

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**OFFICE OF THE ATTORNEY GENERAL**

**KARL A. RACINE**  
**ATTORNEY GENERAL**



Office Order No. 2021-12

**SUBJECT:** Mandatory COVID-19 Vaccine Policy

Pursuant to D.C. Code §1-301.88a and Reorganization Order No. 50 of June 26, 1953, as amended, the following is ordered effective immediately.

**I. Introduction**

A. The Office of the Attorney General for the District of Columbia (“OAG” or the “Office”) is committed to providing the highest quality legal and programmatic services to the District and its residents while ensuring the health and safety of employees, customers, clients, volunteers, contractors, and other visitors.

B. OAG establishes this mandatory COVID-19 vaccine policy, except for individuals with a religious, medical, or emergency use exemption (see definition in below Section IV (A) below), because immunization is critical to controlling the spread of the virus. It is also a key strategy to broaden in-person interaction, teambuilding, and sharing of ideas while communicating in-person. OAG diligently and carefully worked to determine its policy on COVID-19 vaccinations. The decision to require vaccinations was made after review of information made available from national, federal, and local health officials and agencies. Additionally, over the past several months, OAG conducted office-wide surveys, had multiple conversations with its employee unions, received feedback from managers and employees, held listening sessions with staff, and consulted with legal industry partners and other municipalities 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 shows 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 OAG 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.

D. Vaccines are widely available across the Washington, D.C. region. Please see attached to this policy a list of free COVID-19 testing site options and resources in the region. All individuals in the region ages 12 and up can get a vaccine. The District and its surrounding

jurisdictions are continuing with their phased reopening and closely following public health metrics. OAG is also closely following public health metrics and this policy is subject to adjustments based on the latest scientific data and best practices. Courts, tribunals, customers, and clients have begun to conduct in-person hearings, trials, and services. To meet our court obligations and the needs of our customers and clients, OAG will move to the next phase of its return to work plan on September 13, 2021.

## **II. Requirements**

A. **Vaccine Status Reporting:** If you have not already done so, by close of business on August 13, 2021, all employees must report their COVID-19 vaccination status through PeopleSoft. Contractors and interns must report their COVID-19 vaccination status to OAG HR by notifying [REDACTED] at [REDACTED].

B. **Mandatory Vaccine:** All OAG 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 OAG workspace. Individuals must complete an approved COVID-19 vaccine series and provide proof of full vaccination to OAG HR by August 30, 2021 or at least two weeks before the individual is assigned or scheduled to physically report to OAG workspace, whichever is earlier. The required proof shall be a photograph or scan of the employee's vaccination card that contains their name, date of birth, name of the vaccine, and the date(s) of the shots. Please submit your vaccination proof here: [REDACTED].

C. **Daily Health Screen:** All OAG employees, contractors, and interns must take the daily health screening tool found within OAG's ModernWorkspace application before entering OAG space regardless of vaccination status and remain home, after notification to your supervisor and OAG HR, if the results demonstrate the individual has symptoms of COVID-19.

D. **Unvaccinated individuals:** Unvaccinated individuals must also meet the requirements in part IV below before the individual is assigned or scheduled to physically report to OAG workspace.

## **III. Acceptable Vaccines**

Acceptable vaccines include those approved 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 approval, must file a request for exemption form with OAG HR and obtain a decision on the request for an exemption accommodation before physically entering OAG workspace. Individuals must submit a completed Request for Vaccine Exemption Accommodation Form (which is

attached to this policy) to [REDACTED], attention [REDACTED], ADA and FMLA Coordinator and obtain approval at least two weeks before entering OAG workspace. OAG 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 approved 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 must show OAG HR proof of a negative COVID-19 test taken within seven days of the date they need to physically return to work. Individuals granted a medical, religious, or emergency use exemption are required to take a COVID-19 test weekly (every seven days) starting the week before their return to the workplace. Currently, COVID-19 testing is free in the District of Columbia. OAG will not pay for the cost of testing. Mandatory weekly testing and reporting of testing results shall be required until further notice.

Individuals with a positive test result must remain home and immediately contact OAG HR for further instructions.

#### **Acceptable test results are:**

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

#### V. **Confidentiality**

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

#### VI. **Administrative Leave With Pay**

A. Employees shall receive up to four hours of administrative leave, after prior notification to the employee's supervisor, to take each dose of the COVID-19 vaccine.

B. Individuals who suffer adverse side effects from the vaccine, shall receive up to 10 hours of OAG Covid self-care leave within the first 48 hours after receiving a vaccine, after notification to the individual's supervisor. This leave shall not be combined with another form of Covid self-care leave.

C. Within 30 days of the effective date of this policy, employees who have reported that they are fully vaccinated shall receive an eight-hour time-off award certificate provided they have not already received the time-off award through PeopleSoft. Employees may use the leave for any purpose at any time with supervisory approval.

D. 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 OAG HR and will receive further instructions.

E. Individuals required to conduct testing before physically entering OAG space shall receive reasonable administrative leave with pay for travel time to and from a testing site and for the time spent waiting for the test and while the test is administered.

**VII. Mask Wearing and Physical Distancing**

Physical distancing in OAG space of at least three feet is required in all OAG workspaces to the extent possible. All individuals must wear a mask or appropriate facial covering that fully covers the nose and mouth while in OAG space unless the individual is alone in an office with the door closed.


**VIII. Refusal to Comply**

A. Employees who do not have a medical, religious, or emergency use exemption and are required to physically report to OAG 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 test within the required time periods. Thereafter, disciplinary action will be taken in accordance with the District of Columbia's and OAG's personnel 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 an accommodation and shall be subject to the actions described in Section A, above.

Please contact [REDACTED], Chief Human Resource Officer, with any questions regarding this policy.

This Order supersedes all other previous orders to the extent of any inconsistency and is effective immediately.

  
Karl A. Racine  
Attorney General

Dated this 3<sup>rd</sup> day of August 2021