

What Does The Latest Guidance On Vaccination Requirements For Federal Contractors Say?

Dear PHR:

The Administration issued Guidance on September 24, pursuant to its September 9 announcement of the new vaccination protocols for federal contractors. What does the Guidance say, and what about remote workers?

Signed: County Official

Dear County Official:

Pursuant to the September 24, 2021, Guidance, federal contract "covered employees" must be fully vaccinated by December 8, 2021, unless they qualify for limited legal accommodation exemptions (medical documentation or sincerely held religious belief.)

"Fully vaccinated" means it has been at least two weeks since the individual received the second dose of a two-dose series of a Covid-19 vaccine (ex. Pfizer or Moderna) or two weeks after receiving the single-dose (ex. Johnson & Johnson-Janssen) Covid-19 vaccine.

Who are "covered employees"?

The [14-page Guidance](#) points out that those individuals (full- and part-time) "working on or in connection with a Federal Government contract or contract-like instrument" are covered by the vaccination requirement.

This also includes "contractor or subcontractor employees in covered contractor workplaces who are not working on a Federal Government contract or contract-like instrument." This includes indoor and outdoor worksites, of any sized employer.

The Guidance also includes definitions, descriptions of specific requirements for contractors, by when they should be completed, and 21 Frequently Asked Questions (FAQs), which you should review immediately.

What about remote workers "working on or in connection with a federal contract"?

At FAQ #11, the Guidance states that "individual working on a covered contract from their residence is a covered contractor employee, and must comply with the vaccination requirement for covered contractor employees, even if the employee never works at either a covered contractor workplace or Federal workplace during the performance of the contract. A covered contractor employee's residence is not a covered contractor workplace, so while in the residence

the individual need not comply with requirements for covered contractor workplaces, including those related to masking and physical distancing, even while working on a covered contract."

Masking and distancing requirements for all individuals in covered workplaces are found at FAQ#2:

- "Wear appropriate masks consistently and correctly (over mouth and nose).
- Wear appropriate masks in any common areas or shared workspaces (including open floorplan office space, cubicle embankments, and conference rooms).
- For individuals who are not fully vaccinated, wear a mask in crowded outdoor settings or during outdoor activities that involve sustained close contact with other people who are not fully vaccinated, consistent with CDC guidance."

Note that covered contractors must designate a person or persons to implement the Guidance and to make sure that covered contractor employees [and visitors] comply with the requirements regarding showing proper vaccination documentation.

Always work with your local counsel to make sure you comply with all federal, state, and local health and safety regulations.

This article is on the Bliss McKnight Practical HR Resources website, and available to members of the AIC Endorsed General Liability Insurance Program.

For more information contact risk@blissmcknight.com.

This article is based on generally accepted risk management best practices. It is not, and should not be considered, legal advice.

**MATERIALS PROVIDED, NEED FOR REVIEW BY COUNSEL AND OTHERS,
APPLICABILITY AND SUITABILITY OF RECOMMENDATIONS.**

Attached are risk management related recommendations we believe may be of interest to you. Provision of these materials by our organization (set forth in section one above and referred to as "us", "our", or "we") does not constitute a representation of the appropriateness, adequacy or effectiveness of the recommendations.

These materials are provided as recommendations only. They address certain important Risk Management matters. They are not suggested or intended to provide for all circumstances or all considerations. Each situation is different in some respects, and the advice of counsel and, in many cases, other professionals, is required to prepare and implement an effective and lawful risk management related program, document or agreement. It is the responsibility of the local government to determine the suitability and applicability of these and other risk management materials to its particular needs and circumstances.

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