

# Electronic Alert

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## Deadline for Federal Contractors to be Vaccinated Set for December 8

By Amy Angel & Bruce Garrett

*Update: On 11/4/21, the White House announced that the deadline for Federal Contractors to be vaccinated has been changed to January 4, 2022.*

The Safer Federal Workforce Task Force issued guidance last week requiring federal contractors and subcontractors with a covered contract to follow the following workplace safety protocols:

1. COVID-19 vaccination of employees, except where an employee is legally entitled to a disability or religious accommodation;
2. Compliance by individuals, including employees and visitors, with masking and physical distancing requirements while in covered workplaces; and
3. Designation by the contractor of a person or persons to coordinate COVID-19 workplace safety efforts at covered workplaces.

### Vaccination Requirement

Covered contractors must ensure that all covered employees are fully vaccinated no later than December 8, 2021, unless the employee is legally entitled to a disability or religious accommodation. After the December 8 deadline, employees on a newly awarded or extended contract must be vaccinated by the first day of performance on the new or extended contract.

Contractors must review employees' documentation to prove vaccination status. There is no testing alternative and the vaccination requirement applies even if employees are working remotely.

### Masking & Physical Distancing

In addition to the vaccine mandate, covered contractors must ensure that all individuals, including employees and visitors, comply with published CDC guidance for masking and physical distancing while at a covered workplace:

**Masks:** In areas of high community transmission—as defined by the CDC's Online Data Tracker—masks must be worn at all times regardless of vaccination status. In areas of low or moderate community transmission, vaccinated employees are not required to wear masks. Unvaccinated individuals must wear a mask indoors regardless of the level of community transmission and also in certain outdoor settings.

**Distancing:** When feasible, unvaccinated individuals must maintain at least six feet from others in the workplace. Fully vaccinated individuals do not need to physically distance regardless of the level of transmission.

### Designation of COVID-19 Coordinator

Covered contractors must designate a person (or persons) to coordinate implementation of and compliance with the Task Force's Guidance and the required safety protocols. The designated person may be the same individual(s) responsible for implementing any additional COVID-19 workplace safety protocols required by local, State or Federal law.

### Covered Contracts

Biden's Executive Order requires the Federal Acquisition Regulatory Council (FAR Council) to develop appropriate language to incorporate into federal contracts. This clause must then be incorporated into covered contracts as follows:

- For contracts awarded prior to October 15, 2021, the clause must be incorporated into the contract at the point at which an option is exercised or an extension is made.
- For contracts awarded between October 15, 2021, and November 14, 2021, the clause must be included in the solicitation, and agencies are encouraged to include the clause in contracts awarded during this period, but are only required to include the clause if the solicitation was issued on or after October 15, 2021.
- For contracts awarded on or after November 14, 2021, the clause must be included.

*For questions about whether your workplace is covered by these new requirements or how to comply, contact Amy Angel at 503-276-2195 or [aangel@barran.com](mailto:aangel@barran.com).*

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