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United States District Court
for the District of Columbia
333 Constitution Avenue, N.W.
Washington, DC 20001

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Chambers of
Beryl A. Howell
Chief Judge

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To: All Employees, Interns, and On-Site Court Contractors of the
U.S. District & Bankruptcy Courts for the District of Columbia
U.S. Probation Office for the District of Columbia

From: Chief Judge Beryl A. Howell 

Date: August 19, 2021

Re: **D.D.C. COVID-19 Vaccination Policy**

Please read this policy carefully since it contains important information on additional conditions of employment to help ensure the health and safety of Court employees, Judges, and their families, and the people required to come into the Courthouse during the current pandemic.

Throughout the duration of the ongoing COVID-19 pandemic, this Court has taken necessary steps to protect the health and safety of court employees and Judges, as well as jurors, grand jurors, attorneys, litigants, members of the public, and others within our Courthouse community. The Judges of this Court have decided that the time has now come to implement a vaccination policy to further protect our community against the potentially life-threatening effects of COVID-19 and its variants. This policy requires all employees of the U.S. District and Bankruptcy Courts, including the Clerk's Office, chambers staff, and the U.S. Probation Office, as well as interns and on-site District Court contractors, to be fully vaccinated against the COVID-19 virus. This policy will be implemented in two stages.

Vaccination Policy:

STAGE 1: Effective August 30, 2021, and for the duration of the period during which no COVID-19 vaccine has received full and final approval by the United States Food and Drug Administration (FDA), employees must either demonstrate that they have been fully vaccinated OR provide proof of twice-weekly tests for the COVID-19 virus. Employees who elect to be tested in lieu of providing proof of vaccination may not participate in work-related travel.

STAGE 2: Once the FDA gives full and final approval to at least one COVID-19 vaccine that is widely available—which approval is anticipated within a matter of weeks—all employees will be required to be fully vaccinated or be in the process of becoming fully vaccinated within one month of the FDA's final approval, unless exempted from this vaccination requirement. After the FDA gives such full and final approval, non-exempted employees will no longer have the option to provide proof of testing in lieu of vaccination.

Exemptions from Vaccination: Employees and other persons subject to this policy may seek exemption from the vaccination requirement on the grounds of a specific medical condition

or sincerely held religious belief. To request an exemption, an employee must submit a letter no later than one week following full and final FDA approval of a widely available COVID-19 vaccine, requesting an exemption and providing sufficient details and and/or supporting documents to permit full consideration of the request. A request for a medical exemption should include documentation from a medical provider. Anyone submitting an exemption request is required to provide accurate information and sign the request. An exemption request may be submitted by email, or in hard copy in a sealed envelope, to the appropriate Court Unit Executive or, if the requestor works in chambers, to the appointing Judge. Requests will be reviewed by the appropriate Court Unit Executive, or appointing Judge, in consultation with the Chief Judge as necessary.

Employees granted an exemption will be required to undergo twice-weekly testing and to wear a mask and maintain social distancing at all times while in the Courthouse.

Attestation to Vaccination Status: Employees and other persons subject to this policy will be asked to complete a form attesting to their vaccination status. Please review the instructions and attestation form attached to this memorandum and complete and submit the form promptly to the appropriate Court Unit Executive or appointing Judge.

Testing Requirements: Employees and other persons subject to this policy who are required to submit proof of twice-weekly testing for COVID-19 should submit results of their testing by email to DCD_HumanResources@dcd.uscourts.gov with “Confidential COVID-19 Test Results” indicated in the heading. PCR tests and “rapid tests” obtained through a pharmacy, health department, doctor’s office, or other healthcare provider are acceptable. “At home” tests are not acceptable. To the extent that a person subject to this policy does not have an insurance plan that covers all costs associated with COVID-19 testing, no-cost testing may be available through local health departments and/or pharmacies.

Testing sites are located throughout the D.C. metropolitan area and thus employees who are unvaccinated and must test will not be granted administrative leave for testing and will not be given time off from work to get tested, unless no alternative is available. Any specific issues should be raised with a supervisor. An employee or other person subject to this policy who receives a positive test will notify their supervisor and follow the appropriate quarantine and follow-up testing requirements. An employee who is concerned about a possible false positive result and wants to repeat the test the same or the following day may do so. A second negative test promptly following an initial positive test will be treated on a case specific basis. These situations are likely to be rare.

Compliance: Compliance with this policy is a mandatory condition of employment. Anyone who fails to fulfill vaccination or testing requirements within the specified time frames will be placed on Leave Without Pay (LWOP) status. Inability to obtain a required COVID-19 test will not, on that ground alone, entitle an employee to telework. Misrepresentation about vaccination status or test results could result in termination of employment.

Duration: This vaccination policy will remain in effect until the Court determines otherwise.

Need For Vaccination Policy:

Thank you for your ongoing commitment to this Court and the public we serve. The Centers for Disease Control and Prevention (CDC) confirms that “**COVID-19 vaccines are effective at helping protect against severe disease and death from variants of the virus that causes COVID-19 currently circulating, including the Delta variant.**”¹ Yet, despite the widespread availability of effective vaccines, many people remain unvaccinated. Currently, approximately 50.9% of the national total population is fully vaccinated, with an estimated 59.9% having received at least one dose.² In the District of Columbia, approximately 56% of residents are fully vaccinated, with an estimated 65.6% having received at least one dose.³ On July 29, 2021, President Biden announced that federal employees and contractors would be required to be fully vaccinated or otherwise subject to heightened protocols and testing requirements.⁴ On August 10, 2021, Mayor Bowser announced a similar policy for D.C. government employees.⁵ A number of other federal courts, including the District of Maryland, the Eastern District of Virginia, the District of Rhode Island, the Southern District of Texas and the Northern District of Illinois recently have adopted vaccination requirements for their court employees.⁶

This Court’s vaccination policy will help ensure that we are doing our part to combat the spread of the COVID-19 virus and its variants and to protect the health and safety of both our Courthouse community and the District of Columbia, particularly as individuals are ordered to appear in our Court. I am proud that throughout this pandemic this Court has remained open and operating by adopting all necessary health and safety protocols, and this new vaccination policy will help us continue to serve the interests of justice in the District of Columbia even as the COVID-19 virus and its variants continue to circulate.

Attachment: Vaccination Attestation Form

¹ *Key Things to Know About COVID-19 Vaccines*, CENTERS FOR DISEASE CONTROL AND PREVENTION (last updated Aug. 16, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>.

² *COVID Data Tracker: COVID-19 Vaccinations in the United States*, CENTERS FOR DISEASE CONTROL AND PREVENTION (last updated Aug. 16, 2021), https://covid.cdc.gov/covid-data-tracker/#vaccinations_vacc-people-onedose-pop18.

³ *Vaccination Data*, GOVERNMENT OF THE DISTRICT OF COLUMBIA (last updated Aug. 9, 2021), <https://coronavirus.dc.gov/data/vaccination>.

⁴ *Fact Sheet: President Biden to Announce New Actions to Get More Americans Vaccinated and Slow the Spread of the Delta Variant*, WHITE HOUSE (July 29, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/29/fact-sheet-president-biden-to-announce-new-actions-to-get-more-americans-vaccinated-and-slow-the-spread-of-the-delta-variant/>.

⁵ *Mayor Bowser Announces that All DC Government Employees Will Be Required to Get Vaccinated Against COVID-19*, GOVERNMENT OF THE DISTRICT OF COLUMBIA (Aug. 10, 2021), <https://mayor.dc.gov/release/mayor-bowser-announces-all-dc-government-employees-will-be-required-get-vaccinated-against>.

⁶ See Press Release, U.S. District Court for the District of Maryland, *United States District Court for the District of Maryland COVID-19 Vaccine Policy* (Aug. 13, 2021), https://www.mdd.uscourts.gov/sites/mdd/files/USDC%20Vaccine%20Policy%20_August%202021_For%20Release.pdf; *In Re: Court Operations Under the Exigent Circumstances Created by the Outbreak of Coronavirus Disease 2019 (COVID-19): Vaccination & Testing Policy*, General Order No. 2021-12 (E.D.V.A.) (Aug. 13, 2021); *Amended General Order Regarding Courthouse Visitation and Access Restrictions (D.R.I.)* (May 30, 2021), <https://www.rid.uscourts.gov/sites/rid/files/documents/generalorders/Access%20Restrictions%20%20Visitation%20-%20Amended%20%20May%202021%20Final.pdf>; Press Release, U.S. District Court for the Southern District of Texas, *COVID-19 Vaccination or Twice Weekly Testing to Be Required for Employees of the U.S. District and Bankruptcy Courts Southern District of Texas* (Aug. 6, 2021), <https://www.txs.uscourts.gov/sites/txs/files/SDTX%20Press%20Release.pdf>; Press Release, U.S. District Court for the North District of Illinois, *COVID-19 Vaccination to Be Required for Employees of U.S. District Court and U.S. Bankruptcy Court for Northern District of Illinois* (Aug. 3, 2021), https://www.ilnd.uscourts.gov/_assets/_news/EmployeeVaccinationAttestationFINAL.pdf.

**The U.S. District Court for the District of Columbia
COVID-19 Vaccination Status Attestation Form**

Instructions: Please complete and sign this attestation form concerning your COVID-19 vaccination status and return the completed form by email or in hard copy to the appropriate Court Unit Executive or appointing Judge no later than **August 30, 2021**. **No medical information or explanation is necessary for this form.** For purposes of this form, being “fully vaccinated” means that two weeks have passed after receiving the second dose of a two-dose COVID-19 vaccine (Pfizer or Moderna) or after receiving the single-dose COVID-19 vaccine (Johnson & Johnson). Employees and other persons subject to the Court’s vaccination policy who (1) are not fully vaccinated, (2) decline to disclose their vaccination status, or (3) are granted an exemption to the vaccination requirement, are required to undergo and provide proof of twice-weekly COVID-19 testing.

Name: _____

Court Unit (Select One):

- Clerk’s Office
- Chambers
- U.S. Probation Office
- Other

Please Indicate Your Vaccination Status:

- I am fully vaccinated.
- I received my second dose of the Pfizer or Moderna vaccine or my single dose of the Johnson & Johnson vaccine less than two weeks ago on _____ (date).
- I received my first dose of the Pfizer or Moderna vaccine, and my second appointment is scheduled for _____ (date).
- I have not yet been vaccinated, but I have scheduled an appointment to receive my first dose of vaccine on _____ (date).
- I have not been vaccinated, but I intend to start the vaccination process within two weeks of full and final approval by the FDA of one of the widely available COVID-19 vaccines.
- I intend to seek an exemption from the vaccination requirement. (Note: an exemption request should be submitted no later than one week after the FDA issues full and final approval of one of the widely available COVID-19 vaccines.)
- I decline to disclose my vaccination status.

I understand that I am required to provide accurate information on this form. I hereby affirm that I have accurately and truthfully provided the information above. I also understand that if I stated that I am fully or partially vaccinated, the Court may request documentation of my vaccination, such as a copy of my vaccine card.

_____ (signature)

DATED: _____