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

**IN RE: CORONAVIRUS PUBLIC
EMERGENCY – VACCINATION AND
TESTING POLICY FOR COVID-19**

GENERAL ORDER 21-06

Upon consideration of the continuation of the spread of COVID-19 in the Central District of California and the findings and order of [United States District Court General Order 21-17](#),


IT IS HEREBY ORDERED as follows:

1. [United States District Court General Order 21-17](#) is in full force and effect in the United States Bankruptcy Court for the Central District of California;
2. The attached “Policy Regarding COVID-19 Vaccination and Testing” is adopted and shall be effective October 1, 2021 for all employees of this Court; and

1 3. As circumstances change, the Court may modify the attached Policy without
2 further order of the Court.

3 **IT IS SO ORDERED.**

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5 DATED: October 1, 2021

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8 **Maureen A. Tighe**
9 Chief Judge, United States Bankruptcy Court

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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA

Vaccination Policy, Attestation Form, and FAQs



Date: October 1, 2021

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

Policy Regarding COVID-19 Vaccination and Testing

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 adopt this policy, entered as [General Order 21-06](#), requiring employees, volunteers, and onsite judiciary contractors to be fully vaccinated against COVID-19. Individuals who are 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:

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 against COVID-19.

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. Those employees and volunteers who initially report that they are in the process of being vaccinated must submit an updated attestation form once fully vaccinated. Future employees and volunteers must complete the attestation form at least one week before their start date. Employees must either get vaccinated or seek an exemption to the vaccination 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.

Timely return of a completed vaccination status attestation form is a mandatory condition of employment. Any employee who fails to return the completed form as required may be suspended without pay until the employee returns the completed form. Any volunteer who fails to return the completed form as required may be suspended until the volunteer returns the completed form. 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.

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Policy Regarding COVID-19 Vaccination and Testing

Acceptable Vaccines

Acceptable vaccines include only those authorized for use in the United States, accepted by the Food and Drug Administration, the World Health Organization, and the Centers for Disease Control and Prevention. Currently, this includes (1) Pfizer–BioNTech (Comirnaty), (2) Moderna, and (3) Johnson & Johnson/Janssen. For purposes of this policy, 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). For purposes of this policy, unvaccinated refers to anyone who is not fully vaccinated.

UNVACCINATED INDIVIDUALS

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 Centers for Disease Control and Prevention’s guidance for unvaccinated individuals and the Court’s safety protocols for unvaccinated individuals, including complying with the travel restrictions, 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 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 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 with an approved exemption or awaiting a decision on an exemption request who has already resumed work at a Court Facility must submit to and report the results of twice-weekly testing for COVID-19 beginning on October 15, 2021, within three days before the date they need to physically return to work in a Court Facility.

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CENTRAL DISTRICT OF CALIFORNIA**

Policy Regarding COVID-19 Vaccination and Testing

Free testing is widely available in the State of California, and resources are available to find local testing sites [here](#).

When the results of the test are received, they must also be submitted by email to Human Resources at covid19@cacb.uscourts.gov with “Confidential COVID-19 Test Results” indicated in the heading.

Additionally, an employee or volunteer who receives a positive test must notify their manager or supervisor.

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

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

Mandatory COVID-19 Testing for Unvaccinated Onsite Judiciary Contractors

Unvaccinated judiciary contractors planning to work onsite must provide proof of a negative COVID-19 test taken within three days before reporting to work at a Court Facility. Onsite contractors planning to work onsite for a week or more at a time must comply with the twice per week testing requirement for employees described above, though rather than sending results to the Court’s Human Resources department, the contractor should keep a copy of the most recent test results in his or her possession (along with the attestation form) while at a Court Facility, unless the contractor’s employer has made different arrangements with the Court.

Acceptable Tests

Polymerase Chain Reaction (PCR) tests and “rapid tests” administered at a pharmacy, health department, doctor’s office, or other healthcare 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 each dose of the COVID-19 vaccine 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 [Centers for Disease Control and Prevention](#).

**UNITED STATES BANKRUPTCY COURT
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Policy Regarding COVID-19 Vaccination and Testing

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, 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.

**UNITED STATES BANKRUPTCY COURT
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COVID-19 Vaccination Status Attestation Form

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 no later than October 15, 2021. 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, 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 volunteers who initially report that they are in the process of being vaccinated must submit an updated attestation form once fully vaccinated to Human Resources at vactracks@cacb.uscourts.gov.

- I am fully vaccinated.
 - 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 dose appointment is scheduled for _____.

- I have not been vaccinated, but I have scheduled an appointment to receive my first dose of vaccine on _____.

- I intend to seek an exemption from the vaccination requirement.

**UNITED STATES BANKRUPTCY COURT
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COVID-19 Vaccination Status Attestation Form

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 additional 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

Email Form to HR

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

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

Policy Regarding COVID-19 Vaccination and Testing FAQs

VACCINATION

1. Can I take administrative leave to get the vaccine?

Employees may request up to one hour of administrative leave to travel to the vaccination site, receive each dose of COVID-19 vaccine, 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. Unvaccinated employees and volunteers, including those with an approved exemption or awaiting a decision on an exemption request, will be considered not fully vaccinated and will be required to undergo twice-weekly testing pursuant to the Policy.

3. Can I get vaccinated 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. Check the [CDC website](#) to determine if you should wait 90 days after recovering from COVID-19 to get the vaccine, 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?

According to the CDC, COVID-19 booster shots are not presently available to the general public and await authorization from the FDA and a recommendation from the CDC's Advisory Committee on Immunization Practices (ACIP). Depending on the outcome, the definition of "fully vaccinated" under the Policy may change to account for boosters.

6. 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.

7. If I'm vaccinated 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.

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Policy Regarding COVID-19 Vaccination and Testing FAQs

8. 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 vctracks@cacb.uscourts.gov.

TESTING

9. 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.

10. Will the court pay for testing?

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

11. What happens if I am on leave when I am required to test?

Unvaccinated employees and volunteers, 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 unvaccinated employee is scheduled for leave or telework that covers the full work week (e.g., Monday through Friday), the employee is not required to present a test result for the calendar week that the employee is scheduled off.

If an unvaccinated employee is on leave or teleworking for a portion of a workweek (e.g., an employee takes a Friday and Monday off), the employee must still adhere to the twice-weekly testing requirements in the Policy for each partial week that the employee comes to work.

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

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

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Policy Regarding COVID-19 Vaccination and Testing FAQs

13. What happens if I test positive?

Contact your 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>.

Additionally, an employee or volunteer who receives a positive test, must notify their manager or supervisor.

14. 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.

15. 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 are able to 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

16. Can I provide a paper copy of the completed attestation form to HR?

No. All completed attestation forms must be digitally signed and submitted electronically to HR at vactracks@cacb.uscourts.gov.

17. Will vaccinations or testing be administered on site by a Federal Occupational Health nurse?

Federal Occupational Health providers do not administer COVID-19 screening tests or vaccines.

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Policy Regarding COVID-19 Vaccination and Testing FAQs

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 Testing or Vaccination Records is limited to Human Resources, managers, and supervisors.

19. How do HIPAA laws apply to this 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, when making medical-related inquiries employers must protect confidential medical information about employees.

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