

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

FILED

2021 AUG 31 P 1:16

CLERK OF COURTS
CUYAHOGA COUNTY

In Re:

ORDER REGARDING VACCINATION
REQUIREMENT FOR ALL STAFF

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JOURNAL ENTRY

The Judges of the Cuyahoga County Court of Common Pleas make the following findings of fact:

WHEREAS, on this 31 day of August 2021, the life, safety and welfare of the residents of Cuyahoga County are in jeopardy due to the outbreak of a deadly infectious respiratory disease identified as the Coronavirus disease (COVID-19); and,

WHEREAS, the Centers for Disease Control (CDC) and the Cuyahoga County Board of Health (CCBH) recommend that all eligible people become vaccinated against the spread of COVID-19; and,

WHEREAS, the Court is committed to ensuring safe workspaces for its staff and the public served by the Court's departments and agencies; and,

WHEREAS, throughout the COVID-19 pandemic, Court efficiency has been adversely impacted by the illness, isolation, and quarantine requirements of Court staff and those with whom they are in close contact; and

WHEREAS, the Supreme Court of Ohio has regularly relayed the importance of subordinate Ohio courts taking affirmative measures to ensure the safety of parties, witnesses, counsel, staff, and members of the public by taking measures to reduce the spread of COVID-19 (*see, e.g.*, Guidance of May 7, 2020; Guidance of December 10, 2020; *St. Vincent Charity v. Paluscsak*, 2021-Ohio-1203 (April 16, 2021)(concurrence); *In re: Disqualification of Fleegle*, 161 Ohio St.3d 1263, 2020-Ohio-5636, ¶ 8 (Dec. 10, 2020)); and

WHEREAS, on Monday, August 23, 2021, the Food and Drug Administration (FDA) approved the COVID-19 Pfizer vaccine for the prevention of COVID-19 in anyone 16 years and older; and,

WHEREAS, while COVID-19 continues to spread, it is appropriate to update policies for Court staff.

IT IS THEREFORE ORDERED:

1. In order to reduce the spread of COVID-19 in Court buildings; to maintain the efficiency and uninterrupted provision of Court services; and to protect the health of staff and visitors, all eligible employees must be fully vaccinated no later than October 15, 2021. Fully vaccinated is considered as having received either the single dose Johnson and Johnson vaccination or both doses of either the Pfizer or Moderna vaccinations.
2. Within 7 calendar days of this order, Court employees must follow one of the four following processes:
 - a. Those who are already fully vaccinated must provide proof of full vaccination status to the Court's HR Department, or other authorized administrator, as directed.
 - b. Any unvaccinated employee who chooses to receive the Pfizer or Moderna vaccine must relay this status to the Court's HR Department, or other authorized administrator, as directed. They must likewise initiate the vaccination process and provide proof of receipt of the first dose within 7 calendar days of this order, and provide proof of receiving the second dose by October 1, 2021.
 - c. Any unvaccinated employee who chooses to receive the Johnson & Johnson vaccine must relay this status to the Court's HR Department, or other authorized administrator, as directed. They must likewise initiate the vaccination process and provide proof of receipt by October 1, 2021.
 - d. Any unvaccinated employee who intends to pursue an exemption request, as outlined in paragraph 4, should initiate this process with the Court's HR Department, or other authorized administrator, as directed.
 - e. Vaccination records received by the Court will be maintained confidentially and separate from the employee personnel file.
3. Presentation by the employee of a forged or otherwise falsified vaccination card or record will subject the employee to disciplinary action separate and apart from any potential

sanctions under this policy. It should be noted that forgery of a vaccination card is a federal offense.

4. Any employee who believes he/she has a qualifying medical condition or sincerely held religious belief must contact the Court's HR Department to begin the exemption process within 7 calendar days of the date of this order.
 - a. No employee who requests an exemption will be subject to retaliation.
 - b. Requests for exemption will require supporting documentation.
5. The divisions of the Common Pleas Courts will form a committee to review exemption requests; however, final determination on any exemption will be made by the employee's Common Pleas Court division.
6. Any employee who timely submits a request for exemption as stated in paragraph 4 and who still has a pending request for exemption on October 15, 2021, will be given 45 calendar days after the date a decision is given to become fully vaccinated if the exemption is denied. The deadline to become fully vaccinated will be communicated in writing to the employee.
7. Any employee who does not have a pending exemption, as described in paragraph 4, and who fails to provide proof of full vaccination by October 15, 2021, as described in paragraph 2, will be immediately placed on unpaid leave.
 - a. The employee will have until Monday, October 25, 2021, to initiate the vaccination process by receiving either full vaccination by the Johnson and Johnson single shot, or at least one dose of the Pfizer or Moderna two-dose vaccine.
 - b. Proof of the initiation of the vaccination process must be provided to the Court's HR Department, or other authorized administrator. If proof of the initiation of the vaccination process as described in paragraph 7(a) is not provided, the employee will be removed from employment in accordance with the Court's disciplinary procedure.
 - c. Failure to become fully vaccinated by December 1, 2021, will result in removal from employment in accordance with the Court's disciplinary procedure.
8. This Order shall be provided to the Supreme Court of Ohio, Ohio Judicial Conference, Municipal Courts in Cuyahoga County, Cuyahoga County Clerk of Courts, Cuyahoga County Adult Probation Department, Cleveland Metropolitan Bar Association, Cuyahoga County Prosecutor's Office, Cuyahoga County Public Defender's Office, Cuyahoga County Sheriff, Cuyahoga County Board of Health, Cuyahoga County Executive, Cuyahoga County Council, the website of this Court, and distributed to the media.

IT IS SO ORDERED.

CUYAHOGA COUNTY COMMON PLEAS COURT, GENERAL DIVISION


HON. BRENDAN J. SHEEHAN
ADMINISTRATIVE & PRESIDING JUDGE

8/31/21
DATED

CUYAHOGA COUNTY COMMON PLEAS COURT, DOMESTIC RELATIONS COURT


HON. LESLIE CELEBREZZE
ADMINISTRATIVE JUDGE

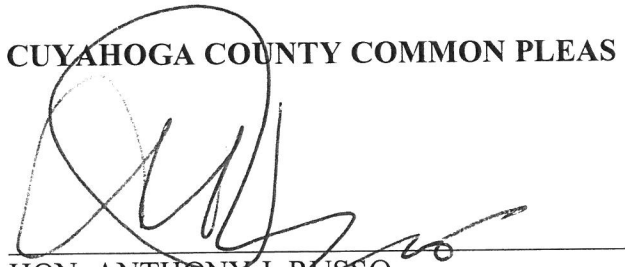
8.31.21
DATED

CUYAHOGA COUNTY COMMON PLEAS COURT, JUVENILE COURT


HON. THOMAS O'MALLEY
ADMINISTRATIVE JUDGE

8-31-21
DATED

CUYAHOGA COUNTY COMMON PLEAS COURT, PROBATE COURT


HON. ANTHONY J. RUSSO
ADMINISTRATIVE & PRESIDING JUDGE

8/31/21
DATED