

Massachusetts Correction Officers In Vaccine Mandate Showdown

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With Gov. Charlie Baker's COVID-19 vaccine mandate for executive branch employees in effect Monday, hundreds of correction officers could be in violation of the policy following a decision by a federal court judge to deny their request to block the vaccine order.

U.S. District Court Judge Timothy Hillman on Friday denied the request made by the Massachusetts Correction Officers Federated Union for a preliminary injunction to stop Baker from enforcing the vaccine mandate. The decision came just two days before the union's 3,300 members faced a Sunday deadline to show proof of vaccination or face disciplinary action, including suspension and possible termination. The union's attorney James Lamond told the court in a separate filing on Friday that 40 percent, or about 1,411 correction officers were unvaccinated as last Wednesday.

Hillman, in his ruling, said the union failed to demonstrate that Baker had violated the Contracts Clause of the Constitution because the union still had the opportunity and was in the process of challenging the change to its collective bargaining agreement. Furthermore, the judge ruled that the courts have already established that it is not a fundamental right to refuse a vaccination.

The precedent for that opinion dates back to a 1905 Supreme Court case centered in Massachusetts and involving the smallpox vaccine. "Even considering the economic impact on the Plaintiffs if they choose not to be vaccinated, when balancing

that harm against the legitimate and critical public interest in preventing the spread of COVID-19 by increasing the vaccination rate, particularly in congregate facilities, the Court finds the balance weighs in favor of the broader public interests," Hillman wrote in his ruling.

Baker last week activated 250 members of the National Guard to prepare to address possible staffing shortages in the Department of Correction as a result of the vaccine mandate. The MCOFU is not the only union that has challenged Baker's executive order on COVID-19 vaccine for state employees. The State Police Association of Massachusetts sued in state Superior Court to block the mandate from taking effect on Monday and also lost.