

**EXECUTIVE ORDER 2022-117**

**FIFTH AMENDED ORDER REQUIRING STATE EMPLOYEES  
TO COMPLY WITH CERTAIN PUBLIC HEALTH REQUIREMENTS**

**WHEREAS**, on January 30, 2020, the World Health Organization ("WHO") announced the emergence of a novel Coronavirus Disease 2019 ("COVID-19") that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another;

**WHEREAS**, COVID-19 cases had been confirmed in New Mexico since March 11, 2020, when the New Mexico Department of Health confirmed the first cases of individuals infected with COVID-19 in New Mexico and additional cases have been confirmed each day since then;

**WHEREAS**, on March 11, 2020, because of the spread of COVID-19, I issued Executive Order 2020-004 declaring a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked my authority under the All Hazards Emergency Management Act;

**WHEREAS**, I have renewed the declaration of a Public Health Emergency through August 26, 2022;

**WHEREAS**, State employees who become ill cannot adequately perform their duties, which disrupts the orderly operation of State government; and

**WHEREAS**, we now have effective tools and practices to minimize the spread of COVID-19 such as vaccination, earlier home-based COVID testing with adequate quarantine for those who are exposed and isolation of those who test positive, early COVID therapeutic treatment for those who test positive, the consistent and proper use of more effective face coverings, and more robust and community-specific data reporting to guide individuals and communities based on current case counts and hospitalization rates; the effectiveness of these new tools and practices warrant the lifting of certain restrictions placed upon State employees.

**NOW THEREFORE, I**, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and laws of the State of New Mexico, hereby **ORDER** and **DIRECT** as follows:

1. State employees shall comply with the provisions regarding the use of masks and COVID-19 vaccinations contained in the operative Public Health Order issued by the Secretary of the Department of Health during the course and scope of their employment.

2. State employees who are not subject to any vaccination requirement imposed by a Public Health Order are strongly encouraged to be fully vaccinated against COVID-19, as defined by the Centers for Disease Control and Prevention, and receive all booster doses of the vaccine, if eligible.

3. Any state employee who is not fully vaccinated or has not received a booster dose of the vaccine, if eligible, and who tests positive for COVID-19 may return to work following the completion of any mandatory isolation period prescribed by the New Mexico Department of Health. A negative COVID-19 test result is not required to return to work, provided the employee completes the mandatory isolation period.

4. Employees who refuse to abide by the above requirements may be subject to disciplinary action, up to and including termination, in accordance with applicable law.

5. State agencies shall ensure, consistent with law, that any documentation related to vaccination status, healthcare directives, or test results are not disclosed to individuals other than those necessary to ensure compliance with this Order.

6. The New Mexico State Personnel Office shall provide agencies with guidance on the full implementation and administration of this Order.

**I FURTHER ORDER** and **DIRECT** as follows:

1. This Order supersedes any previous orders, proclamations, policies or directives to the extent they are in conflict.

2. This Order shall take effect immediately, and shall remain in effect until renewed, modified, or rescinded.

ATTEST:

/S/

MAGGIE TOULOUSE OLIVER  
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE  
THIS 12TH DAY OF AUGUST 2022

WITNESS MY HAND AND THE GREAT  
SEAL OF THE STATE OF NEW MEXICO

/S/

MICHELLE LUJAN GRISHAM GOVERNOR