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JFHQ-TX FRAGORD 05 to OPORD 22-1000 (COVID-19 Vaccine Mandatory Guidance)

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JFHQ: ACTION
 36th ID: ACTION
 71st TC: ACTION
 TXANG: ACTION
 TXSG: NO ACTION
 OSA: NO ACTION

S1: 02DEC21 - TXANG
 S2: 30JUN22 - TXARNG

SUBJECT. JFHQ-TX FRAGORD 05 to OPORD 22-1000 (COVID-19 Vaccine Mandatory Guidance)

DTG. 271100SEP21

References.

32 USC 101 UNITED STATE CONSTITUTION, ART 1, SEC 8, CH 5

SECDEF MEMORANDUM FOR MANDATORY COVID-19 VX OF DOD SMs (24AUG21)

A/USD (P&R) MEMO, FHP GUID. (SUPP 17)

FRAGO 5 TO HQDA EXORD 225-21 COVID-19 STEADY STATE OPERATIONS (Attached)

AR 40-562 IMMUNIZATIONS AND CHEMOPROPHYLAXIS FOR THE PREVENTION OF INFECTIOUS DISEASES (16FEB18)

SECAF MEMORANDUM FOR MANDATORY COVID-19 VX OF DEPARTMENT OF AF SMs (03SEP21)

AFI 48-110_IP IMMUNIZATIONS AND CHEMOPROPHYLAXIS FOR THE PREVENTION OF INFECTIOUS DISEASES (16FEB18)

1. Situation. This order addresses Secretary of the Army and Secretary of the Air Force implementation of Annex FF, mandatory Coronavirus Disease 2019 vaccination of Department of Defense Service Members (SMs). It does not address federal civilian, contractor employees, and state employees.

1.a. General. The Secretary of Defense directed all members of the armed forces under the Department of Defense be fully vaccinated against COVID-19.

2. Mission. Texas National Guard (TXNG) vaccinates SMs In-Accordance-With (IAW) applicable Service Component regulatory guidance.

3. Execution.

3.a. Concept of Operations. See Phasing of Operations.

3.a.1 Commander's Intent. Every SM who is NOT otherwise exempt will be fully vaccinated against COVID-19 to ensure our Soldiers/Airmen and Units are ready to fight and win. This is a Federal readiness, health and welfare priority for the TXNG. The SECDEF has issued a lawful Federal order and the Army and Air Force has a responsibility to ensure good order and discipline. The Secretary of Defense directed ALL members of the Armed Forces under the Department of Defense be fully vaccinated against COVID-19. The TXNG will implement mandatory vaccination of SMs in two phases. Phase 1 begins immediately. Phase 2 begins on order.

3.a.2 Objectives.

3.a.2.a Support Department of the Army and Department of the Air Force Federal vaccination requirements.

3.a.2.b TXNG will conduct vaccinations based upon Federal Mission and Federal Readiness requirements.

3.a.2.c TXNG will follow vaccination process according to Service specific guidance.

3.b. Risk. N/A.

3.c. Phasing of operations.

3.c.1 Phase I. Commanders will vaccinate all SMs who are not otherwise exempt. Orders to receive the mandatory vaccine are lawful. SMs requesting an exemption are NOT required to receive the vaccine pending the final decision on their exemption request. Any punitive or adverse administrative actions are reviewed by Commanders on a case-by-basis. If SM does not have a pending or approved exemption, Commanders will initiate separation of vaccination refusals if it renders the SM non-deployable.

3.c.2 Phase II. Authority to impose adverse administrative actions, non-judicial, and judicial actions is withheld to the first General Officer in the chain of command.

3.d. Tasks.

3.d.1 Acknowledge. NLT 29SEP21.

JFHQ-TX FRAGORD 05 to OPORD 22-1000 (COVID-19 Vaccine Mandatory Guidance)

3.d.2 JFHQ.

3.d.2.a NLT 31OCT21 confirm that all SMs have been notified of the COVID-19 vaccination requirement.

3.d.2.b For TXARNG, NLT COB JUNE IDT 2022, achieve 100% complete vaccination or approved exemption by appropriate authority in this order. For TXANG, NLT 02DEC21, achieve 100% complete vaccination or approved exemption by appropriate authority in this order.

3.d.2.c OJS.

3.d.2.c.1. NLT 10OCT21, conduct training on COVID-19 requirements with all providers in TXNG to include medical exemptions and medical exemption process.

3.d.2.c.2. Ongoing, track and report exemption packets to the J1.

3.d.2.c.3. NLT 15OCT21, create a military distro email box for exemption packet collection.

3.d.2.d State Chaplain.

3.d.2.d.1. NLT 10OCT21, coordinate and synchronize with all Chaplains in TXNG on COVID-19 vaccination requirements to include religious exemptions and religious exemption process.

3.d.2.d.2. Ongoing, track and report exemption packets to the J1.

3.d.2.d.3. NLT 15OCT21, create a military distro email box for exemption packet collection.

3.d.3 36 ID.

3.d.3.a NLT 31OCT21 confirm that all SMs have been notified of the COVID-19 vaccination requirement.

3.d.3.b NLT COB JUNE IDT 2022, achieve 100% complete vaccination or pending/approved exemption by appropriate authority in this order.

3.d.4 71 TC.

3.d.4.a NLT 31OCT21 confirm that all SMs have been notified of the COVID-19 vaccination requirement.

3.d.4.b NLT COB JUNE IDT 2022, achieve 100% complete vaccination or pending/approved exemption by appropriate authority in this order.

3.d.5 TXANG.

3.d.5.a NLT 02DEC21, achieve 100% complete vaccination or pending/approved exemption by appropriate authority in this order.

3.d.6 TXSG. N/A.

3.d.7 OSA. N/A.

3.e. Coordinating Instructions.

3.e.1 Timeline.

| ARNG Date | ANG Date | Event |
|-------------------|-------------|---|
| 27SEP21 | 27SEP21 | FRAGO publication |
| 281700SEP21 | 281700SEP21 | Commander's Town Hall (virtual) Invite coordinated via TEAMS |
| NLT 31OCT21 | 30SEP21 | All SMs notified of vaccine requirement |
| NLT 15DEC21 | 30SEP21 | Initiate Medical/Administrative exemption packets |
| NLT 27SEP22 | 30SEP21 | MSC's begin tracking unit vaccination and exemption packet status |
| NLT 01MAR22 | 31OCT21 | Permanent Exemption/Administrative packets due to OJS or State Chaplain as applicable |
| COB JUNE IDT 2022 | NLT 02DEC21 | Achieve 100% complete vaccination or pending/approved exemption by appropriate authority in this order. |

3.e.2 **Joint Guidance.** Conduct COVID-19 vaccination operations of unvaccinated SM's with the FDA approved PFIZER/COMIRNATY COVID-19 Vaccine. SMs may elect vaccination with MODERNA or J&J'S JANSSEN Vaccine. SMs may also choose to voluntarily receive any FDA Emergency Use Authorized (EUA) or World Health Organization (WHO) emergency use vaccine. SMs who have completed a EUA or WHO authorized series are not required to start the series again with the FDA approved vaccine.

JFHQ-TX FRAGORD 05 to OPOD 22-1000 (COVID-19 Vaccine Mandatory Guidance)

3.e.3 **Joint Guidance.** SMs who are actively participating in COVID-19 clinical trials who provide documentation are exempt from mandatory vaccination against COVID-19 until the trial is complete.

3.e.4 **Joint Guidance.** Commanders, Command Sergeants Major, Chief Master Sergeants, nominative and key billet Sergeants Major/Chief Master Sergeant, First Sergeants, and Officers in Command Select List (CSL) key billets will read and comply with applicable service component regulations/guidance regarding command authority for immunizations.

3.e.5 **Joint Guidance.** Commanders will consider SM refusals, without an approved exemption, on a case-by-case basis, before implementing any punitive or adverse administrative action. Commanders will encourage SMs to seek counsel from Trial Defense Services/Area Defense Counsel regarding the implications of refusing a lawful order.

3.e.6 **Joint Guidance.** SM's are not medically deployable if they do not complete the COVID-19 vaccination.

3.e.7 **Joint Guidance.** There will be no involuntary (forcible) immunizations.

3.e.8 **Joint Exemptions Guidance.** The two types of exemptions from immunization are medical and administrative. Commanders will refer to service component specific policies when processing immunization exemption requests. SMs with previous infections or positive serology are not automatically exempt from full vaccination requirements and should consult with their first medical provider in the organizational hierarchy.

3.e.8.a **Joint. Administrative/Religious Exemption Guidance.** SMs with religious practices in conflict with immunization requirements may request an exemption.

3.e.8.b **Joint Administrative/Religious Exemption Guidance.** The vaccination order is temporarily suspended for those SMs with accepted and pending requests for immunization exemptions and until the conclusion of approval/disapproval and any appeals.

3.e.8.c **Joint Administrative/Religious Exemption Guidance.** Commanders with SMs who have submitted and are pending a decision on a medical or administrative exemption, or who have SMs who have declined the vaccine after receiving the required counseling and any follow-on direct order, will ensure such SMs comply with existing DOD, Air Force, and Army guidance for force health protection measures applicable to unvaccinated personnel while in a federal status or installation.

3.e.8.d **Joint Administrative/Religious Exemption Guidance.** Commanders will ensure those pending exemptions and those who refuse to comply with the vaccination order, receive the appropriate counseling and ensure compliance with existing DOD, Air Force, and Army guidance for force health protection measures applicable to unvaccinated personnel while in a federal status or installation.

3.e.8.e **Joint Administrative/Religious Exemption Guidance.** Commanders maintain the confidentiality of their SMs' administrative and private health information (medical) exemptions.

3.e.8.e.1. **Army Medical Exemption Guidance.** NLT 15DEC21, SM will indicate their intent via written "intent of exemption memo" (Reference Vaccine_Exemption_MemoTemplate_20210923). Commanders will counsel SMs who decline the immunization and request a medical exemption (counseling will be substantially similar in content and form to that reflected in Annex NN or OO to HQDA EXORD 225-21, FRAGO 5). SMs who believe they require a medical exemption should consult with their first medical provider in the organizational hierarchy. The first medical provider in the organizational hierarchy will counsel and educate the SMs about medical exemptions based on the SMs' health. Medical exemptions may be temporary (up to 365 days) or permanent. If the SM can provide medical documentation that supports a temporary or permanent exemption, the first medical provider in the organizational hierarchy will forward the temporary/permanent request for medical exemption to the TXNG Office of the Joint Surgeon (OJS) for approval or disapproval. The first medical provider in the organizational hierarchy will disapprove all unsupported requests for temporary or permanent medical exemptions. SMs are subject to the vaccination order if disapproved. If a SM refuses the vaccination order, refer SM to the SM's respective Commander.

3.e.8.e.1.a. **Army Medical Exemption Guidance.** TXARNG, the TXNG Joint Surgeon is the approval authority for temporary medical exemptions. Approvals are documented in MEDPROS. SMs are subject to the vaccination order if disapproved. If a SM refuses the vaccination order, refer the SM to the SM's respective Commander.

3.e.8.e.1.b. **Army Medical Exemption Guidance.** The Surgeon General (TSG), HQDA is the approval authority for permanent medical exemptions. Staff all requests for permanent medical exemptions through the TXNG Joint Surgeon.

3.e.8.e.2. **Army Administrative Exemption Guidance.** Religious Accommodation. NLT 15DEC21, SM will indicate their intent via written "intent of exemption memo" (Reference Vaccine_Exemption_MemoTemplate_20210923). Commanders must counsel SMs (Reference attachment

JFHQ-TX FRAGORD 05 to OPOD 22-1000 (COVID-19 Vaccine Mandatory Guidance)

SAMPLE DA FORM 4856 COVID DECLINATION) noncompliant with immunization requirements regarding the adverse impact to deployability, assignment, and international travel. Commanders also must counsel SMs that a religious exemption may be revoked under imminent risk conditions. Counseling will be substantially similar in content and form to that reflected in Annex NN or OO to HQDA EXORD 225-21, FRAGO 5. Commanders will arrange for an in-person or telephonic interview between the requesting SM and the unit Chaplain. Chaplains assess the basis and sincerity of the SMs belief and provides a written assessment to the chain of command. A licensed health care provider will counsel the applicant to ensure the applicant is making an informed decision IAW AR 600-20, appendix p-2b(3). Immediate Commanders, through the General Court-Martial convening authority, must review the request and recommend approval or denial to the TSG. Recommendations by the chain of command will address the factors of military necessity described in AR 600-20, paragraph 5-6a. A legal review must be completed at the GCMCA level prior to forwarding the request.

3.e.8.e.3. **Air Medical Exemption Guidance.** TXANG, the MDG/CC is the approval authority for medical exemptions.

3.e.8.e.4. **Air Administrative Exemption Guidance.** SM will indicate their intent via written "intent of exemption memo". If member indicates desire for religion accommodation, member will be referred to unit Commander, unit Chaplain and unit medical provider to received additional counseling and education documented via MFRs. Member's justification along with the appropriate Commander, Chaplain and medical MFRs will be provided to the Wing Religious Resolution Team (RRT) (comprised of Wing Commander, Chaplain, Public Affairs, Staff Judge Advocate and Medical Provider). The RRT shall write a memo to the MAJCOM decision authority, detailing the RRT recommendation and any dissenting views of others. Legal review will be conducted and each Commander in the chain will endorse the RRT recommendation with a concur or non-concur. After routing through JFHQ, the complete package is submitted to the Director Air National Guard as the decision authority for final determination. Upon receipt, member's Commander will notify the member of the final decision.

3.e.8.e.5. **Air Administrative Exemption Guidance.** In instances where exemptions or accommodations are disapproved, or the member refuses, the unit will offer additional education via Commander, Chaplain, and medical providers. If the member refuses to follow the order to vaccinate the member will be directed to the Staff Judge Advocate for appropriate action.

3.e.9 **Declination Immunization Process. (Only after the SM does not have a valid or pending exemption request/approval)**

3.e.9.a **Army. TXARNG Process when SM declines immunization:** Effective immediately, if a SM declines immunization, the Commander will counsel the SM (Reference attachment SAMPLE DA FORM 4856 COVID DECLINATION) in substantial compliance with the format and content utilized in Annex NN or OO to HQDA EXORD 225-21, FRAGO 5. The Commander then directs the SM to view the mandatory educational video (military network may restrict access) on the benefits of the vaccine. (<https://www.Cdc.Gov/coronavirus/2019-ncov/vaccines/keythingstoknow.Html>) following the mandatory video, the SM's immediate Commander will order the SM to comply with the order to receive the vaccine.

3.e.9.b **Army.** If the SM continues to decline the vaccination, the immediate Commander directs the SM to meet with a medical professional (physician, physician assistant, or a nurse practitioner) to further discuss the benefits of vaccination and address the SM's concerns. If the SM continues to decline the vaccination, the SM's immediate Commander will encourage the SM to consult with Trial Defense Service in order to understand the implications of refusing a lawful order. The immediate Commander will also consult with their servicing Judge Advocate.

3.e.9.c **Army.** Commanders, Command Sergeants Major, nominative and key billet Sergeants Major, First Sergeants, and Officers in Command Select List (CSL) key billets who refuse the vaccination order, and who have not submitted an exemption request, could be subject to procedures for notification for relief of duties. The Commander will consult with their servicing Judge Advocate.

3.e.9.d **Army.** Officers selected for, and waiting to assume, a CSL command/key billet position who refuse the vaccination order, and who have not submitted an exemption request, could be subject to procedures for removal from the Assistant Adjutant General's CSL command/key billet position list. The first General Officer in the Officer's chain of command will immediately notify the Assistant Adjutant General of the refusal.

3.e.9.e **Army.** Enlisted SMs selected for, and waiting to assume, a nominative Sergeant Major or Command Sergeant Major/key billet positions who refuse the vaccination order, and who have not submitted an exemption request, could be subject to procedures for removal from the Command Sergeant Major/key billet positions. The first General Officer in the chain of command will immediately notify the Command Senior Enlisted Leader of the refusal. Removal proceedings will be conducted prior to the SM assuming the position and will be in accordance with the procedures in AR 614-200 (enlisted assignments and utilization management).

JFHQ-TX FRAGORD 05 to OPOD 22-1000 (COVID-19 Vaccine Mandatory Guidance)

3.e.10 **Air. TXANG Process when SM declines immunization:** Upon arrival at the vaccination clinic to receive the COVID-19 vaccine, individuals will be offered a copy of the product specific fact sheet. Prior to administering the COVID-19 vaccine, the immunization technician will confirm the individual has understood the information within the FDA fact sheet.

3.e.10.a **Air.** SM will indicate their intent via written "intent of exemption memo". If member indicates desire for medical exemption or religion accommodation, member will be referred to unit Commander, unit Chaplain and unit medical provider to received additional counseling and education documented via MFRs. Member's justification along with Commander, Chaplain and medical MFRs will be provided to the Wing Religious Resolution Team (RRT) (comprised of Wing Commander, Chaplain, Public Affairs, Staff Judge Advocate and Medical Provider). The RRT shall write a memo to the MAJCOM decision authority, detailing the RRT recommendation and any dissenting views of others. Legal review will be conducted and each Commander in the chain will endorse the RRT recommendation with a concur or non-concur. After routing through JFHQ, the complete package is submitted to the Director Air National Guard as the decision authority for final determination. Upon receipt, member's Commander will notify the member of the final decision.

3.e.10.b **Air.** In instances where exemptions or accommodations are disapproved, the unit will offer additional education via Commander, Chaplain, and medical providers. If the member refuses to follow the order to vaccinate the member will be directed to the Staff Judge Advocate for appropriate action.

3.e.11 **Applicable Guidance.** Reference the below list for attachments in order as applicable:

3.e.11.a **Joint.**

3.e.11.b VACCINE INFORMATION FACT SHEET

3.e.11.c 20210824_OSD_Mandatory Coronavirus Disease 2019 Vaccination of Department of Defense SMs Final

3.e.11.d **Army**

3.e.11.d.1. FRAGO 5 TO HQDA EXORD 225-21 COVID-19 STEADY STATE OPERATIONS

3.e.11.d.2. Vaccine_Exemption_MemoTemplate_20210923

3.e.11.d.3. TXARNG Flow Chart

3.e.11.d.4. SAMPLE DA FORM 4856 COVID DECLINATION

3.e.11.e **Air**

3.e.11.e.1. 20210903 DAF COVID Vaccination Memo

3.e.11.e.2. 20210903 DAF COVID Vaccination Implementation Memo

3.e.11.e.3. NGB-GC Information Paper, 16 Sept 2021

4. Administration and Logistics.

4.a. Concept of Sustainment. Units can request Mobile Vaccination Teams (MVTs) and/or PFIZER/COMIRNATY COVID-19 Vaccines through CPT Bradley Hurt, bradley.hurt.mil@mail.mil at JTF Texas.

4.a.1 Tracking and packet collection of Administrative and Medical exemptions process TBP.

5. Command and Control.

5.a. Command Relationships. N/A.

5.b. Joint Communications System Support.

5.b.1 **Lead.**

5.b.1.a Primary POC is MAJ Searles, 512-782-6096, or jeremy.j.searles.mil@mail.mil.

5.b.2 **Originator.** Office of the Joint Surgeon.

Authentication:

TRACY R. NORRIS

Major General, TXARNG

Adjutant General

ANNEXES: N/A.

JFHQ-TX FRAGORD 05 to OPORD 22-1000 (COVID-19 Vaccine Mandatory Guidance)

ATTACHMENTS:



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