**Vaccine Mandate – Federal Contractors**

In alignment with President Biden’s Executive Order, the requirements for federal contractors and subcontractors were released in [this document](https://www.saferfederalworkforce.gov/downloads/Draft%20contractor%20guidance%20doc_20210922.pdf).

**Update as of November 30th, 2021: A federal judge has enjoined the order from going into effect in Kentucky, Ohio and Tennessee, relieving contractors from implementing requirements in these states. In Tennessee, private employers are prohibited from requiring employees to show proof of COVID-19 vaccination.**

**Which contracts were affected?**

The guidance covers nearly any verbal or written contract, other than contracts/subcontracts for manufacturing of products only, or contracts under the Simplified Acquisition Threshold ($250,000). Agencies and contractors working with contracts not addressed by this guidance are encouraged to comply or place the clause in those contracts as well. The clause should “flow down” to the final subcontract which includes only products.

**Does that mean if I have a small contract (under $250,000) or just supply products that I don’t need to comply?**

Not necessarily. The guidance strongly recommended that most agencies add the clause to their contracts voluntarily. Once the clause is added, you will need to comply.

**What are the requirements?**

* **Full COVID-19 vaccination\* by January 18, 2021\*\*** for all employees working on or in connection with a covered contract OR working at a covered contractor workplace (even if not working on or in connection with a covered contract), including remote workers. A covered contractor workplace is any contractor location a covered employee is likely to enter.
* **Provide exceptions for religious/ADA accommodation.** See COVID-19 toolkit for [religious](https://letscatapult.org/covid-vaccine-religious-exemption-request/) and [ADA](https://letscatapult.org/covid-19-vaccine-medical-exemption-request/) exemption forms.
* **Mask/Social Distance in accordance with CDC community transmission guidelines**as determined by the [CDC COVID-19 Data Tracker County View](https://covid.cdc.gov/covid-data-tracker/#county-view) at any location controlled by a covered contractor at which any employee of a covered contractor working on or in connection with a covered contract (this could include HR/Billing) is likely to be present.
* **Designation of a person or persons to coordinate COVID-19 workplace safety efforts, including:**
  + Ensuring review of vaccination records
  + Ensuring visitors and employees have clear, easily understood communications about COVID-19 safety requirements
  + Checking the transmission level (see above) at least weekly
  + Adjusting safety protocols upwards immediately (shift from low/moderate spread to high/substantial). *If the spread decreases to low/moderate there is a two-week wait before adjusting protocol.*

**How do you collect proof of vaccination?**

The covered contractor must view one of the following (digital copy OK) to verify vaccination:

* A copy of the record of immunization from a health care provider or pharmacy
* A copy of the COVID-19 Vaccination Record Card
* A copy of medical records documenting the vaccination
* A copy of immunization records from a public health or State immunization information system
* Other official documentation verifying vaccination with vaccine name, date(s), site or HCP.

**What safety mandates, aside from vaccination, are required?**

Comply with published CDC guidance (including industry-specific requirements) to include:

* Masks must be worn properly (over mouth and nose), not have vents, nor be single-layer/non-light blocking. Some exceptions include: if requested, for identification; in an office with walls (ceiling to floor) and closed-door; for short periods of socially distancing while eating.) Some other situation-specific exceptions apply.
* In areas of high or substantial community transmission, fully vaccinated people must wear a mask in indoor settings.
* Fully vaccinated individuals do not need to physically distance no matter the transmission level.
* Individuals who are not fully vaccinated must wear a mask indoors and in certain outdoor settings regardless of the level of community transmission in the area.
* To the extent practicable, individuals who are not fully vaccinated should maintain a distance of at least six feet from others at all times, including in offices, conference rooms, and all other communal and workspaces.

**When does this really take effect?**

Your contract may not have the required clause added immediately. New contracts may be affected but are not required to include the clause until October 15th. In addition, existing contracts may not be modified until they are extended or adjusted.

**What are my next steps?**

* Talk to the agency or contractor you work with – even if your company is not covered in the mandate, it may have to comply if the agency chooses to follow the recommended guidance to add the clause in your contract.
* Make sure you “roll the clause” down to your subcontractors as soon as you are aware it has been added to your contract. Give them a heads-up as far in advance as possible.
* Retention issues may arise from a mandate. View our vaccination planning tool, mandatory vaccination policy and other resources on our [COVID-19 toolkit](https://letscatapult.org/toolkits/covid-and-pandemic-toolkit/) to assist you in decision-making. Education, communication and employee input are essential in developing and gaining commitment to the process.
* Use our tools to develop processes for your organization and consider how you will educate staff. Companies that spend time educating staff (to include bringing in an expert on the vaccine from an outside source) seem to have more success at boosting vaccination rate voluntarily.
* See the other tools included in this document to ensure ADA and religious accommodations are considered and to appropriately exit employees who are non-compliant: [Non-Compliance Letter for Vaccine Mandate.](%20https:/letscatapult.org/non-compliance-letter-vaccine-requirement/)

*\*****Fully vaccinated = 2 weeks after their second dose in a 2-dose series****, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine.*

***\*\* This date was changed from an original December deadline to align with the OSHA ETS. January 18th would be two weeks after January 4th, the day the vaccinations must be completed under the ES.***