



Safety Alert

13 September 2021

President Issues Mandate for COVID Vaccinations for Many Workers

On September 9 President Biden issued a [sweeping mandate](#) that will require most federal government employees and many private sector workers to be vaccinated for the COVID-19 virus. The announcement left many questions unanswered, however.

First, the President directed the Occupational Safety and Health Administration to develop a rule that will require all private sector employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work. OSHA will issue an Emergency Temporary Standard to implement this requirement. According to the White House, this requirement will impact over 80 million workers in private sector businesses with 100 or more employees.

The White House did not say when the rule will be published or when it will go into effect. Nor did the statement indicate a deadline for when all covered workers must be vaccinated or submit to weekly testing. There were also no details on which vaccines and/or tests would be acceptable under the rule.

Finally, the announcement did not address whether a person with natural antibodies due to having already had COVID would be covered under the rule, or whether there would be any exemptions for religious objections or medical conditions.

For government contractors, the President signed an [Executive Order](#) directing all federal agencies to include provisions in any new contracts, solicitations for bids, or contract extensions, to require contractors and subcontractors to comply with COVID-related guidance issued by the [Safer Federal Workforce Task Force](#).

The current contractor guidance does not mandate that all contractor employees be vaccinated or submit to weekly testing. The guidance states: “Federal agencies need to ask about the vaccination status of Federal employees and onsite contractors—employees and onsite contractors must sign an attestation confirming their vaccination status, or they will be treated as not fully vaccinated for purposes of safety protocols. Federal agencies also must establish a program to test not fully vaccinated Federal employees and onsite contractors weekly or twice-weekly.”

The Executive Order, however, states that by September 24, 2021, the Safer Federal Workforce Task Force shall, as part of its issuance of Task Force Guidance, provide definitions of relevant terms for contractors and subcontractors, explanations of protocols required of contractors and subcontractors to comply with workplace safety guidance, and any exceptions to Task Force Guidance that apply to contractor and subcontractor workplace locations and individuals. This new guidance will presumably include a vaccine mandate.

If you have any questions please contact:

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