

What President Biden's vaccine mandate means for government contractors and private employers

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With the rise in COVID-19 cases across the country in the wake of the Delta variant, local, state, and federal officials have been taking steps to revise guidance, update recommendations, and revisit plans and protocols.

In one such significant measure, President Biden announced July 29 that all onsite federal employees and contractors are now required to be vaccinated or face strict testing, social distancing, and masking requirements.

Following similar measures from several states for state-employed personnel, the requirements certainly have implications for the federal workforce. **Biden's new vaccine mandate also stands to substantially impact federal contractors, and it encourages private-sector employers to incentivize their workforce to vaccinate.**

What are the requirements of the mandate for employees working at a federal installation?

The safety protocols and principles issued by the President July 29 will be implemented by policy administered by each federal agency, consistent with each agency's safety plans. Each plan should be modified to include the following requirements.

All onsite federal employees and contractors are now required to be vaccinated or face strict testing, social distancing, and masking requirements.

Fully vaccinated employees and onsite contractors will:

- have to sign an attestation confirming vaccination status;
- have to wear a mask indoors if working in a locality with high or substantial transmission rates in accordance with the Center for Disease Control and Prevention's (CDC) guidance; and
- not be subject to any government-wide restrictions on official travel.

Employees and onsite contractors who are not fully vaccinated and / or unwilling to attest to their vaccination status will:

- have to submit to weekly or bi-weekly COVID-19 tests, which may be provided by the agency, though these details are yet to be determined;
- have to wear a mask and socially distance; and
- be subject to government-wide restrictions on official travel.

President Biden's message was clear when he said: "Get your workers vaccinated if you want to work with the federal government."

The policy requires that federal agencies conduct frequent health checks and symptom monitoring, among other things. At this point, it seems likely that these provisions will be administered by the agencies directly with those visiting or working at a federal installation. More information on how each agency will administer this policy is likely forthcoming.

What is the impact on federal contractors and private employers?

While Biden's mandate requires federal agencies to implement the policies and protocols, it does not directly require the same of federal contractors. Instead, it notes that agencies should work with onsite contractors to address how the protocols should be applied to contractor personnel.

That said, in his public announcement July 29, President Biden indicated similar standards should be applied to federal contractors. His message was clear when he said: "Get your workers vaccinated if you want to work with the federal government."

Additionally, since the federal government cannot control the actions of private employers via this type of policy, the mandate certainly does not extend to businesses in the private sector that

do not have employees visiting or working at federal installations. However, the policy encourages private-sector employers to provide incentives to their workforce to be vaccinated.

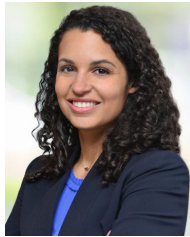
Should your business implement a vaccine program or policy, it is important to include considerations such as maintaining confidentiality of records, whether there is a requirement to pay employees for time off for mandatory testing, allowing exceptions

for medical or religious reasons, and whether the consequences of failing to be vaccinated are appropriate.

Recommendations

In light of the Biden Administration's new policy, the CDC's revised guidance on mask wearing indoors, and new mandates at the state and local level, we recommend that all businesses — whether in the government contracting or private-sector space — draft, revise, and / or revisit their return-to-work and vaccination policies.

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