

Federal Contractors Must Comply with New COVID-19 Vaccine Mandates for On-Site Employees

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Federal contractors are being contacted by their contracting agencies about implementing requirements relating to President Joe Biden’s mandate that all federal employees and on-site contractor employees either be vaccinated against COVID-19 or face repeated testing, and comply with strict social distancing and masking requirements.

The Biden Administration’s mandate comes as private employers and government agencies are trying to bring workers back to the physical workplace even as infection and hospitalization rates are on the rise across the country, due largely to the spread of the COVID-19 delta variant.

The [Safer Federal Workforce Taskforce](#), established earlier this year by Executive Order, overseeing development and implementation of federal agency COVID-19 workplace safety plans has published “[Agency Model Safety Principles](#)” that federal agencies are using as a template in developing their own federal contractor requirements. The [Taskforce](#) also has issued FAQs, a model Certification of Vaccination, and other resources.

Currently, the mandate for federal contractors is limited to employees who work on-site at federal facilities and the requirements are being issued as a site access safety protocol: any worker who does not comply with the requirements will be denied site access. However, in the White House press release on the new mandate indicates that the requirements could be imposed on federal contractors more broadly later to include workers other than those who work at federal sites.

New Requirements for Employees Working at Federal Sites

Fully vaccinated contractor employees who work at federal sites will have to:

- Provide an attestation confirming vaccination status; and
- Wear a mask indoors if working in a locality with high or substantial transmission rates, in accordance with the Centers for Disease Control and Prevention’s guidance.

Contractor employees who are not fully vaccinated or who decline to attest to their vaccination status will have to:

- Take weekly or bi-weekly COVID-19 tests and provide evidence of negative tests;
- Wear a mask at all times and socially distance; and
- Be subject to government-wide restrictions on official travel.

While all federal agencies must implement these basic requirements, each agency retains discretion with respect to the details of requirements and implementation. These include:

- The date on which the requirements are effective;
- The form of required attestations, how they will be submitted to the federal agency; and

- How often testing will be required (weekly or bi-weekly), whether it will be provided on-site and by whom, what type of testing (antigen or PCR) will be required, and the form in which negative test results must be transmitted to the agency.

Next

Federal contractors should consider taking the following steps:

- Establish an internal working team to oversee the process for all impacted contracts and employees and a point of contact for each federal agency with which you have a contract;
- Provide a communication to impacted employees about these new requirements being implemented, with more details to follow as contracting agencies roll out their agency, contract, or site-specific requirements;
- Assess how these new requirements may combine, overlap, or conflict with current state or local mandates, or the contractors' own requirements, on vaccines, testing, and other COVID-19 safety protocols;
- Review your accommodations policies and interactive process regarding vaccinations, testing, and mask wearing requirements and be prepared to engage in this process with employees and, potentially, contracting officials;
- Determine whether any costs associated with these obligations can be billable to the federal agency (some communications from agencies specify that such costs cannot be directly billed);
- Be prepared for bargaining obligations that may exist with unionized workforces; and
- Consider federal, state, and local wage and hour law implications with respect to time taken for testing and related expenses.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work.

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