

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

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In re:

General Order 2021-02

**Vaccination Policy Addressing
Exigent Circumstances Created
by the COVID-19 Pandemic**

In response to the continuing outbreak of COVID-19 and its variants and the alarming rise in infection rates in Florida, particularly in the Southern District of Florida and the effect on the public, especially among the unvaccinated, more aggressive safety measures are necessary to mitigate the spread of COVID-19 within our courthouses. The Centers for Disease Control and Prevention (CDC) and other health authorities continue to recommend vaccination to maximize protection against COVID-19 and its genetic variants and to minimize the spread of the virus. Regrettably, vaccination rates remain below expectations. To protect the health and safety of all those entering and working within this District's courthouses and affiliated offices, it is hereby

ORDERED that

1. This Court's "Mandatory Policy for Employee COVID-19 Vaccination and Testing" (attached as Exhibit A) is adopted effective **September 7, 2021**.
2. The Court may modify the "Mandatory Policy for Employee COVID-19 Vaccination and Testing" as circumstances may change, without further order of the Court.

ORDERED in the Southern District of Florida, this 18th day of August 2021.



Laurel Myerson Isicoff
Chief United States Bankruptcy Judge

c: The Honorable William H. Pryor, Jr., Chief Judge, Eleventh Circuit
All Southern District of Florida Bankruptcy Judges
All District Judges and Magistrate Judges
Joe Falzone, Clerk, Bankruptcy Court
Angela E. Noble, Court Administrator Clerk District Court
Consuelo Irimia, Chief Probation Officer
Michael Caruso, Federal Public Defender
Juan Antonio Gonzalez, Acting United States Attorney
Gadyaces Serralta, United States Marshal
James Gerstenlauer, Circuit Executive, Eleventh Circuit



UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF FLORIDA

Mandatory Policy for Employee COVID-19 Vaccination and Testing

I. INTRODUCTION

A. The United States Bankruptcy Court (USBC) for the Southern District of Florida is committed to ensuring the health and safety of employees, customers, clients, volunteers, contractors, and other visitors while continuing to provide accessible, quality services to the public.

B. Because immunization is critical to controlling the spread of the virus, the Court has entered General Order 2021-02, adopting this mandatory employee COVID-19 vaccination policy, with a testing requirement exception only for individuals with a religious, medical, or emergency use exemption (see Section IV(A) below). It is also a key strategy to achieve broader in-person interaction between the Court, the litigants, and the public. USBC diligently and carefully worked to determine its policy on COVID-19 vaccinations. The decision to require vaccinations was made after a review of information made available from federal, state, and local health officials and agencies. Additionally, over the past several months, USBC conducted office-wide vaccination surveys, held multiple meetings with various COVID Committees, Court Unit Executives, and the Judges of the Court, and consulted with experts in the fields of infectious disease and environmental engineering about best safety practices.

C. COVID-19 continues to be a worldwide threat. Data from the Centers for Disease Control and Prevention and other national and local agencies show that unvaccinated individuals continue to contract and transmit the disease and suffer complications, up to and including death, at a substantially higher rate than vaccinated individuals. Moreover, emerging variants of the virus with higher transmissibility rates underscore the importance of minimizing the risk that unvaccinated individuals may pose in the workplace. In light of medical and scientific data that confirms the safety and effectiveness of the COVID-19 vaccines, and to safeguard USBC employees, customers, clients, volunteers, interns, contractors, and visitors, the COVID-19 vaccine is mandatory for all employees, contractors, and interns, except those with an approved religious, medical, or emergency use exemption that will require testing in lieu of vaccination.

D. Vaccines are widely available. All individuals in the District ages 12 and older can get a vaccine. The USBC continues its phased reopening plan. The USBC is also closely following public health metrics, and this policy is subject to adjustments based on the latest scientific data and best practices. Limited in-person hearings, trials, and services will continue to meet our Court's obligations and the needs of our customers.

II. REQUIREMENTS

A. Vaccine Status Reporting: By close of business on **September 7, 2021**, all Clerk's Office employees must report their COVID-19 vaccination status to Clerk of Court Joe Falzone by email to Joe.Falzone@flsb.uscourts.gov. Law clerks, interns, and judicial assistants must report their COVID-19 vaccination status to HR by email to Lourdes.Paredes@flsb.uscourts.gov.

B. Mandatory Vaccine: All USBC employees, contractors, and interns, except those granted a religious, medical, or emergency use exemption, must show proof of full COVID-19 vaccination before entering

any USBC workspace. Individuals must complete an approved COVID-19 vaccine series and provide proof of full vaccination as indicated in II (A) above at least one week before the individual is assigned or scheduled to physically report to the office. The required proof shall be a photograph or scan of the employee's vaccination card that contains the employee's name, date of birth, name of the vaccine, and the date(s) of the shots. Vaccinated employees who submit proof of vaccination will receive a green "pass" that should always be visibly displayed. This pass will allow vaccinated employees to bypass security temperature screening and allows judges to readily identify vaccinated employees in courtrooms and chambers.

C. Condition of Employment: Compliance with this Court approved plan will be a mandatory condition of employment and of continued employment for all USBC employees and on-site contractors. Failure to fulfill this requirement (those who do not show proof of vaccination or results from an approved test) will result in the employee being placed on Leave Without Pay (LWOP). Inability to obtain the required test will not, on that ground alone, entitle an employee to telework. Job offers will not be extended to anyone who cannot show proof of vaccination or an approved exemption and proof of a recent approved negative test.

D. Daily Health Screen: Regardless of vaccination status, all USBC employees, contractors, and interns are required to conduct a daily self-assessment for any COVID-19 symptoms. Any individual exhibiting symptoms must remain away from the office after notification to your 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.

E. Unvaccinated Individuals: Unvaccinated individuals must also meet the requirements in Section IV below before the individual is assigned or scheduled to physically report to the office.

III. ACCEPTABLE VACCINES

Acceptable vaccines include 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, (2) Moderna, and (3) Johnson & Johnson/Jansen.

IV. UNVACCINATED INDIVIDUALS

A. Religious, Medical, or Emergency Use Exemption

Process: Those individuals who are unable to receive the vaccine for specific medical or religious reasons, or reasons related to the Food and Drug Administration's emergency use authorization, must submit a written request for exemption to Chief United States Bankruptcy Judge Laurel M. Isicoff and obtain a decision on the request for an exemption accommodation before physically entering USBC workspace. Approval must be obtained at least two weeks before entering USBC workspace. USBC will follow its normal request for accommodation process for consideration of the request.

In addition to religious and medical exemptions, employees, contractors, and interns may request an emergency use exemption because the FDA has authorized the COVID-19 vaccines only for emergency use. When the FDA fully approves at least one vaccination for adults 18 and older, the emergency use exemption will no longer be available.

B. Mandatory Covid-19 Testing for Unvaccinated Individuals

Individuals with an approved religious, medical, or emergency use exemption or who are unvaccinated for any reason must provide proof of a negative COVID-19 test taken within three days of the date they need to physically return to work. Individuals granted a medical, religious, or emergency use exemption or who are unvaccinated for any reason are then required to take a COVID-19 test twice weekly on Monday and Thursday, or Wednesday and Saturday starting the week before their return to the workplace. Currently, COVID-19 testing is free in Florida. USBC will not pay for the cost of testing. Mandatory testing and reporting of testing results shall be required until further notice. Proof of test results shall be submitted to the following individuals:

Clerk’s Office Staff:	Chief Deputy, Jose Rodriguez
Judicial Assistants, Law Clerks, and Interns:	Lourdes Paredes, Human Resources

Test results may be forwarded in person or via email.

Individuals with a positive test result must remain home and immediately contact your supervisor, the chief deputy, or HR for further instructions.

Acceptable test results are:

- Evidence of a polymerase chain reaction (PCR) test taken within three days of your physical return.
- Evidence of a past positive COVID-19 test result within 90 days of your physical return.

V. CONFIDENTIALITY

USBC shall maintain the confidentiality and security of medical or religious information provided as required by applicable law.

VI. COVID Leave Not Available for Vaccination or Required Testing

A. Employees will no longer be granted administrative COVID leave to receive each dose of the COVID-19 vaccine. Vaccination will be completed on the employee’s own time or using annual leave.

B. Individuals who suffer adverse side effects from the vaccine will not receive administrative COVID leave. If the employee is too ill to work, regular sick leave must be used.

C. Per AO Guidelines, individuals who contract COVID-19 or have been exposed to an individual who tested positive in the last 14 days shall receive up to 80 hours of administrative leave with pay, as is medically warranted if the individual is unable to telework. Individuals who contract COVID-19 or are exposed to an individual with COVID-19 shall continue to report their status to their immediate supervisor and will receive further instructions. COVID-19 positive employees are not permitted to return to in-person work until the completion of a 14-day quarantine, and proof of a negative COVID-19 PCR test is provided. Failure to report COVID-19 symptoms may result in disciplinary action, including termination of employment.

D. Unvaccinated individuals required to conduct testing before physically entering USBC space will not be granted administrative COVID leave for the purpose of testing. All testing must be done on the employee’s personal time or using annual leave.

VII. MASK WEARING AND PHYSICAL DISTANCING

Physical distancing in USBC space of at least three feet is required in all USBC workspaces to the extent possible. Unvaccinated individuals must wear a mask or appropriate facial covering that fully covers the nose and mouth while in USBC space at all times. Vaccinated individuals must wear a mask or appropriate facial covering that fully covers the nose and mouth while in USBC space unless the individual is alone in an office with the door closed. Judges and Clerk may exercise discretion in their own courtroom, chambers, and clerk's office.

VIII. REFUSAL TO COMPLY

A. Employees who do not have a medical, religious, or emergency use exemption and are required to physically report to USBC shall be placed on unpaid leave for up to 30 calendar days if the employee fails to report their vaccination status or provide proof of a negative COVID-19 test within the required time periods. Thereafter, disciplinary action will be taken in accordance with HR policies and regulations, up to and including termination.

B. Employees who claim a medical, religious, or emergency use exemption who refuse to submit the documents necessary to act on the request and who are not vaccinated shall be denied accommodation and shall be subject to the actions described in VIII (A) above.

C. Misrepresentation about vaccination status or test results may result in disciplinary action, including termination of employment.

Please contact Joe Falzone, Clerk of Court, with any questions regarding this policy.