

# **Exhibit 2**

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# Vaccinations

**Vaccination Requirement for Federal Employees** NEW AND UPDATED



## Q: By what date do Federal employees need to be fully vaccinated?

A: Federal employees need to be fully vaccinated by November 22, 2021.

Employees will be considered [fully vaccinated](#) for COVID-19 2 weeks after they have received the requisite number of doses of a COVID-19 vaccine approved or authorized for emergency use by the U.S. Food and Drug Administration or that has been listed for emergency use by the World Health Organization. For Pfizer-BioNTech, Moderna, or AstraZeneca/Oxford, that is 2 weeks after an employee has received the second dose in a 2-dose series. For Johnson and Johnson (J&J)/Janssen, that is 2 weeks after an employee has received a single-dose.

More information is available at [Interim Clinical Considerations for Use of COVID-19 Vaccines | CDC](#).

## Q: By what date do Federal employees need to have had their doses of a COVID-19 vaccination?

A: Federal employees must receive their last dose of their vaccine no later than November 8, 2021, to meet the November 22, 2021 deadline to be fully vaccinated.

The timing between the first and second shots [depends on which vaccine is received](#).

If someone receives the:

- Pfizer-BioNTech COVID-19 vaccine, then that person should get their second shot 3 weeks (or 21 days) after the first. This means for Federal employees to meet the vaccination deadline, they should receive their first vaccination no later than October 18. They would not be eligible for the second dose until November 8, which is the deadline by which they need to have received both shots.
- Moderna COVID-19 vaccine, then that person should get their second shot 4 weeks (or 28 days) after their first. This means for Federal employees to meet the vaccination deadline, they should receive their first vaccination no later than October 11. They would not be eligible for the second dose until November 8, which is the deadline by which they need to have received both shots.

Since the Johnson & Johnson vaccine only has one shot, Federal employees have until November 8 to receive that shot and still meet the November 22, 2021 deadline to be fully vaccinated.

Depending on employees' locations, they may not have all types of vaccines available to them. Agencies should encourage employees to plan ahead and allow enough time to receive all required vaccine doses before the November 8 deadline to have their second shot.

**UPDATED Q: By what date do individuals who start their government service after November 22, 2021 need to be fully vaccinated?**

A: Agencies should require that individuals who start their government service after November 22, 2021, be [fully vaccinated](#) prior to their start date, except in limited circumstances where an accommodation is legally required. Agencies should require documentation to prove vaccination prior to the enter on-duty date. However, should an agency have an urgent, mission-critical hiring need to onboard new staff prior to those new staff becoming fully vaccinated, the agency head may delay the vaccination requirement—in the case of such limited delays, agencies should require new hires to be fully vaccinated within 60 days of their start date and to follow safety protocols for not fully vaccinated individuals until they are fully vaccinated.

OPM has issued [further guidance](#) to agencies, including suggested language for job opportunity announcements and tentative and final offer letters.

**NEW Q: How does the requirement for federal employees to be [fully](#)**

**vaccinated apply to individuals who start their employment after the issuance of EO 14043 but prior to November 22, 2021?**

A: Agencies should require that individuals who start their government service prior to November 22, 2021 be fully vaccinated by November 22, 2021, except in limited circumstances where an accommodation is legally required. Should an agency have an urgent, mission-critical hiring need to onboard new staff who cannot be fully vaccinated by November 22, 2021, the agency head may delay the vaccination requirement—in the case of such limited delays, agencies should require new hires to be fully vaccinated within 60 days of their start date and to follow safety protocols for not fully vaccinated individuals until they are fully vaccinated.

As soon as possible, agencies should ensure that individuals who will or may start their government service prior to November 22, 2021, are aware of the requirement to be fully vaccinated by that date and how to seek an exception required by law to the vaccination requirement. OPM has issued [further guidance](#) to agencies, including suggested language for job opportunity announcements and tentative and final offer letters.

**Q: To what types of Federal employees does the vaccination requirement apply?**

A: The vaccination requirement in Executive Order 14043 (Requiring Coronavirus Disease 2019 Vaccination for Federal Employees) covers employees as defined in 5 U.S.C. 2105 (including an employee paid from nonappropriated funds as referenced in 5 U.S.C. 2105(c)). Agencies are strongly encouraged to require vaccinations for any employees or other personnel working under an agreement with an agency not covered by the Executive Order, consistent with applicable law and in consultation with the Safer Federal Workforce Task Force. Implementation of such additional requirements should generally follow the Safer Federal Workforce Task Force's guidance for implementing the vaccination requirement in Executive Order 14043.

**Q: Does the requirement to be vaccinated apply to Federal employees who are not reporting to the worksite (e.g., are on maximum telework or working remotely)?**

A: Yes. To protect the health and safety of the Federal workforce and to promote the efficiency of the civil service, all Federal employees covered by Executive Order 14043 and without a legally required exception need to be [fully vaccinated](#) by

November 22, 2021, regardless of where they are working. Employees who are on maximum telework or working remotely are not excused from this requirement, including because employees working offsite may interact with the public as part of their duties and agencies may need to recall employees who are on maximum telework or working remotely.

**Q: Do agencies need to provide onsite vaccinations to their employees?**

A: No. Agencies should take steps to make their employees aware of convenient opportunities to be vaccinated. Given the [widespread availability of vaccinations](#), it is not required that agencies provide vaccinations at their facilities or worksites, although agencies may choose to do so.

**Vaccination Documentation and Information** **NEW**



**Q: Must agencies require documentation from employees to prove vaccination status?**

A: Yes, agencies must require documentation from employees to prove vaccination, even if an employee has previously attested to their vaccination status. Employees may provide a copy of the record of immunization from a health care provider or pharmacy, a copy of the COVID-19 Vaccination Record Card, a copy of medical records documenting the vaccination, a copy of immunization records from a public health or state immunization information system, or a copy of any other official documentation containing required data points. The data that must be on any official documentation are the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s). Employees must certify under penalty of perjury that the documentation they are submitting is true and correct.

Employees may provide a digital copy of such records, including, for example, a digital photograph, scanned image, or PDF of such a record that clearly and legibly displays the information outlined above. In requesting this information, agencies should comply with any applicable Federal laws, including requirements under the Privacy Act and Rehabilitation Act of 1973.

**NEW Q: Can an employee provide a recent antibody test in order to prove vaccination status?**

A: No. An employee must provide the required documentation for proof of vaccination. A recent antibody test cannot be used to prove vaccination status.

**Q: How should agencies maintain documentation provided by employees regarding vaccination?**

A: Agencies must collect certain information necessary to verify that an employee is fully vaccinated. This includes the type of vaccine administered, the number of doses received, date of administration of each dose, and the submission of an approved form of required documentation, as set forth in this guidance. When providing this information, employees must also be required to certify under penalty of perjury that the information they are submitting is true and correct.

Agencies have unique operational environments and may develop their own processes to both collect and maintain the required information, in compliance with all applicable laws and in accordance with their agency record management policies. Accordingly, agencies may develop and use new processes, systems, tools, and applications to collect and maintain the required information or choose to leverage existing processes, systems, tools, or applications previously established to collect Certification of Vaccination forms. Agency systems, processes, tools, and applications for the collection of this information must allow an employee to update their vaccination status and related information.

The collection and use of this information for many agencies is subject to the OPM/GOVT-10 Employee Medical File system of records notice (SORN) and OPM regulations (5 C.F.R. part 293, subpart E). Under those rules, each agency must have written instructions for its EMF system with appropriate safeguards. Employees must be provided with a [Privacy Act statement](#) at the point of collection of this information. Agencies that are not subject to OPM's regulations (or who employ categories of employees not covered by OPM/GOVT-10) must give their employees an alternative Privacy Act statement. As a general rule, this information should not be maintained in the Official Personnel Folder.

Agencies are encouraged to take steps to promote privacy and IT security, while also providing the relevant information to those who need to know in order to implement the safety protocols. Agencies should consult with their Agency Records Officer, Chief Information Officer, Senior Agency Official for Privacy, and agency's legal counsel to determine the best means to maintain this information to meet the agency's needs.

**Q: Which individuals within an agency should have access to information on employees' vaccination status?**

A: The Privacy Act permits disclosure within the agency to employees “who have a need for the record in the performance of their duties.” 5 U.S.C. 552a(b)(1). Agencies should only disseminate information to the appropriate agency officials who have a need to know to ensure effective implementation of the safety protocols, which, in many cases, will include the supervisor level. Agencies must comply with the requirements of the Privacy Act at all times. Agencies should consult with their Senior Agency Official for Privacy on any questions related to Privacy Act requirements.

**Q: Should agencies require documentation from visitors to verify their attestation of vaccination status?**

A: Visitors (except those seeking a public benefit or service, who do not need to attest to or otherwise document vaccination status) must attest to their vaccination status using the [Certification of Vaccination form](#), but agencies should not ask them for documentation to verify their attestation.

**Q: Should agencies require documentation from onsite contractor employees to verify their attestation of vaccination status?**

A: Prior to contractor employees being subject to a contractual requirement to be vaccinated, onsite contractor employees need only attest to their vaccination status using the [Certification of Vaccination form](#).

For onsite contractor employees who are not yet subject to a contractual requirement to be vaccinated, agencies should not ask them for documentation to verify their attestation. When a contractor employee discloses that they are unvaccinated or declines to complete the attestation, agencies should treat that individual as not fully vaccinated for purposes of implementing safety measures.

If the agency has reasonable grounds to believe that an onsite contractor employee made a false statement on the Certification of Vaccination form, the agency may require that the contractor verify the contractor employee's vaccination documentation and confirm to the agency that the employee has been vaccinated, as part of the agency's review of the matter. If an onsite contractor employee who has attested to being vaccinated exhibits symptoms of COVID-19 illness, the agency should apply its safety protocols, but this is not an appropriate reason to request documentation to

verify vaccination status.

## Limited Exceptions to Vaccination Requirement **NEW**



### **Q: Are there exceptions to the requirement for all employees to be fully vaccinated?**

A: Federal employees must be fully vaccinated other than in limited circumstances where the law requires an exception. In particular, an agency may be required to provide a reasonable accommodation to employees who communicate to the agency that they are not vaccinated against COVID-19 because of a disability or because of a sincerely held religious belief, practice, or observance. Determining whether an exception is legally required will include consideration of factors such as the basis for the claim; the nature of the employee's job responsibilities; and the reasonably foreseeable effects on the agency's operations, including protecting other agency employees and the public from COVID-19. Because such assessments will be fact- and context-dependent, agencies are encouraged to consult their offices of general counsel with questions related to assessing and implementing any such requested accommodations.

### **NEW Q: Should agencies establish a date by which employees should notify agencies that they are seeking a legally required exception to the requirement to not be fully vaccinated?**

A: Yes. In order to ensure that agencies can fully understand the effect of accommodation requests on their operations and to seek to ensure timely review of requests for an accommodation, agencies should establish a date by which employees should as a general matter notify agencies that they are seeking a legally required exception to the requirement to be fully vaccinated. Employees can submit requests for an exception after the date established by the agency.

### **NEW Q: Should agencies provide employees who are seeking a legally required exception to the vaccination requirement with a form?**

A: Yes. Agencies can refer to the following templates to develop a form for employees who are seeking an exception based on a [medical condition](#) or based on [religion](#). The information on the forms may be used by the agency to help determine whether the employee is entitled to an accommodation. The agency may also ask for other



information as needed to determine if the individual is legally entitled to an accommodation. Agencies should consult with their senior agency official for privacy and their office of general counsel to address all legal considerations and privacy requirements in developing their forms, including but not limited to an appropriate Privacy Act Statement. Agencies should comply with any applicable recordkeeping and other requirements.

**NEW Q: If an employee requests an accommodation, and that accommodation is denied, how long should the employee be afforded to be fully vaccinated?**

A: Agencies should require that an employee whose request for an accommodation is denied receive their first (or, if a one-dose series, only) dose within two weeks of the final determination to deny the accommodation. If receiving a two-dose series, the employee must receive the second dose within 6 weeks of receiving the first dose.

If the employee received a first dose of a two-dose series prior to seeking an accommodation, agencies should require that the employee receive their second dose within two weeks of the final determination to deny the accommodation or within a week of the earliest day by which they can receive their second dose, whichever is later.

**NEW Q: If an employee is not fully vaccinated due to a legally required exception, what protocols should that individual follow?**

A: Generally, employees would need to follow applicable masking, physical distancing, and testing protocols for individuals who are not fully vaccinated, as well as applicable travel guidance. Additional guidance will be forthcoming regarding testing protocols for individuals who are excepted from the vaccination requirement. There may be circumstances in which an agency determines that the nature of an employee's job responsibilities requires heightened safety protocols if they are provided with a legally required exception. In some cases, the nature of the employee's job may be such that an agency determines that no safety protocol other than vaccination is adequate. In such circumstances, the agency may deny the requested accommodation.

**NEW Q: Can an agency grant an extension to the deadline for vaccination due to a documented medical necessity even if the employee does not meet the legal definition of "disability" to be entitled to an accommodation?**

A: Even in cases where the employee does not meet the legal definition of "disability" to be entitled to an accommodation under the Rehabilitation Act, in some limited

circumstances an agency may grant an extension to a vaccination deadline based upon other medical considerations. For example, as explained in a separate FAQ, the CDC [recommends](#) delaying COVID-19 vaccination for at least 90 days after receiving monoclonal antibodies or convalescent plasma for COVID-19 treatment. Agencies that receive documented medical reasons that may not qualify as a disability but that necessitate a delay in vaccination should grant extensions but specify, consistent with the nature of the medical necessity, by what date the employee must be fully vaccinated.

Agencies should take note that an individual's medical need should be considered on a case-by-case basis, including any medical evaluation that addresses the individual's particular circumstance.

**NEW Q: What medical conditions does the CDC consider a contraindication to vaccination with COVID-19 vaccines?**

A: The CDC considers a history of the following medical conditions to be [contraindications](#) to vaccination with COVID-19 vaccines:

- Severe allergic reaction (e.g., anaphylaxis) after a previous dose or to a component of the COVID-19 vaccine; and
- Immediate allergic reaction of any severity to a previous dose or known (diagnosed) allergy to a component of the COVID-19 vaccine.

If an individual is allergic to a component of one or more COVID-19 vaccines, that individual may not be allergic to components in all COVID-19 vaccines.

**NEW Q: Are there circumstances that the CDC recommends delaying vaccination for COVID-19?**

A: Yes. In the following circumstances, the CDC [recommends](#) delaying vaccination for COVID-19 for adults:

- Vaccination of people with known current SARS-CoV-2 infection should be delayed until the person has recovered from the acute illness (if the person had symptoms), and they have met [criteria](#) to discontinue isolation.
- People with a history of multisystem inflammatory syndrome in adults (MIS-A) should consider delaying vaccination until they have recovered from their illness and for 90 days after the date of diagnosis of MIS-A.

- Vaccination should be delayed for 90 days after receiving monoclonal antibodies or convalescent plasma for COVID-19 treatment.
- Whenever possible, mRNA COVID-19 vaccination doses (including the primary series and an additional dose) or the single dose Johnson and Johnson (J&J)/Janssen vaccine should be completed at least two weeks before initiation or resumption of immunosuppressive therapies, but timing of COVID-19 vaccination should take into consideration current or planned immunosuppressive therapies and optimization of both the patient's medical condition and response to vaccine. A patient's clinical team is best positioned to determine the degree of immune compromise and appropriate timing of vaccination.
- People who develop myocarditis or pericarditis after a dose of an mRNA COVID-19 vaccine should delay receiving a subsequent dose. People who choose to receive a subsequent dose should wait until myocarditis has completely resolved.
- People who have a history of myocarditis or pericarditis unrelated to mRNA COVID-19 vaccination may receive any currently FDA-approved or FDA-authorized COVID-19 vaccine after the episode of myocarditis or pericarditis has completely resolved. This includes resolution of symptoms attributed to myocarditis or pericarditis, as well as no evidence of ongoing heart inflammation or sequelae as determined by the person's clinical team, which may include a cardiologist, and special testing to assess cardiac recovery.

This is not an exhaustive list of the circumstances in which clinical considerations may recommend in favor of delaying vaccination.

In circumstances in which delay pursuant to these clinical considerations means that an employee is not fully vaccinated by November 22, 2021, the agency should require that individual to receive their first (or if a one-dose series, only) dose no later than two weeks after clinical considerations no longer recommend delay. If receiving a two-dose series, the employee should be required to receive the second dose within 6 weeks of receiving the first dose. If the employee already received a first dose of a two-dose series, they should be required to receive their second dose no later than two weeks after clinical considerations no longer recommend delay.

During the period in which vaccination is delayed, an employee must follow applicable masking, physical distancing, and testing protocols for not fully vaccinated individuals, as well as applicable travel guidance. There may be circumstances in which an agency determines that the nature of an employee's job responsibilities requires

heightened safety protocols during the intervening time.

**NEW Q: Is vaccination for COVID-19 recommended for people who are trying to get pregnant or might become pregnant in the future?**

A: Yes. The CDC has [stated](#) that COVID-19 vaccination is recommended for people who are trying to get pregnant now or might become pregnant in the future, as well as their partners.

**NEW Q: Does the CDC recommend that an employee delay vaccination due to pregnancy?**

A: The CDC recommends COVID-19 vaccination for [people who are pregnant, breastfeeding, trying to become pregnant now, or trying to become pregnant in the future](#). The American College of Obstetricians and Gynecologists and Society for Maternal-Fetal Medicine [recommend](#) that all pregnant individuals be vaccinated against COVID-19. However, an agency may allow such an employee to delay vaccination based on the employee's particular medical circumstances, consistent with the agency's process for reviewing delay requests.

**NEW Q: Is an employee who has had a prior COVID-19 infection required to be fully vaccinated?**

A: Yes, an employee who has had a prior COVID-19 infection is required to be fully vaccinated. The CDC recommends that vaccination of people with known current SARS-CoV-2 infection should be delayed until the person has recovered from the acute illness (if the person had symptoms) and has satisfied the [criteria](#) to discontinue isolation.

**NEW Q: Can an employee delay a COVID-19 vaccine because they have recently received another vaccine, such as the seasonal influenza vaccine?**

A: COVID-19 vaccines may be administered without regard to timing of other vaccines. This includes simultaneous administration of COVID-19 vaccine and other vaccines on the same day.

**NEW Q: Can an employee delay a second dose of a two-dose series mRNA vaccine series because of lack of availability of a second dose?**

A: In situations where the same mRNA vaccine product is temporarily unavailable, it is preferable to delay the second dose to receive the same product than to receive a

mixed series using a different product. In exceptional situations in which the mRNA vaccine product given for the first dose cannot be determined or is no longer available, any available mRNA COVID-19 vaccine may be administered at a minimum interval of 28 days between doses to complete the mRNA COVID-19 vaccination series.

## Enforcement of Vaccination Requirement for Employees **UPDATED**



**UPDATED Q: What steps may an agency take if a Federal employee refuses to be vaccinated or provide proof of vaccination?**

A: Employees covered by Executive Order 14043 who fail to comply with a requirement to be fully vaccinated or provide proof of vaccination and have neither received an exception nor have an exception request under consideration, are in violation of a lawful order. Employees who violate lawful orders are subject to discipline, up to and including termination or removal.

Consistent with the Administration's policy, agencies should initiate an enforcement process to work with employees to encourage their compliance. Accordingly, agencies should initiate the enforcement process with a brief period of education and counseling (5 days), including providing employees with information regarding the [the benefits of vaccination](#) and [ways to obtain the vaccine](#). If the employee does not demonstrate progress toward becoming fully vaccinated through completion of a required vaccination dose or provision of required documentation by the end of the counseling and education period, it should be followed by a short suspension (14 days or less). Continued noncompliance during the suspension can be followed by proposing removal. Unique operational needs of agencies and the circumstances affecting a particular employee may warrant departure from these guidelines if necessary, but consistency across government in enforcement of this government-wide vaccine policy is desired, and the Executive Order does not permit exceptions from the vaccination requirement except as required by law.

Agencies may initiate the enforcement process as soon as November 9, 2021, for employees who fail to submit documentation to show that they have completed receiving required vaccination dose(s) by November 8, as long as those employees have not received an exception and the agency is not considering an exception request from the employee.

If an employee responds at any phase of the discipline by submitting proof of progress

toward full vaccination (i.e., completion of a required vaccination dose), the agency should hold the discipline in abeyance to afford the employee a reasonable period of time to become fully vaccinated. In pursuing any adverse action, the agency must provide the required procedural rights to an employee and follow normal processes, including any agency policies or collective bargaining agreement requirements concerning disciplinary matters. Employees should not be placed on administrative leave while pursuing an adverse action for refusal to be vaccinated but will be required to follow safety protocols for employees who are not fully vaccinated when reporting to agency worksites.

If the employee claims a legally required exception as the reason for not being vaccinated, an agency should follow its ordinary process to review and consider what, if any, accommodation it must offer. All agency personnel designated to receive requests for accommodations should know how to handle requests consistent with the Federal employment nondiscrimination laws that may apply. If the employee's request for an exception is denied, and the employee does not comply with the vaccination requirement, the agency may pursue disciplinary action, up to and including removal from Federal service.

OPM has issued [additional guidance](#) to further assist agencies with enforcing the vaccination requirement for Federal employees.

## Visitors and Onsite Federal Contractors



**Q: Can agencies incorporate vaccination requirements into contracts that are not covered by Executive Order 14042 (Ensuring Adequate COVID Safety Protocols for Contractors)?**

A: Yes. Agencies are strongly encouraged to incorporate vaccination requirements into contracts that are not covered by Executive Order 14042, consistent with applicable law. This might include, for example, incorporating vaccination requirements into contracts in advance of when they are otherwise required by the Executive Order or incorporating requirements into contracts that are not covered by the Executive Order, such as contracts under the Simplified Acquisition Threshold. Implementation of such additional requirements should generally follow the Safer Federal Workforce Task Force's guidance for implementing the vaccination requirement in Executive Order 14042.

**Q: Should agencies inquire regarding the vaccination status of onsite contractor employees?**

A: Prior to contractor employees being subject to a contractual requirement to be vaccinated, agencies need to ask about the vaccination status of those onsite contractor employees. Onsite contractor employees must attest to the truthfulness of the response they provide. If an onsite contractor employee chooses not to provide a response, they will be treated as not fully vaccinated for the purpose of agency safety protocols. In requesting this information, agencies should comply with any applicable federal laws, including requirements under the Privacy Act and the Paperwork Reduction Act.

**Q: Do onsite contractor employees need to provide proof of a negative COVID-19 test?**

A: Prior to being subject to a contractual requirement to be vaccinated, onsite contractor employees who are not fully vaccinated or who decline to provide information about their vaccination status must provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a federal building. If a contractor employee is regularly tested pursuant to an agency testing program, then they do not need to provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a federal building unless required to by the agency testing program.

**Q: How should an agency ask onsite contractor employees about their vaccination status?**

A: Prior to being subject to a contractual requirement to be vaccinated, onsite contractor employees should be provided with the [Certification of Vaccination form](#) when they enter a federal building or federally controlled indoor worksite.

Unless an agency has an existing system of records notice that permits it to collect and maintain this information on its contractor employees, agencies will direct onsite contractor employees to complete the Certification of Vaccination form and keep it with them during their time on federal premises—they may be asked to show the form upon entry to a federal building or federally controlled indoor worksite and to a federal employee who oversees their work.

Prior to being subject to a contractual requirement to be vaccinated, onsite contractor

employees who are not fully vaccinated (or who decline to disclose vaccination status) are required to show proof of a negative COVID-19 test result from within the previous 3 days before entry to a federal building or federally controlled indoor worksite. If a contractor employee is regularly tested pursuant to an agency testing program, then they do not need to provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a federal building unless required to by the agency testing program.

Agencies may email Certification of Vaccination form to contractor employees in advance of their time on-site or utilize a unique tool or application to share the form with contractor employees and enable them to easily complete it, but the agency will not maintain Certification of Vaccination forms from contractor employees at this time unless an agency has a system of records notice that covers its collection of this information from onsite contractor employees. Any such collection, storage, or maintenance of the attestation disclosure forms may implicate the Privacy Act and Paperwork Reduction Act.

Prior to having a contractual requirement for its employees to be vaccinated and if authorized and consistent with the terms of the contract, an agency may work with a contractor to facilitate compliance by its onsite employees with the agency's safety protocols, such as by having the company attest that all onsite contractor employees are fully vaccinated.

**Q: Should agencies inquire regarding the vaccination status of visitors to federal buildings?**

A: Visitors to federal buildings should be asked to provide information about vaccination status. In requesting this information, agencies should comply with any applicable federal laws, including requirements under the Privacy Act and the Paperwork Reduction Act. Visitors who are not fully vaccinated or who decline to provide information about their vaccination status must provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a federal building.

These requirements related to the provision of information about vaccination and provision of proof of a recent negative COVID-19 test do not apply to members of the public entering a federal building or federal land to obtain a public service or benefit. If they are not fully vaccinated, these visitors must comply with all relevant CDC guidance, including wearing a mask and physically distancing from other people.



**Q: How should an agency ask visitors about their vaccination status?**

A: Agencies should provide visitors with the [Certification of Vaccination form](#) when they enter a federal building or federally controlled indoor worksite. Agencies will direct visitors to complete the Certification of Vaccination form and keep it with them during their time on federal premises—visitors may be asked to show the form upon entry to a federal building or federally controlled indoor worksite. If they are not fully vaccinated or decline to answer, they will be required to show a negative COVID-19 test result from within the previous three days.

Agencies may email the Certification of Vaccination form to visitors in advance of arrival or utilize a tool or application to share the form with visitors and enable visitors to easily complete it, but the agency will not maintain Certification of Vaccination forms from visitors.

Individuals entering a federal building, federally controlled indoor worksite, or federal land to obtain a public service or benefit do not need to complete the form or show documentation of a negative COVID-19 test result. However, if they are not fully vaccinated, they must comply with all relevant CDC guidance and safety protocols, including mask-wearing and physical distancing requirements.

**Q: What type of negative COVID-19 test result must a visitor or onsite contractor employee who is not fully vaccinated show documentation of in order to enter a federal building?**

A: Agencies may determine what types of tests a visitor or onsite contractor employee who is not subject to a contractual requirement to be vaccinated can show documentation of in order to enter a federal building, provided that the tests are authorized by the U.S. Food and Drug Administration to detect current infection and produce a dated result.

**Q: If an agency has a system of records notice that covers its collection of information on vaccination status from onsite contractor employees, can the agency collect that information?**

A: Yes, if an agency has a system of records notice that covers its collection of the requisite information—as reflected in the [Certification of Vaccination form](#)—from onsite contractor employees consistent with the Privacy Act, it may do so. The agency should ensure such a collection is also consistent with the Paperwork Reduction Act.

The agency should provide a means for individuals to update their vaccination status over time.

## Labor Relations Related to Vaccination



### **Q: Should agencies discuss vaccination plans with their employee unions?**

A: Yes. Because agencies need to act quickly due to the COVID-19 emergency and to protect the health and safety of federal employees, contractor employees, and visitors, agencies should engage with employee unions at their earliest opportunity regarding the requirement for agency employees to be vaccinated. The Government-wide policy covers specific implementation steps that agencies need to take, as well as a deadline for implementation. Additional guidance on the policy will be forthcoming that will address further implementation issues. Accordingly, bargaining over this Government-wide policy will be limited to impact and implementation issues not otherwise addressed in the guidance. Moreover, agencies must implement Government-wide policy by the deadline, so any bargaining that has not been completed by the time implementation must begin will have to be finished post-implementation.

## Safety Protocols Related to Vaccination



### **Q: Who is considered fully vaccinated?**

A: People are considered [fully vaccinated](#) for COVID-19  $\geq 2$  weeks after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna), or  $\geq 2$  weeks after they have received a single-dose vaccine (Johnson and Johnson (J&J)/Janssen). There is currently no post-vaccination time limit on fully vaccinated status.

This guidance applies to COVID-19 vaccines currently either approved or authorized for emergency use by the U.S. Food and Drug Administration (Pfizer-BioNTech, Moderna, and Johnson & Johnson [J&J]/Janssen COVID-19 vaccines). This guidance can also be applied to COVID-19 vaccines that have been listed for emergency use by the World Health Organization (e.g., AstraZeneca/Oxford). More information is available at [Interim Clinical Considerations for Use of COVID-19 Vaccines | CDC](#).

### **Q: Can an employee who participates in a clinical trial for a COVID-19 vaccine be considered fully vaccinated?**

A: Clinical trial participants from a U.S. site who are documented to have received the full series of an “active” (not placebo) COVID-19 vaccine candidate, for which vaccine efficacy has been independently confirmed (e.g., by a data and safety monitoring board), can be considered fully vaccinated 2 weeks after they have completed the vaccine series. Currently, the Novavax COVID-19 vaccine meets these criteria. More information is available [here](#).

**Q: Are agencies required to establish different safety protocols for fully vaccinated and not fully vaccinated individuals?**

A: Yes. [Fully vaccinated individuals](#) do not need to physically distance or have restrictions on their official travel (although they still must comply with any local requirements and relevant CDC guidance for fully vaccinated individuals while traveling). Fully vaccinated individuals in areas of substantial or high transmission (see the [CDC COVID-19 Data Tracker County View](#)) need to wear a mask in public indoor settings. Fully vaccinated individuals in areas of low or moderate transmission do not need to wear a mask, unless required by state or local regulations or laws.

Fully vaccinated individuals might choose to wear a mask regardless of the level of transmission for a variety of reasons.

Some employees will not be vaccinated because they are legally entitled to a reasonable accommodation. Some onsite contractor employees may not yet be subject to a contractual requirement to be vaccinated. Individuals who are not fully vaccinated or who decline to provide information about their vaccination status must wear masks regardless of community transmission level, physically distance, and comply with travel requirements for not fully vaccinated individuals

Prior to being subject to a contractual requirement to be vaccinated, onsite contractor employees who are not fully vaccinated or who decline to provide information about their vaccination status must provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a federal building. If a contractor employee is regularly tested pursuant to an agency testing program, then they do not need to provide proof of a negative COVID-19 test from no later than the previous 3 days prior to entry to a federal building unless required to by the agency testing program.

Visitors will be asked to provide information about their vaccination status. Individuals who decline to provide information on their vaccination status will be treated as not fully vaccinated for purposes of agency COVID-19 workplace safety plans and

protocols. Visitors who are not fully vaccinated must provide proof of a negative COVID-19 test that occurred within the previous 3 days prior to entry to a federal building.

Individuals entering a federal building or federal land to obtain a public service or benefit do not need to provide information about their vaccination status or provide proof of a negative COVID-19 test. If they are not fully vaccinated, they must comply with all relevant CDC guidance, including wearing a mask.

**Q: Prior to an employee being fully vaccinated, what protocols should that individual follow?**

A: Federal employees who are not fully vaccinated must comply with all agency requirements for individuals who are not fully vaccinated, including those requirements related to masking, physical distancing, and travel, subject to any legally required reasonable accommodation. In determining safety protocols for employees ahead of the deadline for employee vaccination, agencies can use information from vaccination attestations submitted by employees, or other information that the agency has on the vaccination status of employees (for example, information available to the agency because the agency administered the vaccine to an employee or the agency conducted a survey of its employees regarding vaccination status) consistent with the requirements of the Privacy Act.

Where the agency already has the requisite information regarding vaccination status, it can utilize that information for purposes of determining the proper safety protocols to apply to that individual. When an employee discloses that they are not fully vaccinated, or if an agency does not know the vaccination status of an employee, agencies should follow the protocols for an individual who is not fully vaccinated for purposes of implementing safety measures.

**Q: If a federal employee seeks to enter space under the control of another agency, must they complete a Certification of Vaccination form at that agency?**

A: Yes, federal employees are treated as visitors during their visit to another agency, meaning they would need to complete a [Certification of Vaccination form](#) and, if they are not fully vaccinated, they would need to show proof of a negative COVID-19 test result within the past 3 days. As with other visitors, the employee should keep the form with them during their time onsite at the other agency.

## Find COVID-19 Vaccines Near You

Visit [Vaccines.gov](https://www.vaccines.gov)

Or Call 1-800-232-0233



For questions or comments, email the Safer Federal Workforce Task Force at [SaferFederalWorkforce@gsa.gov](mailto:SaferFederalWorkforce@gsa.gov)

