

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2021-147
December 20, 2021

SUBJECT: Declaration of Public Emergency; Indoor Mask Requirements; Vaccination Requirements for DC Government Employees; and COVID-19 Testing for Education Sector

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.); sections 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.); and 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, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.* (2018 Repl.); and in accordance with the Foreclosure Moratorium Extension, Scheduled Eviction Assistance, and Public Emergency Extension Emergency Amendment Act of 2021, effective October 7, 2021, D.C. Act 24-178, and any subsequently-enacted authorizations to extend the public emergency, it is hereby **ORDERED** that:

I. BACKGROUND

1. The COVID-19 pandemic, including the exponential spread of its Omicron variant, continues to threaten the health and welfare of District residents, workers, and visitors.
2. More than 21 months after the World Health Organization 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, more than 50.8 million persons in the United States have been diagnosed with COVID-19 and more than 803,022 have died from the disease. Locally, transmission stands at a seven-day average of 42.8 new daily cases per 100,000 persons; total infections in the District have risen to 72,219; and tragically, 1,206 District residents have lost their lives due to COVID-19.
3. On November 26, 2021, the Centers for Disease Control and Prevention (CDC) classified Omicron as a Variant of Concern. Since then, the variant has been detected in the District. Over the past month, the daily case rate in the District has quadrupled and is expected to rise further still. However, the COVID-19 vaccines that are authorized for use have proven to be safe and have remained highly effective in preventing severe illness, hospitalization, and death among vaccinated persons, even with the emergence and spread of the Delta and Omicron variants.

Boosters are increasingly proving to be important in protecting persons against the worst effects of COVID-19.

4. Some businesses, including restaurants, bars, and arts and other cultural and educational institutions, as part of their layered mitigation strategies, have already imposed a vaccination and/or recent testing requirement on staff and visitors. Such strategies are strongly encouraged, and are important to residents and visitors who are trying to make informed choices about their own safety as they consider where to dine, shop, exercise, and enjoy athletic and cultural activities.
5. The Omicron variant, the virulence with which Delta hit our unvaccinated population, and months of experience with our efforts to get our population vaccinated warrant a dial up of intervention efforts. Efforts to come as close as possible to achieving a fully vaccinated District government workforce need to be enhanced, due to the waning efficacy of an initial course of vaccine after six months (and even sooner for those who took the single-shot Janssen vaccine), and continuing resistance to taking the vaccine by some persons. The test out option is proving logistically difficult and is less effective in mitigating the spread of COVID-19 and the most harmful consequences of contracting the disease.
6. It is critically important that we take immediate measures to mitigate the spread of COVID-19 and its worst effects to avoid further straining our health care facilities and hospitals or delaying procedures that are considered elective. Each such delay would come at a personal cost to persons needing services. Further, we must avoid overcrowding or any other deterrents to people seeking hospital and medical services, so that persons needing care do not delay care to the detriment of their own health.
7. Therefore, this Mayor's Order declares a public emergency associated with COVID-19, repeals the lifting of the indoor mask requirements set forth in Mayor's Order 2021-142, dated November 19, 2021, and reimposes through January 31, 2022 at 6:00 a.m. the indoor masking requirements of Mayor's Order 2021-097, dated July 29, 2021; and strengthens existing vaccine requirements for District government employees, contractors, interns, and grantees.

II. DECLARATION OF PUBLIC EMERGENCY

By this Order, a public emergency is declared in the District of Columbia, effective immediately.

III. GOVERNMENTAL EMERGENCY MEASURES

1. The City Administrator, in consultation with the directors of the Department of Health and the Homeland Security and Emergency Management Agency ("HSEMA"), continues to be authorized to implement any measures as may be

necessary or appropriate to protect persons and property in the District of Columbia from the impacts of COVID-19.

2. The District's Emergency Operations Center ("EOC") shall continue to be fully or partially activated at the discretion of the City Administrator, in consultation with the Deputy Mayor for Public Safety and Justice and the HSEMA Director. All relevant District agencies shall continue to designate and detail personnel to staff the EOC if called upon.
3. The Chief Procurement Officer is authorized pursuant to section 5(b)(2) 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(b)(2), to enter into contracts and procurements necessary or appropriate to respond to the public emergency declared by this Order without regard to established operating procedures relating to the performance of public works, entering into contracts, incurring obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditure of public funds.
4. Notwithstanding the District of Columbia Procurement Practices Reform Act of 2010, D.C. Official Code §§ 2-351.01 *et seq.*, or any other law governing contracts, grants, or partnerships or the incurring of obligations, the Chief Financial Officer of the District of Columbia is authorized to approve disbursement of all appropriations necessary to carry out this Order,
5. The Director of the Department of Human Resources is authorized to take the personnel actions authorized by section 5(b)(2) 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(b)(16), as the Director determines necessary or appropriate to address the public emergency declared by this Order.
6. The authorities set forth in section II of Mayor's Order 2020-045, dated March 11, 2020, and section II of Mayor's Order 2020-046, dated March 11, 2020, shall apply to the public emergency declared by this Order.
7. The effectiveness of actions taken pursuant to the public emergency declared by Mayor's Order 2020-045, dated March 11, 2020, shall not be impaired by this Order, and the public emergency declared by Mayor's Order 2020-045, dated March 11, 2020, and thereafter extended, shall remain in effect.

IV. INDOOR MASK REQUIREMENTS

1. Section II of Mayor's Order 2021-097, dated July 29, 2021, is reinstated, to the extent that it requires all persons to wear masks indoors. This provision shall remain in effect until January 31, 2022, at 6:00 a.m.

2. The indoor mask requirement applies in public, public charter, private, parochial and independent schools; childcare facilities; congregate facilities; health care facilities; libraries; public transit and ride share vehicles; restaurants and taverns when persons are not actively eating or drinking; sports and entertainment venues; gyms, recreation centers, and other indoor athletic facilities; houses of worship; businesses except for enclosed offices where no other persons may enter; grocery stores and pharmacies; big box stores; retail establishments; and the common areas of hotels. The Department of Health (DOH or DC Health) may promulgate further, binding regulations and guidance on the scope and implementation of this indoor mask requirement and may authorize exceptions to it; and the Office of the State Superintendent of Education may promulgate further, binding regulations and guidance on the scope and implementation of this Order and request information and data regarding compliance as it relates to all schools (public, public charter, private, parochial and independent) and childcare facilities operating in the District. For many of the above institutions, the indoor mask mandate was not lifted in November.

V. VACCINATION REQUIREMENTS FOR PRIVATE BUSINESSES

1. Businesses and other private establishments are strongly encouraged to require their staff and visitors to be fully vaccinated against COVID-19 consistent with federal and District law and to have robust procedures in place for verifying documentation of such vaccination.
2. Businesses and other private establishments not already required by the COVID Vaccination Leave Emergency Amendment Act of 2021, D.C. Act 24-209, effective November 18, 2021, are further encouraged to reduce obstacles to their staff obtaining a primary course of vaccination and a booster shot, including by offering necessary paid time off to obtain the vaccination and to recover from any side effects associated with the vaccination.

VI. DISTRICT GOVERNMENT EMPLOYEE VACCINATION REQUIREMENTS

1. The City Administrator, through his designees, is directed to formulate a plan for removing, at the earliest possible date, the weekly "test out" option for District Government employees provided for in Mayor's Order 2021-099, dated August 10, 2021. The City Administrator shall work with the Department of Human Resources and the Office of Labor Relations and Collective Bargaining in developing a strategy that minimizes disruptions to critical District Government services.
2. District Government employees, contractors, interns, and grantees shall obtain a booster shot against COVID-19 and shall submit documentation of their booster shot. Contractors and grantees shall submit their information to their employer, as specified by the City Administrator.

VII. COVID-19 TESTING FOR EDUCATION SECTOR

The State Superintendent of Education is authorized to issue an instructional waiver to facilitate COVID-19 testing before students, teachers, and staff return from winter break.

VIII. ENFORCEMENT

1. Businesses and other entities may take appropriate employment actions against their employees who endanger themselves or others by being in violation of this Order or a rule, order, or other issuance issued under the authority of this Order or other Mayor's Orders or City Administrator's Orders relating to mitigating the spread of COVID-19 consistent with District and federal law.
2. All District government agencies that issue licenses, permits, certificates, endorsements, or other authorizations, including the Department of Consumer and Regulatory Affairs, the District Department of Transportation, the Alcoholic Beverage Regulation Administration, the Office of the State Superintendent of Education, the Department of For-Hire Vehicles, and the Department of Health may issue rules consistent with or take enforcement action directly under this Order or a rule, order, or other issuance issued under the authority of this Order to provide for the revocation, suspension, or limitation of a license, permit, certificate, endorsement, or other authorization of a person or entity that violates this Order.
3. Any individual or entity that knowingly violates this Order, or a rule, order, or other issuance issued under the authority of this Order, may be subject to civil and administrative penalties authorized by law, including sanctions or penalties for violating section 8 of the District of Columbia Public Emergency Act of 1980, D.C. Official Code § 7-2307, which can result in civil fines of not more than \$1,000 or summary suspension or revocation of licenses.
4. The enforcement provisions of this Order shall not be applied to persons in the federal government or legislative branch of the District government while those persons are on duty.
5. District employees and interns are subject to adverse employment actions, and contractors and grantees are subject to exclusion and contractual remedies for violations of this Order or directives and other actions taken pursuant to it.

IX. SUPERSESSION

This Order supersedes Section II.1. of Mayor's Order 2021-142, dated November 19, 2021, and any other Mayor's Order, guidance, or directive issued during the COVID-19 public emergency to the extent of any inconsistency with this Order.

X. EFFECTIVE DATE AND DURATION

The indoor masking requirements shall take effect on Tuesday, December 21, 2021, at 6:00 a.m. and shall remain in effect at least until 6:00 a.m. on January 31, 2022.



MURIEL BOWSER
MAYOR

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