees and employees of all hotels, hostels, and guesthouses who are not vaccinated must present a weekly COVID-19 negative result taken within the last 72 hours or a positive COVID-19 result within the last three months and proof of recovery.

As to vaccination requirement for guests in the hospitality industry, EO 2021-062 provides that:

- Beginning August 16, vaccinations will be required for guests staying at all hotels, hostels, guesthouses, and short-term rentals across the island. Those not vaccinated must present a COVID-19 negative result of a test taken within the last 72 hours or a

COVID-19 positive result within the last three months and proof of recovery. If staying longer than a week, they must continue to present negative COVID-19 weekly results for the duration of the stay.

Exceptions to EO 2021-062's mandatory vaccination requirements include:

1. Individuals whose immune system is compromised or that have any medical contraindication that prevents inoculation, subject to the following:
 - A doctor authorized to practice in Puerto Rico must certify that the individual has a medical condition that prevents vaccination and state the duration of the medical contraindication and if it is permanent or temporary.
 - If the contraindication is temporary, the individual must comply with the vaccination requirement as soon as the contraindication ceases.
2. Individuals with religious beliefs against vaccination, subject to:
 - Submitting a sworn statement under penalty of perjury where the individual and the minister or ecclesiastical leader of the religion declare that the individual's religious beliefs prevent vaccine administration.
 - If the religion does not have a minister or ecclesiastical leader, the individual must submit a sworn statement explaining the sincerely held religious conviction.

EO 2021-062 also establishes consequences for individuals who fail to comply with the mandatory vaccination requirements and do not fall within one of the exceptions:

- Executive Branch contractors and their employees will not be allowed to be physically in the government office. If physical presence in the office is necessary, the agency may terminate the contract.
- Health sector employees and employees who work in hotels and guesthouses cannot return to the physical workplace. The employer may take any pertinent measures, including allowing the employee to use applicable paid and unpaid leaves.
- Individuals will not be allowed to spend the night in hotels, hostels, guesthouses, or short-term vacation rentals.

Failure to comply with EO 2021-062 may result in fines of up to \$5,000, six months in jail, or both, at the discretion of a court.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities.

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](#).

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.