



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION
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IN REPLY REFER TO:

October 8, 2021

AIRPORT NOTICE

TO: ALL CONCERNED

SUBJECT: RESTATEMENT OF GOVERNOR'S EXECUTIVE ORDER
21-07, ACCESS TO STATE PROPERTY, Revised October
8, 2021

With the issuance of the *Restatement of Executive Order 21-07* on October 1, 2021, and referred to as *Exhibit E*, the following Airport Manager's Notice revises and restates the following:

- Oahu: Airport Notice #21-024, Access to State Property,
- Maui: Kahului Airport Notice #21-001, Access to State Property,
- Kauai: Lihue Airport Notice 21.026, Access to State Property, and,
- Hawaii: Hilo Airport Notice 21.0153, Access to State Property
Kona Airport Notice 21.0258, Access to State Property

EXECUTIVE ORDER 21-07 - RESTATED – SUMMARY

Executive Order 21-07 was issued to ensure the safety of State employees where transmission of COVID-19 is possible when persons who are conducting government come in contact with State employees. The October 1, 2021 *Restatement of Executive Order 21-07*, clarifies that EO-21-07 by adding the following:

I. AIRPORT NOTICE APPLICABLE/NOT APPLICABLE TO:

A. Does not apply to the United States government

“This proclamation does not apply to the United States government or to employees and its contractors conducting official government business.”¹

B. Applicable to “Facility” that is Occupied by State Employees.

By implementing the *Restatement of Executive Order 21-07*, *Executive Order 21-07* is applicable to “Facility” or “Facilities” (for example, buildings) that is **occupied by State employees**. the *Restatement of Executive Order 21-07* provides the following:

*“As persons entering, working or providing services in any State Facility utilized by employees of the executive Branch, including contractors, volunteers, and members of the public shall comply with the requirements set forth in Exhibit E.² *(emphasis underscored.)”*

Exhibit E defines a facility as follows:

“Facility” or “Facilities” mean any facility, building, or other property controlled and used by the State to conduct government business, or any other State property that is the site of a State government project.

C. Where Executive Order 21-07 Is Not Applicable:

Given the *Restatement of Executive Order 21-07* applies to contractors and visitors entering a facility occupied by State employees. The following are examples of a Facility” or “Facilities” where Executive Order 21-07 **are not applicable**:

1. Properties under a lease or month to month permit issued by the State including fix-based operators, T-hangers, aircraft tie-downs where State employees do not occupy. (*Note: Executive Order 21-07 is applicable to the person or persons representing the lessee or permittee who shall be required to show proof of vaccination, or proof of testing consistent with protocols as provided in Exhibit E when the State employee conducts face to face inspections or other*

¹

² Page 7 of 21, 1st paragraph.

government business.

2. Transporters of cargo or materials (truckers, fuel providers, customers) accessing and departing air cargo facilities to conduct cargo operations. *However, shippers operating cargo facilities are to encourage truckers, visitors, and vendors to adhere to the Statewide Face Covering Requirement addressed in Exhibit A.*
3. Vendors providing services or other work to airline, aircraft, aeronautical cargo facilities and aeronautical operators including cargo operators, aircraft repairs; or, aeronautical support personnel in support of aeronautical operations.

II. WHERE EXECUTIVE ORDER 21-07 IS APPLICABLE

- All *Contractors*³ entering, working, or providing service in any State facility⁴.
- All *Visitors*⁵ to State facilities where contact with State employees or members of the public is possible.

A. CONTRACTORS

1. Effective September 13, 2021, all *Contractors* who enter, work, or providing services in any State Facility shall identify all employees accessing State Facilities *and attest*⁶ that each employee is: (1) fully vaccinated⁷ for COVID-19; (2) partially vaccinated for COVID-19 (including receipt of one dose of a two-dose course of vaccination); or (3) not vaccinated for COVID-19;
2. For Contractor's employees who are partially vaccinated or not vaccinated, Contractor will ensure and be able to provide weekly verification⁸ that any unvaccinated or partially vaccinated employee who accesses a State Facility is subject to regular COVID-19 testing with weekly verification.⁹

³ EO 21-07, 1.c.ii. Definition of Contractor

⁴ EO 21-07, 1.c.iv. Definition of Facility

⁵ EO 21-07, 1.c.vi. Definition of Visitor

⁶ EO 21-07, 1.c.i Definition of Attestation

⁷ EC 21-07, 1.c.v. Definition of Fully Vaccinated

⁸ EO 21-07, 1.c.iii Definition of Covid-19 Test

⁹ EO No. 21-07, 1.a.i.b. c Contractor will ensure and provide weekly verification

3. WHO IS A CONTRACTOR” OR “CONTRACTOR’S EMPLOYEE?

Contractor” or “Contractor’s Employee” (See Footnote 1) means any:

- a. *Contractor, volunteer, or vendor providing goods, equipment, construction, consulting, or any other materials or services to the State whether paid or unpaid;*
- b. *Concessionaire, permittee, or commercial operator in any State facility (See Footnote 1); or*
- c. *Anyone employed by the contractor or providing service for or on behalf of the contractor who enters, works, or provides services (See Footnote 1) in any State facility under any type of subcontract or other agreement.*

B. VISITOR

1. EFFECTIVE DATE

September 13, 2021, Visitors (see *Footnote 3*) entering, working, or providing service in any State facility shall provide verification that they are fully vaccinated for COVID-19, or, if not fully vaccinated, show their negative test result by: (1) showing official documentation evidencing their negative test result of a COVID-19 test (See *Footnote 6*); or (2) the use of various publicly available health status applications such as the State of Hawaii Smart Health Card, Common Pass applications, CLEAR Health Pass, Azova, IBM Digital Health Pass, and other similar products available to the public.

2. WHO IS A VISITOR?

- a. *“Visitor” means individuals entering any State Facility who is not a State employee, volunteer, vendor, contractor, or employee of a contractor (See Footnote 3).*

- b. Exclusions: EO No. 21-07 *shall not include*¹⁰: Visitors (See *Footnote 3*) on outdoor State government properties; persons under the age of twelve (12); individuals entering any state airport for the purpose of traveling out of or into an airport located within the State; or individuals making deliveries to a State Facility and who leave within ten (10) minutes of entry.

C. FACILITY

1. CAN YOU DEFINE FACILITY?

“Facility” or “Facilities” mean any facility, building, or other property controlled and used by the State to conduct government business, or any other property that is the site of a government project (See *Footnote 2*).

I. IMPLEMENTATION REQUIREMENTS

Effective September 13, 2021, all Contractor, Contractor’s employees, and Visitors entering, working, or providing services in any State Facility shall be required to comply with the following:

A. CONTRACTORS SHALL:

1. Identify all of its employees accessing State facilities *and attest* that each employee is: (1) fully vaccinated for COVID-19; (2) partially vaccinated for COVID-19 (including receipt of one dose of a two-dose course of vaccination); or (3) not vaccinated for COVID-19.
2. For those Contractor’s employees who are partially vaccinated or not vaccinated, Contractor will ensure and be able to provide weekly verification that any unvaccinated or partially vaccinated employee is subject to regular COVID-19 testing that shall occur once per week.
3. Contractors shall ensure that any unvaccinated or partially vaccinated employee does not enter, work, or provide services in any State Facility unless the employee obtains a negative test result of a COVID-19 test as a condition to being allowed to enter or remain in any State Facility.

B. VISITORS SHALL:

¹⁰ EO 21-07, 1.c.vi)

1. Provide verification that they are fully vaccinated for COVID-19, or, if not fully vaccinated, provide proof of their negative test result (see *Footnote 6*) by showing:
 - a. Official documentation evidencing their vaccination status or negative test result of a COVID-19 test; or
 - b. Proof of testing status using the various publicly available health status applications such as the State of Hawaii Smart Health Card, Common Pass applications, CLEAR Health Pass, Azova, IBM Digital Health Pass, and other similar products available to the public.

D. OTHER REQUIREMENTS

If not otherwise required by State or county orders, all Contractors, Contractor's employees, and Visitors, whether fully vaccinated, unvaccinated, or partially vaccinated, shall wear a mask the entire time they are present in any State Facility and physically distance themselves from others.

E. EXEMPTIONS

Notwithstanding the provisions set forth herein, all persons subject to this Order also shall comply with any county orders, rules, or directives that are more restrictive, *unless an express exemption is granted by the Governor or Director of Emergency Management.*

To the best of the DOT's knowledge, Contractors or Visitors seeking exemptions requests should visit <https://dod.hawaii.gov/>

F. ENFORCEMENT

1. Any Contractor, Contractor's employee, or Visitor shall not be allowed to remain on or in any State Facility unless they are following EO No. 21-07 and this Notice. Any unvaccinated or partially vaccinated Contractor, Contractor's employee, or Visitor not in compliance with EO No. 21-07 or found to have submitted falsified information pursuant to EO No. 21-07 shall be precluded from entry to any State Facility until they are in full compliance.
2. Any violation of EO No. 21-07 by a Contractor or Contractor's employee may also be subject to contractual remedies or other remedies as allowed under the law.

II. HOW DO I COMPLY WITH EO NO. 21-07 (ACCESS TO STATE PROPERTY) AIRPORT MANAGER NOTICE?

- A. The Department of Transportation cannot provide advice to a Contractor or Visitor how they will comply with EO No. 21-07 (Access to State Property) or to this Airport Manager Notice other than what is stated in EO No. 21-07. However, EO No. 21-07, places *the burden on the Contractor* to ensure its employees are following the requirements of EO No. 21-07. The Order also places the responsibility on a Visitor to demonstrate that they are complying with the requirements of EO No. 21-07.
- B. The *Contractor* on behalf of itself and its employees' shall:
1. Attest to the vaccination status of each employee accessing a State Facility; and
 2. Ensure the employee obtains a negative test result of a COVID-19 test as a condition to being allowed to enter or remain in any State facility.
- C. WHAT HAS THE DEPARTMENT OF TRANSPORTATION IMPLEMENTED REGARDING ITS ATTESTATION AND TESTING PROGRAM?

The Department of Transportation cannot provide advice to a Contractor or Visitor how they will comply with EO No. 21-07 (Access to State Property) or to this Airport Manager Notice other than what is stated in EO No. 21-07. The Department of Transportation shares its own application of an Attestation and Weekly Testing forms to the Contractor or Visitor as a sample only.

1. ATTESTATION. The Department of Transportation complied with the Governor's August 5th, 2021 Emergency Proclamation by requiring all State and county employees to attest to vaccination status by completing *ATTACHMENT A, COVID-19 Vaccination Status Attestation Form*. All forms were distributed through Department of Transportation email and or to print paper copies sent to offices and distribution to employees without email. Employees submitted their forms to their respective departmental-Divisional human resource Manager to collect and record statistics of those:

- a. Vaccinated.
- b. Chose testing in lieu of vaccination (and weekly monitoring and results).
- c. Seeking a medical or religious exemption.
- d. Those placed on leave without pay subject to further employment action to ensure compliance.

2. WEEKLY TESTING

The Department of Transportation complied with the Governor's August 5, 2021 Emergency Proclamation by requiring all State and county employees to attest to their weekly testing by completing *ATTACHMENT B, COVID-19 Weekly Testing Attestation*.

III. HOW WILL THE DEPARTMENT OF TRANSPORTATION ENFORCE EO NO. 21-07 (ACCESS TO STATE PROPERTY) MANAGER ORDER?

A. CONTRACTORS

EO No. 21-07 (Access to State Property) will be enforced by the Airport Manager, Project Engineer, or agent. These State employees will conduct random audits of contractor compliance. Contractors or their employees, as defined herein, found not in compliance with EO No. 21-07 will be required to immediately leave the State Facility. Contractor's employees will not be allowed on the State Facility until the Contractor shows proof of compliance with EO No. 21-07 or *proof of an exemption*.

Thereafter, the Airport Manager, Project Engineer, or agent will work with the Contracts office and the Deputy Director to determine if a contractual remedy will be imposed for the non-compliance.

B. VISITORS

1. EO No. 21-07 (Access to State Property) will be enforced by the Airport Manager, Project Engineer, or agents conducting audits of compliance by Visitors entering into or who are on State Facilities. Visitors without proof of vaccinations or weekly testing will not be allowed to enter or remain on or in a State Facility.

2. **PASS & ID Office.** *For efficiency of time, Contractor shall ensure that Contractor's employees and visitors comply with having proof of vaccinations or weekly testing before directing Contractor's employees and visitors to the airport Pass & ID Office. Pass and ID Office will randomly request confirmation of vaccination or testing compliance.*

3. Visitors, as defined herein, who are found within a State Facility who are not in compliance with EO No. 21-07 will be required to immediately leave the State Facility. They will not be allowed to return and access the State Facility until they demonstrate that they are following EO No. 21-07.



Oct 8, 2021

Airport Manager

Date