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6 UNITED STATES BANKRUPTCY COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
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9 In re:

10 COVID-19 PUBLIC HEALTH EMERGENCY GENERAL ORDER 43  
11 AND COURT VACCINATION AND  
12 TESTING POLICY

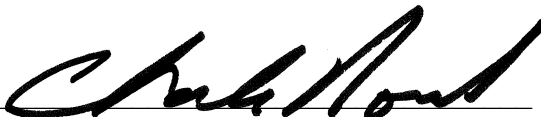
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14 Upon consideration of the continuation of the spread of COVID-19 in the Northern  
15 District of California and the findings and order of the [United States District Court General](#)  
16 [Order 80](#),

17 **IT IS HEREBY ORDERED** as follows:

- 18 1. The attached “Policy Regarding COVID-19 Vaccination and Testing” is adopted  
19 effective immediately.  
20 2. As circumstances change, the Court may modify the attached policy without further  
21 order of the Court.

22 **IT IS SO ORDERED.**

23 Dated: November 10, 2021

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25 Charles Novack  
26 Chief Bankruptcy Judge  
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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Revised Policy Regarding COVID-19 Vaccination and Testing

**I. INTRODUCTION**

The United States Bankruptcy Court for the Northern District of California is committed to combatting the spread of the COVID-19 virus and its variants and to protecting the health and safety of both the Court community and the Northern District of California. Accordingly, the Court finds that it is necessary and appropriate to adopt this policy, entered as General Order 43, requiring judges, 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, see Section III below.

**II. VACCINATION POLICY**

A. Mandatory Vaccination Requirement

All employees (including judges and chambers staff) and volunteers (including interns and externs) of the United States Bankruptcy Court for the Northern District of California (the “Court”), regardless of telework status, and all judiciary contractors working onsite at a courthouse (“Court Facility”) must be vaccinated (two weeks after a second shot of a two-dose Pfizer or Moderna vaccine or after a single-dose Johnson & Johnson vaccine) against COVID-19 and encouraged to be up-to-date with recommended booster shots. Resources are available to find free vaccines at [myturn.ca.gov](https://myturn.ca.gov) and [vaccines.gov](https://vaccines.gov).

B. Mandatory Vaccination Status Reporting

To facilitate effective administration of the vaccination requirements, judges, employees, volunteers, and onsite judiciary contractors are required to report their vaccination status by providing proof of vaccination by email to Human Resources at [covid19@canb.uscourts.gov](mailto:covid19@canb.uscourts.gov) with “Proof of Vaccination” in the email subject line.

1. All judges, employees, and volunteers must provide proof of vaccination or must comply with Section III(A) of this policy, regardless of their telework status, by November 22, 2021. Future employees and volunteers must provide proof of vaccination at least one week before their start date.
2. Timely submission of proof of vaccination is a mandatory condition of employment. Any employee who fails to provide proof as required will be subject to an adverse action, including termination of employment. Any volunteer who fails to provide proof as required will be prohibited from volunteering. Misrepresentations concerning vaccination status will result in termination of employment or termination of volunteer privileges.

3. Judiciary contractors must provide proof of vaccination to Human Resources 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 this policy.

C. Acceptable Vaccines

Acceptable vaccines include only those authorized for use in the United States by the U.S. Food and Drug Administration. Currently, these include: (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.

### III. UNVACCINATED INDIVIDUALS

A. 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. In addition, the above individuals must comply with the Court’s safety protocols, which will be published separately from this policy.

To request an exemption, employees and volunteers must submit a letter requesting the exemption, which should include details and supporting documentation sufficient to permit full consideration of the request. A request for a medical exemption should include documentation from a health care provider. Anyone submitting an exemption request is required to provide accurate information and to sign the request.

Exemption requests should be submitted to Human Resources by email at [covid19@canb.uscourts.gov](mailto:covid19@canb.uscourts.gov) with “Vaccination Exemption Request” in the email subject line. Exemption requests must be submitted within 10 calendar days from the date of distribution of this policy. 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 their designee, in consultation with the Clerk of Court, or appointing Judge as needed.

B. Travel Restrictions for Unvaccinated Employee and Volunteers

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

C. Mandatory COVID-19 Testing for Unvaccinated Employees and Volunteers

Any employee or volunteer with an approved exemption or who is awaiting a decision on an exemption request must submit to COVID-19 testing as described below.

When the Community Level (<https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>) is low in the county where the employee lives or where their office is located, testing is not required. If the Community Level is medium or high, a test must be taken once a week. If the counties differ in Community Level, the highest level of the two will be the determining factor. The test must be taken on Monday, or the first day of the week an employee reports to work. Test results must be submitted immediately after testing is taken at the office. If an employee is feeling sick or is experiencing COVID symptoms, please contact Human Resources prior to reporting to the office.

Test results must be submitted by email to Human Resources at covid19@canb.uscourts.gov with “COVID-19 Test Results” in the email subject line.

An employee or volunteer who receives a positive test must notify their supervisor immediately.

Undergoing COVID-19 testing under this policy is a mandatory condition of employment. Any employee who fails to comply with the testing requirements will be subject to an adverse action, including termination of employment. Any volunteer who fails to comply with the testing requirements will be prohibited from volunteering. Misrepresentations concerning test results will result in termination of employment or termination of volunteer privileges.

D. Acceptable Tests

Over-the-counter (OTC) at-home tests are acceptable. Either the court will provide the test, or an employee may take their own, provided the test has been approved in advance by Human Resources.

**IV. ADDITIONAL TESTING REQUIREMENTS**

Notwithstanding any other provision herein, any judge may impose additional testing requirements to enter their chambers or courtroom.

**V. CONFIDENTIALITY**

The Court will maintain the confidentiality and security of information provided under this policy in accordance with applicable federal laws. Proof of vaccination and exemption requests, along with the information contained within those documents, will be shared only 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.

## **VI. DURATION**

This vaccination policy will remain in effect until the Court determines otherwise.