



COMMONWEALTH CASINO COMMISSION  
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## COMMISSION ORDER NO: 2021-001

### Order Authorizing the Executive Director to Require Employees to Provide Proof of COVID-19 Vaccination.

For good cause determined at the February 24, 2021 public meeting of the Commonwealth Casino Commission, which was duly publicly noticed, and based on the authority granted by the laws of the Commonwealth (including but not limited to Public Laws 18-56, 19-24, and 21-38) and the Regulations of the Commonwealth Casino Commission, NMIAC Chapter 175-10.1, the Commonwealth Casino Commission hereby finds and **ORDERS AS FOLLOWS:**

1. WHEREAS, On or about February 18, 2021 the Honorable Ralph DLG. Torres, Governor of the Commonwealth of the Northern Marian Islands, issued Directive 2021-002 regarding the mandatory COVID-19 vaccination of all Executive Branch employees; and
2. WHEREAS, Governor's Directive 2021-002 was issued "to safeguard the health and well-being of employees and their families, patrons, clients, visitors, others who spend time in our facilities, and the community, from the risks associated with COVIC-19." Further, the directive "is intended to comply with applicable federal and commonwealth guidance and authority, including guidance from the Centers for Disease Control and Prevention (CDC), the Equal Employment Opportunity Commission, the Occupational Safety & Health Administration and Commonwealth public health authorities"; and
3. WHEREAS, Directive 2021-002 specifically exempts autonomous agencies from the directive but encourages the exempted entities to respond to the present situation. As an autonomous agency exempt from Governor's Directive 2021-002, the Commission has considered basis for and scope of the directive, and concurs that the policy adopted for the Executive Branch employees is sound and should apply to the Commission as well; and
4. WHEREAS, the Commission has studied guidance from the EEOC, specifically "What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO laws" Technical Assistance Questions and Answers updated December 16, 2020 at [www.eeoc.gov](http://www.eeoc.gov) (visited February 21, 2021), and agrees that employers have the authority to mandate vaccination as a standard for employment; and
5. WHEREAS, it is the policy of the Commonwealth Casino Commission that no employee shall pose a direct threat to the health and safety of others in the workplace;

NOW, THEREFORE,

6. IT IS HEREBY ORDERED that the Executive Director shall take steps he deems necessary to ensure that all Commonwealth Casino Commission employees either (A) complete the COVID-19 vaccination program or (B) obtain an approved exemption accommodation (as described below). The Executive Director shall report to the Commission monthly the percentage of employees who have completed the vaccination program, omitting information which could reasonably identify any individual employee; and

7. IT IS HEREBY FURTHER ORDERED that the Executive Director shall require employees who complete the vaccination program to provide the Executive Director written documentation provided by the Commonwealth Healthcare Corporation, or other medical provider authorized to administer the vaccine that verifies their receipt of the required doses of the vaccination. Failure to provide this documentation may be grounds for adverse personnel action; and

8. IT IS HEREBY FURTHER ORDERED that the Executive Director shall grant a request by an employee for a medical exemption accommodation where the employee provides information from the employee's health care provider that the employee has a condition which makes it unsafe for the employee to receive any or all of the COVID-19 vaccines. The Executive Director shall take steps to reasonably accommodate such exemptees, unless so doing poses an undue hardship to the Commission; and

9. IT IS HEREBY FURTHER ORDERED that the Executive Director shall grant a request by an employee for a religious exemption accommodation where the employee demonstrates (s)/he cannot receive the vaccination due to a sincerely held religious belief or practice. An employee requesting this exemption must provide evidence such as a personal statement explaining the belief or a statement from a third party (spiritual advisor, priest, pastor, rabbi, imam, person well-acquainted with the employee) demonstrating the employee's sincerity of belief. The Executive Director shall take steps to reasonably accommodate such exemptees, unless so doing poses an undue hardship to the Commission; and

10. IT IS HEREBY FURTHER ORDERED that, subject to availability of funds, the Executive Director may grant administrative leave with pay for the time spent obtaining the vaccinations pursuant to regulation 175-10.3-220, reflecting the public purpose inherent in this mandate; and

11. IT IS HEREBY FURTHER ORDERED that the Executive Director and, where appropriate, department heads, shall while maintaining the strictest of confidentiality, engage in an interactive process to determine if a reasonable accommodation can be provided that does not create an undue hardship of the workplace. If no reasonable accommodation is possible, the Executive Director may exclude the employee from the workplace. Exclusion may ultimately result in termination of the employee's employment.

12. IT IS HEREBY FURTHER ORDERED that neither the Executive Director nor any employee may retaliate against an employee who seeks an accommodation pursuant to the Order. The Executive Director and all department heads shall keep any statements,



documents or other information obtained from an employee in relation to this Order confidential consistent with applicable federal and Commonwealth law and regulations.; and

13. IT IS HEREBY FURTHER ORDERED that the Chairman or the Executive Director shall take steps necessary to ensure that this Order is published in the Commonwealth Register, and this Order is to take effect ten days after its publication in the Commonwealth Register and shall remain in effect until it is repealed or replaced by subsequent Order of the Commission.

SO ORDERED this 24<sup>th</sup> day of February, 2021.

Signature: \_\_\_\_\_



EDWARD C. DELEON GUERRERO  
CHAIRMAN