

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE: VACCINATION POLICY

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Misc. No. 00-308

STANDING ORDER 2021-10

Effective: September 8, 2021

The United States District Court for the District of Maryland continues to closely monitor the public health emergency created by the COVID-19 pandemic. The COVID-19 “Delta Variant” has recently caused a spike in virus cases. Hospitalizations and deaths due to COVID-19 are increasing across the United States, and within this District. The Centers for Disease Control and Prevention note that in almost every county in this District the risk of community spread of the COVID-19 virus is rated as “high.”

Unlike during earlier stages of this crisis, safe and effective COVID-19 vaccines are now widely available in the United States. At least one vaccine, Pfizer-BioNTech, has now received full approval from the United States Food and Drug Administration.

In order to protect the health and safety of the public and court staff, the Court recently adopted a vaccine policy applicable to employees of the U.S. District Court, U.S. Bankruptcy Court, and Probation and Pretrial Services Office in this District. The Court now finds that it is necessary and appropriate to extend that vaccination policy to apply to all persons seeking to enter any U.S. Courthouse in the District of Maryland, with limited exceptions. Persons gathering in Courthouses are at particular risk of transmitting the COVID-19 virus by virtue of their close proximity to others, and because of the interactive activity that generally occurs in court proceedings. Accordingly, pursuant to the more formal language set out below, all persons entering U.S. Courthouses in this District, except for criminal defendants, sitting and prospective

Grand and Petit Jurors, and lay witnesses in criminal cases, must be vaccinated against the COVID-19 virus (unless the Court has granted an exemption from this vaccination mandate on medical or religious grounds -- those granted an exemption must regularly produce negative COVID-19 test results in order to enter and remain in the Courthouses). The purpose of this extended vaccination policy is to protect the health and safety of all who gather in the Courthouses.

On an interim basis, persons seeking to enter the Courthouses who are not fully vaccinated,¹ and who are not Court staff members, will be allowed to enter upon production of a negative COVID-19 test result, provided the test was administered no more than 72 hours prior. The Court expects to modify this transitional policy and eliminate the testing option for visitors in the near future. Upon eliminating the testing option, the Court will restrict all unvaccinated persons from entering unless they have been exempted. A twice-weekly testing requirement will remain in effect indefinitely for unvaccinated persons permitted to enter the Courthouses pursuant to medical or religious exemptions.

Accordingly, it is

ORDERED, that all persons seeking to enter United States Courthouses in the District of Maryland, except for criminal defendants, sitting or prospective Grand or Petit Jurors, and lay persons who have been subpoenaed to appear and testify in criminal proceedings or before a Grand Jury, must have been fully vaccinated against the COVID-19 virus before they are permitted to enter. All persons seeking to enter the Courthouses must verify their vaccination status. Individuals choosing not to provide a response to inquiries concerning their vaccination status will be treated as unvaccinated persons; and it is further

¹ Persons are considered fully vaccinated against COVID-19 fourteen days after receiving the second dose of a two-dose vaccine, or fourteen days after receiving a single dose of a single-dose vaccine.

ORDERED, that on an interim basis, persons seeking to enter a Courthouse who are unvaccinated, or who are not fully vaccinated, and who are not Court staff members, may provide proof of a negative COVID-19 test administered no more than 72 hours prior to seeking entry, and will be afforded entry upon doing so. Unvaccinated persons who cannot provide proof of a negative COVID-19 test and who are, accordingly, prohibited from entering, may deposit and date-stamp papers in drop boxes at each Courthouse entrance between 9:00 a.m. and 4:00 p.m., Monday through Friday. Unlike vaccinated persons, those who have not been vaccinated may not remove their masks when speaking in the Courtrooms or in other spaces unless in private. Unvaccinated persons must maintain a distance of at least six feet from other persons while inside Courthouses; and it further

ORDERED, that the vaccination policy previously set out for Court staff, and as recently modified (attached), continues to define the vaccination requirements for Court staff and is incorporated herein as a part of this Order; and it is further

ORDERED, that the extension of this vaccination policy expressly applies to attorneys, government agents, investigators, employees of counsel, parties or party representatives in civil matters, employees of state and federal law enforcement agencies to include Deputy U.S. Marshals and Court Security Officers, witnesses in civil cases, members of the press, and all others seeking to enter United States Courthouses in the District of Maryland; and it is further

ORDERED, that this Order shall take effect on September 8, 2021. This Order shall be vacated or amended as circumstances warrant.

Dated this 25th day of August, 2021.

BY THE COURT:

/s/ JAMES K. BREDAR
James K. Bredar
Chief Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
JAMES K. BREDAR
Chief Judge

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August 13, 2021

TO: ALL EMPLOYEES, U.S. DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FROM: CHIEF JUDGE BREDAR

DATE: AUGUST 13, 2021

SUBJECT: MANDATORY COVID-19 VACCINATION

Your safety, and that of the public, are among my highest priorities as Chief Judge. Each of us has the responsibility to ensure our own safety and that of colleagues, the public, lawyers, other partners in the justice system, and those individuals who are compelled to come to Court each day. Accordingly, our Court will now take certain steps to act on that responsibility. In the immediate future, all employees of the U.S. District Court, Bankruptcy Court, and Probation and Pretrial Services Office for the District of Maryland will be required to be vaccinated against the COVID-19 virus.

The vaccination requirement will be implemented in two stages. For the duration of the period during which no vaccine has received full and final approval by the United States Food and Drug Administration (FDA), employees will have the option of demonstrating that they have been fully vaccinated or presenting proof that they have been tested twice weekly and found not to be carrying the COVID-19 virus. Those electing to be tested in lieu of vaccination will be prohibited from work-related travel.

Upon the FDA giving full and final approval to at least one vaccine that is widely available, an event that I expect to occur within the next month, all employees will be required to be fully vaccinated, or to be in the process of becoming fully vaccinated. After the FDA gives full approval to at least one of the vaccines, employees will no longer have the option of undergoing testing to avoid the vaccination requirement.

Employees may seek exemption from the vaccination requirement on the grounds of a specific medical condition or a sincerely held religious belief. Employees granted exemptions will

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be required to test weekly and, while in the Courthouses and Probation Offices, always wear a mask and maintain social distance.

As you know, the Court is not alone in imposing a vaccination requirement. Several courts across the country have announced similar policies in recent weeks, and many local employers and institutions are also adopting mandatory vaccination policies. Governor Hogan recently announced vaccination requirements for some State employees. The University of Maryland is requiring all students, faculty, and staff at all 12 of its college campuses to be vaccinated before the Fall semester begins. Maryland's largest hospitals and health systems, including the University of Maryland Medical System and Johns Hopkins Medicine, are requiring employees to receive vaccinations as a condition of employment.

As I have noted previously, I am proud to work in a community of such dedicated public servants. You have performed magnificently during the pandemic, allowing us to keep the Court open and honor the promise that citizens will have unfettered access to the justice process. I know that some of you have concerns about the safety of the vaccines and the appropriateness of your being vaccinated given your specific circumstances. If you remain hesitant, I encourage you to consult with your personal medical provider to discuss the safety and risks of the vaccine for you, your family, and your co-workers. You may also review information and materials about the vaccines [here](#).

Each employee working in the District Court, Bankruptcy Court, and Probation and Pretrial Services Office will be asked to complete a form attesting to their vaccination status. Attached to this Memo, please find additional information and instructions on how to comply with this policy. Please review these instructions and the form carefully. Please complete and submit the form promptly.

Finally, thank you for your continued service during the pandemic. Vaccination is the key to beating COVID-19, and beat it we must if this Court is to continue to meet its Constitutional responsibilities. Thank you for joining me in insuring our continued health and safety.

Please find additional information and instructions below concerning the vaccine requirement policy.

Due date

All employees are required to complete this form no later than close of business on August 23, 2021. Employees currently on leave that will extend past that date will be required to submit the form upon returning to work.

How to submit

The completed form must be emailed by close of business on August 23, 2021. The vaccine attestation form may be either electronically signed or signed in ink. Please save a copy of the form prior to submitting. All employees must complete the vaccine attestation form regardless of telework status. If you have any questions, please contact the Human Resources representative for your court unit.

Exemptions

Exemptions to the vaccination requirement will be considered for individuals with medical conditions that prevent them from being vaccinated and for individuals with sincerely held religious beliefs that prohibit them from being vaccinated. Exemption requests must be received within two weeks of the approval of any vaccine by the FDA. To request an exemption, an employee must submit a letter to their Court Unit Executive for consideration by the Chief Judge of the District Court in consultation with the Court Unit Executive or, if the employee requesting an exemption works in chambers, the appointing judge. The request for an exemption will remain completely confidential. A request for a medical exemption must include documentation from your medical provider. Employees will be promptly notified of the decision on their request. Employees with approved exemptions must continue to comply with additional health and safety requirements including mandatory social distancing, mask wearing at all times when in the Courthouses, prohibitions on work-related travel, and twice-weekly COVID-19 testing.

COVID-19 testing

Employees who are not vaccinated must produce two negative COVID-19 tests each week. PCR or antigen tests are acceptable. The Court assumes no responsibility for costs associated with mandatory COVID-19 testing. Free testing is widely available in the State of Maryland, and resources are available to find local testing sites [here](#). The Court will provide more information if the Administrative Office of the United States Courts determines to provide funding for COVID-19 testing. Employees may request up to thirty minutes weekly in administrative leave to complete this testing requirement, but under no circumstances should such leave interfere with work assignments or duties.

**District of Maryland
COVID-19 Vaccination Status Attestation**

Please sign and complete this self-attestation concerning your COVID-19 vaccination status. You need not provide any medical information in this form, nor any explanation concerning your decision to receive or not to receive a vaccine. For purposes of this form, being “fully vaccinated” means that two weeks have passed after the second dose of a two-dose vaccine (Pfizer and Moderna) or that two weeks have passed after the one-dose vaccine (Johnson and Johnson).

If you believe you are entitled to an exemption from the vaccine requirement, you will need to request it in writing from the Chief Judge of the District Court submitted to your Court Unit Executive. Employees who are not vaccinated and have not received an exemption or decline to disclose their status will be required to undergo twice-weekly COVID testing, must maintain social distance at all times, will have restrictions on work-related travel, and will be required to wear masks at all times in the Courthouses and Probation Offices, without exception. Upon full FDA approval of a vaccine that is widely available, unvaccinated employees will be in violation of Court policy unless they have been granted an exemption.

Name:

Court Unit: District Court

Date:

Please choose from one of the following options:

1. I am fully vaccinated.
2. I received my second dose of the Pfizer or Moderna vaccine or my single dose of a Johnson & Johnson vaccine less than two weeks ago on [date].
3. I received my first dose of Moderna or Pfizer, and my second appointment is scheduled for [date].
4. I have not yet been vaccinated, but I have scheduled an appointment to receive my first dose of vaccine on [date].
5. I have not been vaccinated.
6. I decline to disclose my vaccination status.

I understand that I am required to provide accurate information in response to the question above. I hereby affirm that I have accurately and truthfully answered the question above. I also understand that if I stated that I am fully vaccinated, my employer may request documentation of my vaccination status (e.g., a copy of my vaccine card or other similar official document confirming vaccination status).

Electronic or Ink Signature