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Vaccine Mandate for Federal Contractor Employees

9.29.2021

On September 9, 2021, President Biden signed Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors. The Executive Order requires that all federal contracts awarded after November 14, 2021 contain a clause requiring federal contractors to comply with Guidance that was to be issued by the Safer Federal Workforce Task Force ("Task Force"). The Executive Order also requires that the clause be added upon extension or option of any federal contract awarded prior to October 15, 2021. The Executive Order applies to both federal contracts and subcontracts.

The Task Force issued its Guidance on September 24, 2021. The Guidance mandates COVID-19 vaccines for all employees of federal contractors, except those employees entitled to a legally recognized accommodation for a disability or sincerely held religious belief. The vaccine mandate applies to employees who are either working on or in connection with a federal contract; this includes employees working in functions supporting employees doing federal contract work, such as in Human Resources, Finance, IT, etc. Furthermore, the mandate applies to all employees working at a location where any employee performs work on or in connection with the federal contract. Covered employees must be fully vaccinated by December 8, 2021, and thereafter, by the first day of performance of a newly awarded federal contract or extension of an existing contract.

The Task Force Guidance also requires that employees and visitors of workplaces where employees work on or in connection with a federal contract, follow Centers for Disease Control and Prevention ("CDC") guidance on wearing face masks and practicing social distancing. In geographic areas with high or substantial community transmission, even vaccinated employees and visitors must wear masks, although they do not have to practice social distancing. In areas where community transmission is low or moderate, vaccinated

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employees and visitors do not need to wear masks or practice social distancing. Unvaccinated employees and visitors must wear masks and practice social distancing regardless of the level of community transmission.

Finally, the Guidance requires employers to designate a COVID-19 Coordinator in workplaces where employees work on or in connection with a federal contract. The Coordinator is responsible for communicating the above safety protocols to employees, visitors and any other individuals present in those workplaces. The Coordinator is also tasked with verifying that employees claiming to be fully vaccinated can show valid proof of vaccination.

Whether a company is a federal contractor or subcontractor and thereby subject to the Executive Order and Task Force Guidelines, is not always a clear-cut matter. If you have any questions about the Executive Order or Guidelines or their applicability to your company, contact the author or your Butzel Long attorney.

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