

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER
ON COVID-19 VACCINATION REQUIREMENTS FOR
JUDICIARY PERSONNEL
IN COURTHOUSES AND JUDICIAL BRANCH FACILITIES

WHEREAS, Pursuant to the Maryland Constitution, Article IV, § 18, the Chief Judge of the Court of Appeals is granted authority as the administrative head of the Judicial Branch of the State; and

WHEREAS, Title 16, Chapter 1000 of the Maryland Rules of Practice and Procedure sets forth emergency powers of the Chief Judge of the Court of Appeals; and

WHEREAS, Due to the outbreak of the novel coronavirus, COVID-19, and the more recent emergence of the Delta variant of the novel coronavirus, and consistent with guidance issued by the Centers for Disease Control and Prevention (CDC), an emergency exists; and

WHEREAS, The COVID-19 emergency continues to require measures to protect the health and safety of Maryland residents and Judiciary personnel; and

WHEREAS, Although vaccination efforts had made significant progress in suppressing the spread of COVID-19, the emergence of the highly contagious Delta variant has caused rapid increases in infection transmission rates, particularly among the unvaccinated, with all Maryland counties and Baltimore City reporting transmission rates, as defined by the CDC, of “substantial” or “high” as of August 19, 2021; and

WHEREAS, Vaccinations, being readily available, provide the best protection of Judiciary personnel from infection with COVID-19, and the requirement of vaccinations being consistent with the provision of and maintaining a safe workplace,

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order, this 20th day of August 2021, effective immediately, and for the remainder of the COVID-19 emergency period, pending further order, that:

- (a) All Judiciary personnel, including, but not limited to, judges, magistrates, clerks, administrative and contractual staff, and interns, whether compensated by the State or by a local jurisdiction, who have received vaccinations as required by the COVID-19 vaccination protocols,¹ shall provide proof of vaccination by September 27, 2021,² to the Administrative Judge or Administrative Head or his or her designee, who will maintain the results in a confidential file to be transmitted to the Department of Human Resources; and
- (b) Beginning September 27, 2021, until such time that a proof of vaccination is submitted, all Judiciary personnel who have not received the required number of vaccination doses, regardless of the reason for their unvaccinated status, will be required to submit a negative COVID-19 test result on a weekly basis in order to enter a Judiciary facility. The results must be from a test taken within the 72 hours prior to the first day they are expected to report to work and then weekly thereafter. Negative results are to be submitted to the Administrative Judge or Administrative Head or his or her designee, who will maintain the results in a confidential file to be transmitted to the Department of Human Resources; and
- (c) All Judiciary personnel who test positive for COVID-19 shall report the result to their Administrative Head and shall follow CDC guidelines as to quarantine

¹ As of August 20, 2021, the U.S. Food and Drug Administration has issued emergency use approval of the Moderna and Pfizer mRNA vaccine protocol, requiring two vaccinations, and the Johnson and Johnson single vaccination protocol.

² State Judiciary personnel who already have provided proof of vaccination for the incentive plan are not required to resubmit their proof of vaccination as it is already on file with the Department of Human Resources.

- periods and Judiciary policy as to sick leave, and the Administrative Head shall inform the Department of Human Resources as soon as is feasible of all positive COVID-19 results; and
- (d) Judiciary personnel are responsible for obtaining such tests and must use any accrued leave if obtaining the test during their workday; and further, any associated costs of such tests shall be the responsibility of each person required to obtain them by this Administrative Order; and
 - (e) All Judiciary personnel who fail to submit such test results when required to do so may not report to work as scheduled; shall not work remotely; and shall be required to use leave without pay; and further, failure to comply with this Administrative Order may subject an employee to further discipline, up to and including termination from employment; and
 - (f) All proof of vaccination status and weekly test results submitted shall be considered confidential; and
 - (g) Any person who does not comply with this Administrative Order shall be denied entrance by the Administrative Head or be subject to removal from the courthouse or judicial facility and disciplinary action as appropriate; and
 - (h) This Administrative Order shall not substitute for the health measures adopted in any other emergency order, including masking and distancing requirements, and those health measures shall not substitute for these requirements; and
 - (i) To the extent that any local order conflicts with this Administrative Order, this Order shall prevail; and

(j) This Administrative Order shall be modified as appropriate.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: August 20, 2021

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

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Suzanne C. Johnson, Clerk