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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

*IN RE: REVISED VACCINATION POLICY
FOR EMPLOYEES AND EXTERNS IN
RESPONSE TO THE COVID-19
PANDEMIC*

**FIRST AMENDED TEMPORARY
GENERAL ORDER 2022-01**

The Court has issued a series of general orders changing how the Court operates to do its part in containing the spread of COVID-19.¹ In furtherance of these ongoing efforts, the Court hereby adopts the attached Revised Vaccination Policy in Response to COVID-19 Pandemic (“the Policy”). The Court’s rationale for adopting the Policy is further explained therein. The Policy applies to all employees working in the District Court, Bankruptcy Court, Probation Office, and Pretrial Services Office, as well as externs; it does not apply to members of the public or persons who appear before the Court.

Because the Court has since relaxed its face covering requirements in line with CDC guidance in Temporary General Order 2022-02,¹ the Court has also amended this Policy to make it consistent with that General Order.

This Order is effective from this 1st Day of March 2022 until further notice.



MIRANDA M. DU, CHIEF JUDGE
UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEVADA

¹See, e.g., General Orders 2020-02, 2020-03, 2020-04, 2020-05 (available at <https://www.nvd.uscourts.gov/court-information/rules-and-orders/general-orders/>).

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District of Nevada
Vaccination Policy in Response to COVID-19 Pandemic
Revised March 1st, 2022

The United States District Court for the District of Nevada (“the District”) continues to take measures to protect the health and safety of its employees and members of the public as we all navigate and adapt to the challenges presented by the COVID-19 pandemic. The District continues to monitor guidance from the Centers for Disease Control (“CDC”), the Federal Judiciary, and state and local health authorities.¹ Recently revised guidance and current data on infections have once again caused the District to adjust its policies concerning COVID-19. The CDC maintains that “[v]accines remain the best public health measure to protect people from COVID-19, slow transmission, and reduce the likelihood of new variants emerging.”² It further explains that existing vaccines remain “highly effective at preventing severe illness, hospitalizations, and death” from the most recent variant.³ The District therefore adopts this Revised Vaccination Policy (“the Policy”) to require employees to have up-to-date vaccinations against COVID-19 because immunization remains critical to controlling the spread of the virus and resuming normal court operations.

The key difference between this policy and the earlier version of the policy promulgated in September 2021 is that employees and externs are now required to get vaccinated with all CDC-recommended doses of a COVID-19 vaccine, including boosters, or obtain a medical or religious exemption from vaccination. The option of weekly testing in lieu of vaccination is no longer available.

The Policy applies to all employees working in the District Court, Bankruptcy Court, Probation Office, and Pretrial Services Office, as well as externs.

Up-to-date vaccination requirement

District employees and externs are required to get vaccinated with all CDC-recommended doses of a COVID-19 vaccine,⁴ including boosters, at the recommended intervals; or obtain a medical or

¹The infection data in the state of Nevada additionally guides the District’s decision to revise the Policy. While the state appears to be moving beyond the Omicron variant-induced spike, new cases and hospitalization rates¹ in the state recently hit their highest point since the pandemic began. See Nevada Health Response, *COVID-19* (last visited Jan. 25, 2022) <https://nvhealthresponse.nv.gov/>.

² See CDC, *Omicron Variant: What You Need To Know* (updated Dec. 20, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>.

³*Id.*

⁴Acceptable 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, and (3) Johnson & Johnson/Janssen.

religious exemption from vaccination. The CDC currently characterizes this vaccination status as being “up to date” with your COVID-19 vaccines.⁵ As of the effective date of this revised policy, for most adults this means having been inoculated with the primary two-shot series of the Pfizer-BioNTech or Moderna vaccine, or the primary single-shot of the Johnson & Johnson/Janssen vaccine, plus a Pfizer-BioNTech or Moderna booster.⁶

Getting up to date

Persons who have received no COVID-19 vaccine will have 6 weeks from the effective date of the Policy to complete the primary series; they must then receive a booster shot either 5 or 6 months after receiving a two-dose series, depending on which two-dose vaccine is received, and within two months of receiving a single-dose series, in compliance with CDC recommendations. Those who have received the primary series but are not up to date with the vaccine will have one week from the effective date of this Policy to obtain a booster.⁷

Employees and externs who are up to date with their COVID-19 vaccination as of the effective date of the Policy need only submit an updated attestation form that reflects that status.

Attestation form

All employees must submit an updated COVID-19 Vaccination Status Attestation Form to the Human Resources Department within 5 business days of the effective date of the Policy. New employees and externs who come to the District after the effective date of this Policy must complete the revised attestation form prior to their entrance on duty (“EOD”), and law clerks and externs may be required to complete the attestation form upon being offered employment and may need to update their form depending on when they start their clerkship or externship. Failure to timely complete the form may delay start date and may result in a withdrawal of an employment offer. Employees who do not submit a revised attestation form may be subject to disciplinary action as noted below. See the attached attestation form for additional instructions.

Applying for an exemption from the up-to-date vaccination requirement

Employees and externs with medical or religious reasons for not getting up to date with the COVID-19 vaccine may apply for an exemption by submitting an exemption request to the Chief Judge of the District Court (or, if employed or externing with the Bankruptcy Court, to the Chief Bankruptcy Judge) in writing within 10 calendar days of the effective date of the Policy. Persons who have already been granted a medical or religious exemption from the prior version of this policy do not need to re-apply as the District will continue to honor those exemptions.

⁵For purposes of the Policy, the term “up to date” with a COVID-19 vaccination has the meaning ascribed by the CDC website, as updated by the CDC from time to time. *See* <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>.

⁶*See* CDC, *Omicron Variant: What You Need To Know* (updated Dec. 20, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>.

⁷Persons who have begun but not completed a vaccination series must complete that series, along with any recommended booster, in the time intervals recommended by the CDC. *See* <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>.

- Persons seeking a medical exemption must provide a letter from their certified, licensed health-care provider, who is not related to them, and whose specialty is commensurate with the condition that necessitates the exemption. The letter from the health-care provider must explain in detail why it would be unsafe for the employee or extern to be vaccinated against COVID-19 and, if applicable, for how long.
- Persons seeking a religious exemption must submit a written and signed statement explaining why they seek an exemption based on sincerely held religious beliefs. The submission must identify and explain the religious basis for the exemption and include the religious principle(s) that guide the objection to vaccinations. Please also include a letter from a faith leader if you have a faith leader.

Exemption requests will be assessed based on individual circumstances. Requests for exemptions submitted by law clerks and externs will be shared with their judge, who will be involved in deciding whether to grant the request. Submitting an exemption request does not guarantee that the request will be approved.

Anyone granted an exemption or awaiting review of an exemption request must undergo weekly COVID-19 testing on their own time and at their own expense. Acceptable tests include Polymerase Chain Reaction (“PCR”) tests and “rapid tests” administered at a pharmacy, health department, doctor’s office, or other healthcare provider only; tests performed at home will not be accepted. The results of each test must be provided weekly to the Human Resources Department.

Self-assessment of symptoms

In addition, all employees and externs must conduct daily self-assessments for COVID-19 symptoms. Any individual exhibiting symptoms must report them to either the Human Resources Department or their supervisor. Employees or externs who feel sick should not come to work on site.

Testing positive

Persons who test positive for COVID-19 must follow the appropriate isolation requirements provided by their doctor or the current CDC guidelines and must report the positive test result to the Human Resources Department or their supervisor. Contact the Human Resources Department with any questions.

Policy violations

Violations of the Policy may lead to disciplinary action up to and including termination. The level of discipline will depend on the circumstances and seriousness of the infractions as they occur.

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This Policy remains subject to change as the District continues to navigate the COVID-19 pandemic because the COVID-19 pandemic remains a fluid situation with constantly evolving guidance.

EFFECTIVE *nunc pro tunc* THIS 10th Day of February 2022.

A handwritten signature in black ink, appearing to read 'Miranda M. Du', written in a cursive style.

Miranda M. Du, Chief Judge
U.S. District Court for the District of Nevada

District of Nevada Employees and Judges

Revised COVID-19 Vaccination Status Attestation

Please sign and complete this attestation concerning your COVID-19 vaccination status. No additional medical information need be provided with this form.

Name: _____

Court Unit: _____

Date: _____

Please choose from one of the following options:

- 1. I have received two doses of Pfizer or Moderna or a single-dose of Johnson & Johnson COVID-19 vaccines and now update my status to fully vaccinated because I have received a booster dose.
- 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 _____.
- 3. I received my first dose of Moderna or Pfizer, and my second appointment is scheduled for _____.
- 4. I have not yet been vaccinated, but I have scheduled an appointment to receive my first dose of vaccine on _____.
- 5. I have not yet received my booster shot, but I have an appointment scheduled to receive it on _____.

I understand that I am required to provide accurate information and hereby affirm that the above information is true and correct. I understand that if I state I am fully vaccinated my employer may request additional information or documentation regarding my vaccination (e.g., copy of my vaccination card or other similar official document confirming vaccination status).

Failure to provide truthful information on this form may lead to discipline up to and including termination.

Electronic or Ink Employee/ Contractor Signature

Please email this form to your Human Resources department.