Insights: Alerts

Federal Contractors Get Brief Extension on Federal Vaccine Mandate Compliance Date

NOVEMBER 5, 2021 Written by Gunjan R. Talati

Please note: The below information may require updating, including additional clarification, as the COVID-19 pandemic continues to develop. Please monitor our main COVID-19 Resource Center page and/or your email for updates.

December 8, 2021, had been looming over government contractors as the date by which contractor employees covered by the federal COVID-19 vaccine mandate had to be fully vaccinated. That date has now been pushed back a few weeks. Federal contractors and their subcontractors now have until January 4, 2022, to comply with the COVID-19 vaccine mandate. Thus, employees will need to have their final vaccination doses – either their second dose of Pfizer or Moderna, or a single dose of Johnson & Johnson – by January 4, 2022. This January 4, 2022, date aligns with the compliance date for the Department of Labor's emergency temporary standard ("ETS") for private employers with 100 or more employees. For more detail on the COVID-19 Vaccination and Testing ETS, view our Legal Alert (U.S. Department of Labor Issues New Rules Requiring Vaccination or Weekly Testing for Employees of Large Employers (kilpatricktownsend.com)). As federal contractors may have some workplaces subject to the federal contractor rules and other workplaces subject to the COVID-19 Vaccination and Testing ETS, it is important to be familiar with both requirements.

For federal contractors, we previously detailed the Safer Federal Work Force Task Force Guidance (Safer Federal Workforce Task Force Provides COVID-19 Guidance for Federal Contractors (kilpatricktownsend.com)) The Safer Federal Work Force Task Force has continued to add Frequently Asked Questions that are part of their guidance. An important addition surrounds steps a covered contractor should take if a covered contractor employee refuses to be vaccinated. The Safer Federal Work Force Task Force has stated that covered contractors should determine the appropriate means of enforcement using its usual processes for enforcement of workplace policies, such as those addressed in the contractor's employee handbook or collective bargaining agreements. During the enforcement period, such covered employee who refuses to be vaccinated and has not been provided, or does not have a pending request for, an accommodation, must follow all workplace safety protocols for individuals who are not fully vaccinated when at a covered contractor workplace. Such employees will be denied entry to a federal workplace, consistent with the agency's workplace safety protocols.

While the new January 4, 2022, compliance date allows for some breathing room, contractors should be examining these issues now to determine how the various mandates impact their operations.

Related People





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