



IN THE CLEVELAND MUNICIPAL COURT  
GENERAL DIVISION

STATE OF OHIO )  
)  
) ADMINISTRATIVE ORDER  
CUYAHOGA COUNTY ) NO. 2021-05  
)

**IN RE: ORDER REGARDING VACCINATION REQUIREMENT FOR ALL STAFF**

The Judges of the Cleveland Municipal Court – General Division make the following findings of fact:

WHEREAS, on this 17<sup>th</sup> day of September 2021, the life, safety and welfare of the residents of the City of Cleveland 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,

WHEREAS, the Court provides services to an urban community, vulnerable to contracting COVID-19;

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)(concurrency); *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, on Thursday, September 9, 2021, President Joe Biden ordered that larger employers require their staffs to be vaccinated or implement weekly COVID-19 testing for workers who are not; 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 the Court; 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 28, 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. No later than Monday, September 27, 2021, Court employees must follow the following processes:
  - a. All employees must submit the City of Cleveland Confirmation of Vaccination Status form to the Court's HR Department, or other authorized administrator as directed.
  - b. 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.
  - c. 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 no later than September 27, 2021, and provide proof of receiving the second dose by October 28, 2021.
  - d. 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.
  - e. 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.

Note: 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. Please be advised 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 no later than September 27, 2021.
  - a. Requests for exemption will require supporting documentation.
  - b. No employee who requests an exemption will be subject to retaliation.
5. A committee to review exemption requests, comprised of HR managers from the General Division, Housing Division, and Clerk of Court, will be formed; however, final determination on any exemption will be made by the appointing authority of each 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 25, 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 28, 2021, as described in paragraph 2, will immediately be placed on an unpaid leave.
  - a. The employee will have until November 10, 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.
  - c. Failure to become fully vaccinated by December 15, 2021, will result in removal from employment.

8. This Order shall be provided to the Supreme Court of Ohio, Ohio Judicial Conference, Cleveland Municipal Housing Division, Cleveland Municipal Clerk of Courts, Cleveland Metropolitan Bar Association, Cleveland Mayor Frank Jackson, Cleveland City Council, City of Cleveland Prosecutor's Office, Cuyahoga County Public Defender's Office, Cuyahoga County Criminal Defense Lawyers Association, Cuyahoga County Sheriff, Cuyahoga County Board of Health, Cuyahoga County Executive, the website of this Court, and distributed to the media.

***IT IS SO ORDERED.***

CLEVELAND MUNICIPAL COURT - GENERAL DIVISION

9/17/2021  
DATE

Michelle D Earley  
JUDGE MICHELLE D. EARLEY  
ADMINISTRATIVE & PRESIDING JUDGE