

FILED

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

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE: PROMPT IMPLEMENTATION OF
EXECUTIVE BRANCH COVID-19
VACCINATION POLICY FOR U.S.
MARSHALS SERVICE AND COURT
SECURITY OFFICERS

Standing Order No. 21 - 57 (BAH)

Chief Judge Beryl A. Howell

ORDER

As detailed in prior standing orders, most recently in Standing Order 21-47, this Court has taken significant precautions throughout the COVID-19 pandemic to protect the health and safety of all persons in the E. Barrett Prettyman United States Courthouse and the William B. Bryant Annex (the “Courthouse”), including staff, attorneys, parties, jurors, members of the media and public, and others who conduct business within the Courthouse. To remain open throughout the pandemic, the Court has implemented access restrictions and safety protocols, adjusted as appropriate, for the convening in person of grand jury sessions, criminal proceedings, and both civil and criminal trials. As part of this effort to ensure the health and safety of persons required to be present in the Courthouse, effective August 30, 2021, this Court implemented a vaccine policy requiring COVID-19 vaccination, with limited exemptions, for Court employees, interns, and on-site court contractors, as of September 23, 2021.¹ In-person criminal proceedings and trials, in particular, require the presence of Deputy U.S. Marshals and/or court security officers in District Court courtrooms, and Deputy U.S. Marshals and court security officers have significant and important interactions with the public and others throughout the Courthouse.

¹ U.S. DIST. COURT FOR THE DISTRICT OF COLUMBIA, D.D.C. COVID-19 VACCINATION POLICY: STAGE TWO UPDATE (Aug. 24, 2021), https://www.dcd.uscourts.gov/sites/dcd/files/DDC%20Vaccination%20Policy_STAGE%20TWO%20UPDATE_20210824.pdf.

The President of the United States announced, on September 9, 2021, the current COVID-19 vaccination policy for employees in the Executive Branch of the federal government (“September 9, 2021 Policy”), requiring each agency to implement “a program to require COVID-19 vaccination for all of its Federal employees, with exceptions only as required by law.”² As part of this program, covered employees and contractors have 75 days, until November 22, 2021, to become fully vaccinated, with limited exemptions.³ This current policy builds upon the previous Executive Branch policy, announced July 29, 2021, which required employees to attest to their vaccination status and, for any employee who is not fully vaccinated or who declines to attest to vaccination status, to be subject to weekly or twice-weekly COVID-19 testing (“July 29, 2021 Policy”).⁴

After consultation with representatives of the U.S. Marshals Service regarding its implementation of the Executive Branch’s COVID-19 vaccination policies, the Court is advised that the U.S. Marshals Service in this District has not yet implemented either (1) the July 29, 2021 Policy requiring employees to provide attestation to full COVID-19 vaccination or undergo weekly or twice-weekly COVID-19 testing, or (2) the September 9, 2021 Policy requiring all employees, with limited exceptions, to be fully vaccinated by November 22, 2021, while the U.S. Marshals Service awaits further guidance from the U.S. Department of Justice.

² Exec. Order No. 14043, 86 Fed. Reg. 50989 (Sept. 9, 2021), <https://www.federalregister.gov/documents/2021/09/14/2021-19927/requiring-coronavirus-disease-2019-vaccination-for-federal-employees>.

³ Press Briefing by Jen Psaki, Press Sec’y, White House (Sept. 9, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/09/09/press-briefing-by-press-secretary-jen-psaki-september-9-2021/>; SAFER FEDERAL WORKFORCE TASK FORCE, COVID-19 WORKPLACE SAFETY: AGENCY MODEL SAFETY PRINCIPLES (last updated Sept. 13, 2021), <https://www.saferfederalworkforce.gov/downloads/updates%20to%20model%20safety%20principles%209.13.21.pdf>.

⁴ Press Release, White House, FACT SHEET: President Biden to Announce New Actions to Get More Americans Vaccinated and Slow the Spread of the Delta Variant (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/>.

Accordingly, it is hereby

ORDERED that, effective Monday, September 27, 2021, and continuing until November 22, 2021, the U.S. Marshals Service for the District of Columbia must ensure that all employees or contractors of the U.S. Marshals Service entering the Courthouse, including court security officers, have either provided attestation that they are fully vaccinated against COVID-19 or are being subjected to weekly or twice-weekly COVID-19 testing, consistent with the July 29, 2021 Policy, unless full implementation of the September 9, 2021 Policy is accomplished earlier than November 22, 2021.

SO ORDERED.

Date: September 21, 2021



BERYL A. HOWELL
Chief Judge