Engage PEO Client Alert:

Client Alert - Texas
Gov. Abbott Executive Order Bans COVID-19 Vaccine Mandates

On October 11, 2021, Texas Governor Abbott issued a statewide Executive Order (EO GA-40) effective immediately that restricts companies from mandating any employee to get a COVID-19 vaccination if that person "objects for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19". The EO also provides for exemptions based on religious belief.

The EO GA-40 does not actually ban vaccine mandates; rather, it provides that they must be subject to certain exemptions, stated above. It is significant because it expands the exemptions referenced in President Biden's COVID-19 Action Plan by adding "objections for any reason of personal conscience" and "prior recovery from COVID-19". The EO does not define "any reason of personal conscience," making it very difficult for employers to know how to respond to this exemption if an employee claims it. Also unclear is how the State will enforce EO GA-40, which calls for fines of up to $1,000 per violation.

Some employers may choose to delay their vaccine policy implementation until the OSHA ETS provides further clarification, then evaluate how the Texas Legislature treats the EO GA-40 in hopes that it provides more precise guidance. However, this option is not without risk because employers remain subject to EO GA-40 and potential fines for non-compliance, which can be substantial.

Employers who already have a vaccine policy in place or plan on implementing one may want to consider expanding exemptions to employees who claim "personal conscience" and "prior recovery from COVID-19."

We can expect legal challenges against both the federal and state requirements regarding vaccines. This will provide further guidance, but certainly not soon enough for employers to begin compliance requirements.

Contact your Engage HR Consultant if you have questions on how the Executive Order impacts any vaccine policy currently in place or to discuss options and risks of your vaccine policy planning.