



## **Federal Contractors Face Mandatory Vaccination Come December**

Federal contractors and subcontractors with covered contracts will be required to have almost all of their employees vaccinated by December 8, 2021. Specifically, as of December 8, 2021, all covered federal contractors and subcontractors must:

- Confirm full COVID-19 vaccination for all full-time and part-time employees, except in limited circumstances where an employee is legally entitled to an accommodation based upon legitimate religious belief or disability. The vaccination requirement includes employees who are not working on or in connection with a covered contract and those that are working remotely;
- Review employees' documentation to prove vaccination status;
- Enforce compliance by individuals, including employees and visitors, related to masking and physical distancing while in covered contractor workplaces; and
- Designate a person or persons to coordinate COVID-19 workplace safety efforts at covered contractor workplaces.

All covered contracts will include a COVID-19 vaccination mandate clause. Such clauses will be added to all new federal contracts as well as federal contracts that are renewed, extended or modified. Agencies are encouraged to add the new clause to existing contracts to the extent possible. Federal contractors must make sure that the vaccine mandate clause is dropped down to all subcontractors.

There is a limited exemption for employees working in separate facilities from those working on the Federal Projects. Employers must affirmatively determine that none of the employees in the separate facility will come in contact with covered employees. The exemption's requirement extends to prohibiting contact in common areas such as lobbies, elevators, etc.

Over and above the vaccination requirements, covered contractors must ensure that all individuals, including covered contractor employees and visitors, comply with published CDC guidance for masking and physical distancing at the workplace. In areas of high or substantial community transmission, fully vaccinated people generally must wear a mask in indoor settings. In areas of low or moderate community transmission, fully vaccinated people do not need to wear a mask. Fully vaccinated individuals do not need to physically distance regardless of the level of transmission in the area.

Individuals 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,

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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 work spaces.

Guidance for the separate vaccination requirement applicable to employers with 100 or more employees is expected in the near future when OSHA issues its Emergency Temporary Standard. We will, of course, keep you posted.

**For more information, please contact [Tony Stergio](#).**