

STOBBS, SINCLAIR & LIVINGSTONE, LTD.
Attorneys and Counselors at Law

JAMES S. SINCLAIR
DAVID K. LIVINGSTONE

500 Bond Street
Alton, IL 62002-6122
618-465-6978
618-465-7022 (Facsimile)
jsinclair@sslalaw.com
dlivingstone@sslalaw.com

Date: August 31, 2021

Memorandum

To: Fire Protection Districts and Other Emergency Service Clients

From: Jim Sinclair

Re: Executive Order 2021-20 (COVID-19 Executive Order No. 87)

On August 26, 2021, the Governor issued the above Executive Order which relates to COVID-19. There are provisions in that Order which may have applicability to your District or Service's operations. This memo will summarize the portions of the Order which may apply.

Section 1. On August 30, 2021 all individuals are required, if medically tolerable, to wear a mask in an indoor public place. It is also recommended that individuals mask in crowded outdoor settings or for activities where they may be in close contact with non-vaccinated persons. The Order does allow the removal of face coverings when eating or drinking which may be removed by workers in workplaces when social distancing of at least 6 feet is possible.

The Order also requires all persons, including those who are fully vaccinated, to continue to wear a facemask on public transportation such as planes, buses, trains, in transportation stations, congregate facilities such as correctional facilities and homeless shelters; and in healthcare settings.

Operationally, what Section 1 of the Order will require of fire protection districts is that they require all of their members and other present when in indoor public locations, which will include the fire station, and healthcare settings such as a hospital or nursing home to be masked regardless of vaccination status. In terms of meetings of the board of trustees or a department meeting or in station operations, masking should be followed and social distancing can be accommodated. Activities such as department meals or dinners should follow the rule of mask removal only when actively eating or drinking.

Section 2. Requirements for Healthcare Workers. The Order also addresses requirements for vaccination of what are defined as "Healthcare Workers", however, it is only likely to be applicable where there is some direct relationship between the district or your service and a "healthcare facility" where your personnel would be in close contact with other persons at the facility for more than 15 minutes at least once a week. This may have most direct application to

ambulance or other emergency medical service providers who work directly with a healthcare facility such as a hospital as many will. "Healthcare facility" is broadly defined to meaning "any institution, building, or agency used, operated, or designed to provide health services, medical treatment or nursing, or rehabilitative or preventive care to any person or persons." The Order does not make completely clear that it would apply directly to EMS transport providers or their operations, however, the use of the term "agency" could be construed to extend that far.

If your district or service falls within Section 2, the Order requires that the members of your organization who are involved in EMS operations be fully vaccinated. The first dose of a 2 dose vaccine series or a single dose vaccine must be obtained by September 5, 2021. The second dose must be obtained within 30 days after the first dose if a 2-dose vaccine is obtained. The member or employee must provide proof of full vaccination to the district or service and a record should be maintained of that.

Healthcare facilities are directed to exclude healthcare workers who are not fully vaccinated from their premises unless they undergo not less than weekly testing until such time as they are fully vaccinated. Again, this could affect your operations.

The Order does provide for exemptions for certain persons to be fully vaccinated based upon medical contraindication or a "sincerely held religious belief, practice, or observance." Individuals who are exempted are required to have testing at least weekly.

If your district or service already has more stringent requirements in place or has already imposed a requirement for vaccination, it can continue to follow that protocol. Section 6 of the Order expressly provides that nothing in the Order prohibits a district or service from having vaccination or testing requirements which exceed the requirements of the Executive Order. Based on this authority, the district or service should give consideration to adopting requirements which are in line with the Order as a minimum.

To the extent that any of your personnel engage in any sort of EMS, EMR, First Responder or other activities and operations which put them in contact with individuals who may not be vaccinated for COVID-19, districts and services should consider, at a minimum, requiring masking during those activities and operations given the virility of the COVID-19 D Variant.

There may very likely be a court challenge to this Order, but it is our recommendation that districts and EMS providers follow the protocols in the Order pending a contrary judicial ruling.

There may also be further clarification by the Governor or IDPH as this moves forward.

If you have any questions about your district or service's particular situation, please let us know.