



MANDATORY VACCINATION UPDATE

General information:

- The Administration released general details of its [President Biden's COVID-19 Action Plan](#) and an Executive Order that will require all federal employees and federal contractors to be vaccinated against COVID-19. President Biden's COVID-19 Action Plan aims to require **all employers with 100 or more employees** to ensure their workforces are vaccinated or required to submit to weekly testing. The new requirements in the Executive Orders **do not apply to federal-aid contracts**. That Executive Order with details of application has yet to be released.
- Click [HERE](#) to view the Executive Order impacting direct federal contractors and subcontractors. This Order requires the [Safer Federal Workforce Task Force](#) provide further guidance and a draft contract clause by September 24th. The Federal Acquisition Regulation will be amended to include these requirements in a contract clause in federal solicitations and contracts. Direct federal contracts can expect this new contract clause to appear in all covered federal contracts, extensions, and renewals by October 15th.

We worked with our national chapter to gather resources to assist our members facing COVID-19 vaccine requirements; vaccine safety and the effectiveness that members can use in their educational efforts; and provided resources to assist with employer vaccine policies. Click [HERE](#) to find the AGC COVID-19 Vaccine Toolkit. Some relevant language from the President Biden's COVID-19 Action Plan is below:

Requiring All Employers with 100+ Employees to Ensure their Workers are Vaccinated or Tested Weekly

The Department of Labor's Occupational Safety and Health Administration (OSHA) is developing a rule that will require all 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 (ETS) to implement this requirement. Unfortunately, at this time, details on the OSHA rule have not been released leading to more questions than answers on how this rule will be implemented/enforced. Various reports have indicated the rule will be released to the public in the upcoming weeks. This requirement will impact over 80 million workers in private sector businesses with 100+ employees.



Requiring Vaccinations for all Federal Workers and for Millions of Contractors that Do Business with the Federal Government

Building on the President's announcement in July to strengthen safety requirements for unvaccinated federal workers, the President has signed an Executive Order to take those actions a step further and require all federal executive branch workers to be vaccinated. The President also signed an Executive Order directing that this standard be extended to employees of contractors that do business with the federal government.

This Executive Order requires direct federal contractor and subcontractors to be vaccinated, without the option of submitting a weekly test. This mandatory vaccine requirement does not apply to federal-aid contracts. Another way to put it is if a project is covered by the federal contractor minimum wage and paid leave requirements, this mandate will also apply. As part of this effort, the Department of Defense, the Department of Veterans Affairs, the Indian Health Service, and the National Institute of Health will complete implementation of their previously announced vaccination requirements that cover 2.5 million people.

We will continue to update you as details are released in the coming days and encourage you to reach out to Manny Leon, Vice President of Government Affairs at leonm@agc-ca.org with any questions and concerns about this Action Plan.

