



DC COMMISSION ON THE ARTS & HUMANITIES

**DIRECTOR'S REPORT**  
**PRESENTED BY JEFFREY SCOTT, CHIEF OF STAFF**  
**ON BEHALF OF THE EXECUTIVE DIRECTOR**  
**AUGUST 16, 2021**

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**MAYOR'S ORDER 2021-099: COVID-19 VACCINATION REQUIREMENT**

On August 10, 2021, Mayor Bowser issued Order 2021-099 (attached), requiring all District government employees, interns, contractors, and grantees to be fully vaccinated against COVID-19. Over the last month, the District's COVID-19 daily case rate has risen from 2 to over 14. Vaccination or regular testing of District government employees, interns, contractors, and grantees is vital to help ensure the effective operation of this government and the safety of those it serves. While this Order is applicable to agencies under the administrative control of the Mayor, independent agencies such as CAH are strongly encouraged to adopt the same vaccination certification requirements.

As it pertains to grantees, the Order states that all District government grantees shall ensure that each of their employees who have in-person contact with other persons in order to complete the work under the grant have been either fully vaccinated against COVID-19 or are undergoing weekly COVID-19 testing and only reporting to the workplace when such test results are negative and wearing masks while working.

The Executive Director, as the statutorily designated personnel authority for CAH staff, is responsible for the application of HR policies at the agency level and will make a determination for how to approach a vaccination requirement for staff and contractors.

The decision on whether to have a vaccination requirement for CAH grantees or not is within the purview of the Commission, given this body's existing role in developing and approving grants-related policy. It is therefore requested that the Commission deliberate and decide on the matter as soon as possible.

A copy of the full text of the Mayor's Order is included with this report.

# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2021-099  
August 10, 2021

**SUBJECT:** COVID-19 Vaccination Certification Requirement for District Government Employees, Contractors, Interns, and Grantees

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); section 5 of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304 (2018 Repl.); section 1 of An Act To Authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases ("Communicable and Preventable Diseases Act"), approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.* (2018 Repl.); and in accordance with the Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021, D.C. Law 24-9; 68 DCR 4824; the Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021, effective July 24, 2021, D.C. Act 24-125; any substantially similar subsequent emergency, temporary, or permanent legislation; and Mayor's Orders 2020-045, 2020-127, 2021-038, 2021-060, 2021-066, 2021-069, and 2021-097; and any extension of the public emergency related to the SARS-CoV-2 pandemic; it is hereby **ORDERED** that:

### I. BACKGROUND

1. Almost 18 months after the World Health Organization ("WHO") declared a pandemic and the Secretary of the U.S. Department of Health and Human Services and the Mayor of the District of Columbia declared a public health emergency for the 2019 novel coronavirus ("SARS-CoV2"), more than 35.8 million Americans have been diagnosed with COVID-19 and more than 616,000 have died from the disease. Locally, transmission stands at a seven-day average of 14.6 new daily cases per 100,000 persons; total infections in the District have risen to 51,589; and tragically, 1,149 District residents have lost their lives due to COVID-19. The District's new daily case rate has risen from 2.0 to over 14 in the last month.
2. Effective vaccines are available under emergency use authorizations ("EUAs") from the Food and Drug Administration ("FDA") issued pursuant

to Section 564 of the Federal Food, Drug, and Cosmetic Act, approved November 24, 2003, 117 Stat. 1684, 21 U.S.C § 360bbb-3.

3. Residents, workers, and visitors have a personal obligation to be vaccinated as soon as possible and to abide by the District of Columbia Department of Health ("DC Health") guidance on mask wearing, hygiene, and other such guidance to protect themselves and others.
4. When vaccines became available, the District initiated an aggressive campaign to get residents and employees vaccinated, a campaign which remains underway. Vaccination remains the most important tool in fighting the spread of COVID-19.
5. Throughout the COVID-19 pandemic, almost 40% of District government employees have worked in-person on a full-time basis. Moreover, all District government employees were required to return to the workplace starting on July 12, 2021, and since that time, 76% of District government employees have worked in-person on a full-time basis and 22% of District employees have worked in-person on a part-time basis.
6. Now that safe and effective vaccines are widely available, it is vital that District employees, contractors, interns, and grantees under the administrative control of the Mayor be vaccinated against COVID-19 or undergo regular testing for COVID-19, to help ensure the effective and efficient operation of the District government and for their own safety, the safety of their colleagues, and the safety of those they serve.

## **II. COVID-19 VACCINATION CERTIFICATION REQUIREMENT FOR DISTRICT EMPLOYEES AND INTERNS**

Effective September 19, 2021, in furtherance of government efficiency and effectiveness and as a component of internal security protocols, employees and interns of District of Columbia agencies under the administrative control of the Mayor shall attest, and provide proof as outlined by the District of Columbia Department of Human Resources ("DCHR"), that they have received a full course of a vaccination against COVID-19 granted an emergency use authorization or approved by the FDA or WHO, in accordance with the administration schedule for the vaccine, or that they have been granted an exemption from such vaccination pursuant to, and are compliant with the requirements of, Section III of this Order.

## **III. EXEMPTIONS**

1. The following employees and interns shall not be required to certify that they have received a vaccination against COVID-19 provided, that the employee or intern has submitted a request for an exemption, the employee

or intern has provided such information and documents as may be deemed necessary to support the request, and the request has been approved:

- a. Employees and interns who object in good faith and in writing, pursuant to procedures established by the City Administrator or his or her designee, that the employee's or intern's vaccination would violate their sincerely held religious beliefs;
  - b. Employees and interns who have obtained and submitted written certification from a physician or other licensed health professional who may order an immunization, that being vaccinated for COVID-19 is medically inadvisable as a result of the employee's or intern's medical condition; and
  - c. Employees and interns who agree to be tested weekly for COVID-19.
2. All employees and interns who have applied for and received any exemption pursuant to the processes established by the City Administrator or his designee shall be required to wear a mask in the workplace (even if the current indoor masking order is rescinded/superseded), to be tested weekly for COVID-19, and to provide a negative COVID-19 test result on a weekly basis in order to report to work.

#### **IV. VACCINATION CERTIFICATION REQUIREMENT FOR DISTRICT CONTRACTORS AND GRANTEES**

1. All District government contractors and grantees shall ensure that each of their employees, agents, and subcontractors who provide goods or perform services in person in District of Columbia facilities or worksites, or who have in-person contact with other persons in order to complete their work under the contract or grant have been either: (i) fully vaccinated against COVID-19, or (ii) granted one of the exemptions identified in Section III of this Order by the contractor or grantee, are undergoing weekly COVID-19 testing and only reporting to the workplace when such test result is negative, and are wearing masks while working.
2. The Office of Contracting and Procurement ("OCP"), each District government agency under the administrative control of the Mayor with procurement authority independent of the Chief Procurement Officer, and each grant-making agency may issue change orders, enter into amendments to grant agreements or grant award notifications, and include terms in new contracts, grant agreements, or grant award notifications that include the requirement set forth in paragraph 1 of this section.

3. Contractors and grantees shall be responsible for ensuring compliance with this Order by their employees, agents, and subcontractors, and failure to do so may result in adverse consequences. Each District government contractor and grantee shall, at the request of the District government, provide to the District government a certification of its compliance with this requirement.
4. Nothing in this Order shall be deemed to prevent contractors or grantees from imposing stronger vaccination requirements on their employees, agents, or subcontractors, subject to applicable federal and local laws and regulations.

**V. IMPLEMENTATION OF VACCINATION CERTIFICATION REQUIREMENT**

1. The City Administrator, or his or her designee, may establish vaccination certification processes for District employees, contractors, interns, and grantees.
2. Employees and interns shall be granted administrative leave, without loss of pay, accrued leave, service, or performance rating, as needed to receive a COVID-19 vaccine and may use accrued sick leave to recover from any side effects of the vaccine. Employees undergoing weekly COVID-19 testing in accordance with an exemption granted pursuant to Section III of this Order shall be subject to requirements to receive such tests as established by DCHR.
3. Employees and interns who do not timely return an appropriately completed vaccination certification, exemption documentation, and/or COVID-19 test result shall be subject to adverse employment actions.
4. Employees, contractors, interns, or grantees may be required to demonstrate further proof of vaccination, exemption documentation, and/or COVID-19 test results upon request of the City Administrator, DCHR, the relevant agency's human resources office, OCP, the relevant agency's contracting office, or other investigative authorities designated by OCA, DCHR, or OCP.
5. In carrying out this Order, the City Administrator, or his or her designee, may (and, as applicable, is delegated authority to):
  - a. Provide notice to employees, contractors, interns, and grantees of the vaccination certification requirement and notice of the exemptions from the vaccination certification requirement;

- b. Develop a vaccination certification form for employees and interns to attest to their vaccination status, or to attest that they have been granted an exception from vaccination, and to affirm the truth of their representations under penalty of perjury;
- c. Create forms for employees and interns to request an exemption authorized by Section III of this Order;
- d. Develop systems for granting permanent or temporary exemptions;
- e. Modify the vaccination certification requirement to require certification of booster shots if booster shots become recommended;
- f. Establish procedures, when critical operations would be at risk due to an employee's absence from work, whereby an agency may grant exceptions on a day-by-day basis and order a return to work notwithstanding an adverse employment action that would otherwise apply to an employee or notwithstanding a reasonable accommodation provided to an employee who was granted an exemption from the vaccination requirement;
- g. Authorize agencies, if operational needs so require, to hire fully vaccinated temporary workers to fill positions rendered unstaffed by persons who are absent due to adverse employment actions or reasonable accommodations resulting from the vaccination certification requirement;
- h. Authorize agencies to deny leave to fully vaccinated persons in order to achieve safe staffing levels should operational needs be compromised by persons who are absent due to adverse employment actions or reasonable accommodations resulting from the vaccination certification requirement;
- i. Approve, as required by law, independent agency requests to delegate limited personnel authority to DCHR for the purposes of establishing and administering a COVID-19 vaccination certification and testing requirement; and
- j. Take such other actions as may be necessary or appropriate to effectuate this Order.

## **VI. APPLICABILITY TO INDEPENDENT AGENCIES**

Independent agencies are strongly encouraged to adopt the vaccination certification requirements for their respective workforces or request approval to delegate limited

personnel authority to DCHR for the purposes of establishing and administering a vaccine certification requirement.

## **VII. PRIVACY**

Completed vaccination certification forms and exemption requests shall be treated as private records exempt from disclosure under section 204(a)(2) of the Freedom of Information Act of 1976, effective March 29, 1977, D.C. Law 1-96; D.C. Official Code § 2-534(a)(2); however, the information included on those forms and requests may be used internally for verification, staffing, payroll, and assignments, and as any other operational needs may require, consistent with local and federal laws and regulations.


## **VIII. LIMITATIONS**

1. This Order does not vest any rights in constituents to have government services delivered by fully vaccinated employees, contractors, interns, or grantees, nor does it vest any rights in employees, contractors, interns, or grantees to interact only with fully vaccinated colleagues. Employees, contractors, interns, grantees, colleagues, and constituents are not entitled to know whether someone is at work because they have certified that they have been fully vaccinated or because they have obtained an exemption from the vaccination requirement imposed by this Order.
2. Though vaccines play a critical role in reducing the spread of COVID-19, receiving a vaccine does not alleviate the need to exercise such other mitigation practices as may be required by another Mayor's Order or by DC Health regulations or guidance.

## **IX. EFFECTIVE DATE AND DURATION**

This Order shall be effective immediately and shall continue in effect until it is modified, rescinded, or superseded.

  
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**MURIEL BOWSER**  
**MAYOR**

ATTEST:   
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**KIMBERLY A. BASSETT**  
**SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA**