

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**Amended Vaccination Policy, Attestation Form,  
and FAQs**



Date: February 3, 2022

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Amended Policy Regarding COVID-19 Vaccination and Testing  
Effective February 3, 2022

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## **INTRODUCTION**

The United States Bankruptcy Court for the Central District of California is committed to ensuring that it is doing its part to combat the spread of the COVID-19 virus and its variants and to protect the health and safety of both the Court community and the Central District of California. Accordingly, the Court finds that it is necessary and appropriate to amend this policy, entered as [General Order 21-06](#), requiring employees, volunteers, and onsite judiciary contractors to be Fully Vaccinated and stay “Up to Date” with their vaccines against COVID-19. Individuals granted a medical or religious exemption from the vaccination requirement are required to comply with the Court’s safety protocols for unvaccinated individuals, including undergoing twice-weekly testing for COVID-19.

## **VACCINATION POLICY**

### Mandatory Vaccination Requirement and Definitions:

All employees (including Judges and chambers staff) and volunteers (including interns and externs) of the United States Bankruptcy Court for the Central District of California (the “Court”), regardless of telework status, and all judiciary contractors working onsite at a courthouse (“Court Facility”) must be “Fully Vaccinated” **and** stay “Up to Date” with their vaccines, as defined by the Centers for Disease Control and Prevention (CDC). “Fully Vaccinated” as defined by the CDC means that two weeks have passed since “a person has received their primary series of COVID-19 vaccines.” “Up to Date,” as defined by the CDC, means “a person has received all recommended COVID-19 vaccines, including any booster dose(s) when eligible.”

### Mandatory Vaccination Status Reporting

To facilitate effective administration of the vaccination requirement, employees, volunteers, and onsite judiciary contractors are required to report their vaccination status by completing the vaccination attestation form attached to this policy.

**EMPLOYEES AND VOLUNTEERS:** All employees and volunteers must complete the vaccination status attestation form, regardless of their telework status, by October 15, 2021. Future employees and volunteers must complete the attestation form at least one week before their start date. Such employees and volunteers who initially report that they are in the process of completing their primary vaccination series must submit an updated attestation form once they have completed their primary vaccination series. Individuals who decline to disclose their vaccination status will be treated as unvaccinated for the purposes of this policy, which means they must either get Up to Date on all recommended COVID-19 vaccines when eligible or seek an exemption to the vaccination or booster dose requirement. Failure to do either will result in adverse action, including, but not limited to being placed on leave without pay. After reviewing the instructions on the attestation form, complete and submit the form promptly to Human Resources at [vactracks@cacb.uscourts.gov](mailto:vactracks@cacb.uscourts.gov).

Employees and volunteers who have already submitted the attestation form attesting that they have completed their primary vaccination series and meet the CDC’s definition of Fully Vaccinated do not need to submit an additional attestation form after receiving COVID-19 vaccine booster dose(s), but they must submit official documentation (such as a copy or photo of a vaccine card or an official

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immunization record) to show that they are Up to Date, as defined by the CDC and have received any booster dose(s) when eligible. Documentation must be submitted to [vactracks@cacb.uscourts.gov](mailto:vactracks@cacb.uscourts.gov). Employees and volunteers currently eligible for booster doses per the CDC recommendations must submit documentation that they have received a booster dose by March 1, 2022. Employees and volunteers who are not currently eligible for booster doses must submit documentation that they have received a booster dose no later than 14 days after the recommended CDC timeframe for receiving the booster dose. Additionally, if an employee or volunteer is not currently eligible for a booster dose, they must notify the Court that they cannot comply by March 1, 2022, in writing to [vactracks@cacb.uscourts.gov](mailto:vactracks@cacb.uscourts.gov).

Timely return of a completed vaccination status attestation form and booster dose documentation are mandatory conditions of employment. Any employee who fails to return the completed form or booster dose documentation, as required, may be suspended without pay until the employee returns the completed form or booster dose documentation. Any volunteer who fails to return the completed form or booster dose documentation, as required, may be suspended until the volunteer returns the completed form or booster dose documentation. Misrepresentation about vaccination status will result in disciplinary action, including termination of employment.

**CONTRACTORS:** Judiciary contractors must complete and retain possession of the vaccination status attestation form when working at any Court Facility. The U.S. Postal Service and other courier services delivering mail and packages to the judiciary are exempt from completing this form.

Acceptable Vaccines & Definitions of “Fully Vaccinated” and “Up to Date”

Acceptable vaccines include only those authorized for use in the United States by the U.S. Food and Drug Administration. Currently, this includes (1) Pfizer-BioNTech (Comirnaty), (2) Moderna (Spikevax), and (3) Johnson & Johnson/Janssen.

For purposes of this policy and in accordance with the CDC, being “Fully Vaccinated” means that two weeks have passed since completing your primary series of COVID-19 vaccines (either a two-dose COVID-19 vaccine (Pfizer or Moderna) or the single-dose COVID-19 vaccine (Johnson & Johnson)). Staying “Up to Date” means the employee has received all recommended COVID-19 vaccines, including any booster dose(s) when eligible. A person is considered “boosted” and Up to Date immediately after receiving a booster dose. Booster dose eligibility is determined by the recommendations listed on the [CDC’s website](#).

Per current CDC recommendations as of February 3, 2022:

- If you received Pfizer for your primary vaccination series, you should get a booster dose at least five months after receiving your second dose of the primary vaccination series.
- If you received Moderna for your primary vaccination series, you should get a booster dose at least five months after receiving your second dose of the primary vaccination series.
- If you received Johnson & Johnson for your primary vaccination, you should get a booster dose at least two months after receiving the single dose vaccine.

Please reference the CDC’s site for the most current guidance on [“When Are You Up to Date?”](#)

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Employees and volunteers who are currently eligible for booster doses, per CDC recommendations, must receive their booster dose by March 1, 2022. Employees and volunteers who are not currently eligible for booster doses must be in compliance no later than 14 days after the recommended CDC timeframe for receiving their booster dose.

Employees and volunteers who have already been granted an exemption to the vaccination requirement do not need to seek an additional exemption to the booster dose requirement.

### **UNVACCINATED INDIVIDUALS**

For purposes of this policy, unvaccinated refers to anyone who is not Fully Vaccinated or Up to Date on all recommended COVID-19 vaccines, including any booster dose(s) when eligible.

#### Exemptions from Vaccination Requirement

Employees and volunteers who are not vaccinated due to a documented medical condition or a sincerely held religious belief may seek an exemption from the vaccination requirement. Exemption requests will be individually assessed based on the particular circumstances of the request. Individuals granted an exemption from the vaccination requirement or awaiting a decision on an exemption request must comply with the CDC's guidance for unvaccinated individuals and the Court's safety protocols for unvaccinated individuals, including complying with the travel restrictions, twice-weekly testing requirements, and mask requirements outlined in this policy.

To request an exemption, employees and volunteers must submit a letter requesting the exemption and providing sufficient details and 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.

Exemption requests should be submitted by email to Human Resources at [vactracks@cacb.uscourts.gov](mailto:vactracks@cacb.uscourts.gov) with "Vaccination Exemption Request" in the subject line of the email. Exemption requests must be submitted by October 15, 2021. Future employees and volunteers who seek an exemption must submit the request at least one week before their start date. Exemption requests will be reviewed by the Chief Judge or designee, in consultation with the Executive Officer/Clerk of Court or appointing Judge as needed.

#### Travel Restrictions for Unvaccinated Employees and Volunteers

Unvaccinated employees and volunteers are prohibited from work-related travel outside the district without Court Unit Executive or Chief Judge approval.

#### Mandatory COVID-19 Testing for Unvaccinated Employees and Volunteers

Any employee or volunteer with an approved exemption or awaiting a decision on an exemption request, who has not yet returned to work at a Court Facility, must provide proof of a negative COVID-19 test taken within three days before the date they need to physically return to work in a Court Facility. Once onsite work has resumed, they must submit to and report the results of twice-weekly testing for COVID-19. Any employee or volunteer who has resumed work at a Court Facility with an approved

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exemption or awaiting a decision on an exemption request must submit to and report the results of twice-weekly testing for COVID-19 beginning on March 1, 2022, within three days before the date they need to physically return to work in a Court Facility.

Free testing is widely available in the State of California. Resources are available to find local testing sites [here](#). Court funding for mandatory testing is not available.

When the results of the test are received, they must be submitted by email to Human Resources at [covid19@cacb.uscourts.gov](mailto:covid19@cacb.uscourts.gov) with “Confidential COVID-19 Test Results” in the subject line of the email.

Additionally, an employee or volunteer who receives a positive test must notify their manager or supervisor and the Office Services Manager.

Inability to obtain a required COVID-19 test on time will not, on that ground alone, entitle an employee to telework.

Undergoing twice-weekly COVID-19 testing, if required under this policy, is a mandatory condition of employment. Any employee who fails to comply with the testing requirements may be suspended without pay. Any volunteer who fails to comply with the testing requirements may be suspended. Misrepresentation about test results may result in disciplinary action, including termination of employment.

Acceptable Tests

Polymerase Chain Reaction (PCR) tests and “rapid tests” administered at a pharmacy, health department, doctor’s office, or other health care provider are acceptable. “At home” tests are not acceptable.

**ADMINISTRATIVE LEAVE AVAILABLE FOR VACCINATION OR REQUIRED TESTING**

Employees may request up to one hour of administrative leave to travel to the vaccination or testing site, receive all recommended COVID-19 vaccines, including any booster dose(s) when eligible, or complete required testing, and return to work, but under no circumstances should such leave interfere with work assignments or duties.

**MASK WEARING**

All individuals seeking entry to or occupying a Court Facility must follow building-specific posted mask and face covering requirements and the most recent guidance from the [CDC](#).

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**DAILY HEALTH SCREEN**

Regardless of vaccination status, all employees, volunteers, and judiciary contractors reporting for duty at a Court Facility are required to conduct a daily self-assessment for any COVID-19 symptoms. Any individual exhibiting symptoms must remain away from the office and notify their manager or supervisor. Individuals exhibiting symptoms are expected to be tested for COVID-19, and proof of testing and/or test results shall be provided to management upon request.

**COMPLIANCE**

Compliance with this policy is a mandatory condition of employment and of continued employment. Failure to comply with this policy may result in disciplinary action.

**CONFIDENTIALITY**

The Court will maintain the confidentiality and security of information provided in accordance with applicable federal laws. Attestation forms and exemption requests, along with the information contained within those documents, as well as any booster dose documentation, will only be shared with individuals who have a need to know, will be maintained separate from individual employee personnel files, and will be properly secured to protect the confidentiality of the information. This information may be stored electronically with restricted access to safeguard confidentiality. Employee information collected on the attestation form is a federal record under 44 U.S.C. § 3301 and is covered by the *Guide to Judiciary Policy*, Vol. 10, Ch. 6, § 615.40.10 (Notification Requirement for Unscheduled Records).

**DURATION**

This vaccination policy will remain in effect until the Court determines otherwise. Mandatory testing and reporting of testing results will be required until further notice.

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Please complete and sign this attestation form concerning your COVID-19 vaccination status. All employees (including Judges and chambers staff) and volunteers (including interns and externs) of the U.S. Bankruptcy Court are required to return this form by email to Human Resources at [vactracks@cacb.uscourts.gov](mailto:vactracks@cacb.uscourts.gov). All onsite judiciary contractors must complete and retain possession of this form when visiting any courthouse in the Central District of California.

For purposes of this form and in accordance with the CDC, being “Fully Vaccinated” means that two weeks have passed since completing your primary series of COVID-19 vaccines (either a two-dose COVID-19 vaccine (Pfizer or Moderna) or the single-dose COVID-19 vaccine (Johnson & Johnson)). Staying “Up to Date” means the employee has received all recommended COVID-19 vaccines, including any booster dose(s) when eligible. A person is considered “boosted” and Up to Date immediately after receiving a booster dose. Booster dose eligibility is determined by the recommendations listed on the [CDC’s website](#). Per current CDC recommendations:

- If you received Pfizer for your primary vaccination series, you should get a booster dose at least five months after receiving your second dose of the primary vaccination series.
- If you received Moderna for your primary vaccination series, you should get a booster dose at least five months after receiving your second dose of the primary vaccination series.
- If you received Johnson & Johnson for your primary vaccination, you should get a booster dose at least two months after receiving the single dose vaccine.

Employees and volunteers who are currently eligible for booster doses per CDC recommendations must receive their booster dose by March 1, 2022. Employees and volunteers who are not currently eligible for booster doses must be in compliance no later than 14 days after the recommended CDC timeframe for receiving their booster dose.

- I am Fully Vaccinated or Up to Date with my vaccines because:
- I have completed my primary COVID-19 vaccination series and received my booster dose(s); or
  - Two weeks have passed since I completed my primary COVID-19 vaccination series, and I am not yet eligible to receive a booster dose. I am eligible to receive a booster dose on \_\_\_\_\_.

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- Employees of the U.S. Bankruptcy Court must attach official documentation of vaccination, such as a copy or photo of your vaccine card or an official immunization record (typically obtained by your health care provider or found in your medical records).
  
- 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 \_\_\_\_\_.
  
- I received my first dose of the Pfizer or Moderna vaccine, and my second appointment is scheduled for \_\_\_\_\_.
  
- I have not been vaccinated, but I have scheduled an appointment to receive my first dose of vaccine on \_\_\_\_\_.
  
- Exemptions:
  - I was previously granted an exemption from the vaccination requirement.
  
  - I intend to seek an exemption from the vaccination or booster dose requirement.

I sign this document under penalty of perjury that the above is true and correct, and that I am the person named below. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both (18 U.S.C. § 1001). I understand that if I am a federal employee or contractor that making a false statement on this form could result in administrative action, including an adverse personnel action up to and including removal from my position or removal from a contract.

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Division**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**NOTE: This form will be retained in your HR file, but your proof of vaccination will be destroyed once verified.**

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**VACCINATION AND BOOSTER DOSES**

**1. Can I take administrative leave to get the vaccine or a booster dose?**

Employees may request up to one hour of administrative leave to travel to the vaccination site, receive all recommended COVID-19 vaccines, including any booster dose(s) when eligible, and return to work, but under no circumstances should such leave interfere with work assignments or duties.

**2. Am I required to disclose my vaccination status? If so, why?**

Yes. You are required to fill out the attestation form and return it to your Human Resources Department. But, as the form indicates, you may seek an exemption. Individuals granted an exemption from the vaccination requirement or awaiting a decision on an exemption request must comply with the CDC's guidance for unvaccinated individuals and the Court's safety protocols for unvaccinated individuals, including complying with the travel restrictions, twice-weekly testing requirements, and mask requirements outlined in the policy.

**3. Can I get vaccinated or receive a booster dose if I had COVID-19 within the previous 90 days?**

Some people must wait 90 days after [recovering](#) from COVID-19 to receive the vaccine or booster dose. Check the [CDC website](#) to determine if you should wait 90 days after recovering from COVID-19 to get the vaccine or booster dose, or check with your medical provider.

**4. If I had COVID-19 within the previous 90 days and have fully [recovered](#), will positive tests results for antibodies be acceptable in lieu of vaccination?**

No. You will be required to submit twice-weekly testing until you are vaccinated.

**5. Will I be required to receive a booster shot (also referred to as a booster dose)?**

Yes, per the amended policy and in accordance with the CDC, staying "Up to Date" means the employee has received all recommended COVID-19 vaccines, including any booster dose(s) when eligible. Per current CDC recommendations as of February 3, 2022:

- If you received Pfizer for your primary vaccination series, you should get a booster dose at least five months after receiving your second dose of the primary vaccination series.
- If you received Moderna for your primary vaccination series, you should get a booster dose at least five months after receiving your second dose of the primary vaccination series.
- If you received Johnson & Johnson for your primary vaccination, you should get a booster dose at least two months after receiving the single dose vaccine.

Please reference the CDC's site for the most current guidance on "[When Are You Up to Date?](#)"

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Employees and volunteers who are currently eligible for booster doses per CDC recommendations must receive their booster dose by March 1, 2022. Employees and volunteers who are not currently eligible for booster doses must be in compliance no later than 14 days after the recommended CDC timeframe for receiving their booster dose.

Employees and volunteers who have already been granted an exemption to the vaccination requirement do not need to seek an additional exemption to the booster dose requirement.

**6. If I submitted the attestation form after completing my primary vaccination series but before I received my booster dose, how do I update HR that I have received my booster dose?**

You must submit official documentation (such as a copy or photo of a vaccine card or an official immunization record) showing that you have received a booster dose to [vactracks@cacb.uscourts.gov](mailto:vactracks@cacb.uscourts.gov). If you are currently eligible for a booster dose per CDC recommendations, you must submit documentation that you have received a booster dose by March 1, 2022. If you are not currently eligible for a booster dose, you must submit documentation that you have received a booster dose no later than 14 days after the recommended CDC timeframe for receiving the booster dose.

**7. I completed the form when I was “not fully vaccinated” and now that I am fully vaccinated how do I update HR?**

Please complete a new attestation form and submit it by email to HR at [vactracks@cacb.uscourts.gov](mailto:vactracks@cacb.uscourts.gov).

**8. If I’m Fully Vaccinated or Up to Date on my vaccines and exhibiting symptoms, am I required to be tested for COVID-19?**

Regardless of vaccination status, individuals exhibiting symptoms are expected to be tested for COVID-19, and proof of testing and/or test results shall be provided to management upon request.

**9. Can I provide a paper copy of the completed form to HR?**

No. All completed forms must be digitally signed and emailed to HR at [vactracks@cacb.uscourts.gov](mailto:vactracks@cacb.uscourts.gov).

**TESTING**

**10. Will I get time off work to be tested?**

Employees may request up to one hour of administrative leave to travel to the testing site, complete testing, and return to work, but under no circumstances should such leave interfere with work assignments or duties.

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**11. Will the court pay for testing?**

Free testing is widely available in the State of California. Resources are available to find local testing sites [here](#). Court funding for mandatory testing is not available.

**12. What happens if I am on leave or scheduled to telework, when I am required to test?**

Employees and volunteers who are not Fully Vaccinated or Up to Date on their vaccines, including those with an approved exemption or awaiting a decision on an exemption request, will be required to provide [a negative] test result to Human Resources prior to returning to the worksite. The results must be dated within three days before the employee's return to work date.

If an employee or volunteer who is not Fully Vaccinated or Up to Date on their vaccines is scheduled for leave that covers the full work week (e.g., Monday through Friday), the employee or volunteer is not required to present a test result for the calendar week that the employee or volunteer is scheduled for leave.

If an employee or volunteer who is not Fully Vaccinated or Up to Date on their vaccines is scheduled for telework that covers the full work week (e.g., Monday through Friday telework), and the employee or volunteer is not a full-time teleworker, the employee or volunteer must still adhere to the twice-weekly testing requirement in the policy.

If an employee or volunteer who is not Fully Vaccinated or Up to Date on their vaccines is on leave or teleworking for a portion of a work week (e.g., an employee takes a Friday and Monday off), the employee or volunteer must still adhere to the twice-weekly testing requirements in the policy for each partial week that the employee or volunteer comes to work.

Telework is an extension of the workplace and teleworkers must be available to report to the workplace at any time, without prior notice. It is the employee's responsibility to schedule testing on the appropriate days to ensure they have their results in time and can report to work as needed Monday through Friday, even if they are scheduled to telework.

**13. Can I provide a paper copy of test results to HR?**

No. When the results of the test are received, they must be submitted by email to Human Resources at [covid19@cacb.uscourts.gov](mailto:covid19@cacb.uscourts.gov) with "Confidential COVID-19 Test Results" indicated in the heading.

**14. What happens if I test positive?**

Contact the Human Resources Department. You will be required to remain away from the workplace and follow applicable CDC guidance recommended for those who test positive. The link for the current guidance is below, but please note that CDC guidance may change. <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>.

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Additionally, an employee or volunteer who receives a positive test, must notify their manager or supervisor and the Office Services Manager.

**15. Can I telework in lieu of testing?**

No. Approval of telework will not be granted in lieu of testing.

Telework is an extension of the workplace. When teleworking, employees must remain available to report to the workplace at any time, without prior notice.

For this reason, unvaccinated employees and volunteers, including those with an approved exemption or awaiting a decision on an exemption request, are required to test twice-weekly in accordance with the policy.

**16. Am I required to submit twice-weekly testing if I'm a full-time teleworker with a granted exemption?**

Full-time teleworkers are not required to report to the employing court. However, teleworkers who have a granted exemption and are on rotation to report to the office must provide proof of a negative COVID-19 test taken within three days before the date they need to physically return to work in a Court Facility. For example, if you are called in or scheduled to work on a Monday, you will be required to provide proof of a negative PCR COVID-19 test taken within the three days. In this instance, the test may be taken over the weekend or by requesting approval of administrative leave before entering the Court Facility. It is the employee's responsibility to schedule testing on the appropriate days to ensure they have their results in time and can report to work as needed Monday through Friday, even if they normally telework on select days during the work week.

Telework is an extension of the workplace and teleworkers must be available to report to the workplace at any time, without prior notice.

**MISCELLANEOUS**

**17. Will vaccinations, booster dose(s), or testing be administered on site by a Federal Occupational Health nurse?**

Federal Occupational Health providers do not administer COVID-19 screening tests, vaccines, or booster dose(s).

**18. Who will have access to my COVID Testing records, my vaccination status as listed on the attestation form, or other information related to the policy?**

Only those responsible for maintaining compliance with the policy and/or ensuring compliance with COVID-19 safety protocols will have access to this information. Access to COVID-19 testing or vaccination records is limited to Human Resources, managers, and supervisors.

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**19. How do HIPAA laws apply to the vaccination and testing policy?**

Inquiring whether a judiciary employee is fully vaccinated for COVID-19 is not a HIPAA violation. HIPAA generally applies to disclosure of protected health information by health care providers, not to an employer's inquiry directed to an employee. Inquiring whether a judiciary employee is fully vaccinated also is not a prohibited disability-related inquiry under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq. and the Rehabilitation Act (Rehab Act) of 1973, 29 U.S.C. § 791 et seq. if the inquiry is job-related and consistent with business necessity. It is permissible for court units and FPDOs to inquire about employees' vaccination status and ask for proof of vaccination for purposes of COVID-19 recovery planning and implementing safety protocols.

Under the ADA and the Rehab Act, employers must protect confidential medical information about employees when making medical-related inquiries.

For additional information, please refer to <https://jnet.ao.dcn/sites/default/files/pdf/DIR21-116-B.pdf>.