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Task Force Issues Additional FAQs on Vaccinations for Contractors

Government Contractor Compliance & Regulatory Blog on **October 22, 2021**

The Safer Federal Workforce Task Force (the "Task Force") has released additional frequently asked questions and answers ("FAQs") regarding its Guidance for Federal Contractors and Subcontractors on implementing COVID-19 safety measures in accordance with Executive Order 14042. Our prior posts on the Guidance and previously-issued FAQs can be found here and here.

A summary of the key information provided in the new FAQs is below. This information is significant, as contractors and subcontractors who have contracts or contract-like instruments incorporating the applicable clause are subject not only to the Guidelines but *also* the information conveyed through the Task Force's FAQs.

- ***Timeline for Vaccination After Denial of Accommodation Request***. The latest FAQs provide that where an employee requests and is denied an accommodation, the contractor "should establish a timeline for a covered contractor employee … to promptly become fully vaccinated."
- ***Vaccination Delays Due to Medical Condition***. The Task Force provides that where an employee requests a delay in becoming vaccinated due to a medical condition – as opposed to a disability – covered contractors "in some limited circumstances … may grant the contractor employee an extension to a vaccination deadline based upon other medical considerations." The FAQs indicate such decisions should be based on "documented medical reasons" and "contractors should specify, consistent with the nature of the medical necessity, by what date the contractor employee must be fully vaccinated." The FAQs note certain medical conditions for which the CDC has recommended to delay vaccination. If a vaccination delay accommodation is granted, the unvaccinated employee must follow all applicable face covering and physical distancing protocols for individuals who are not fully vaccinated.
- ***Other Topics.*** The new FAQs also contain a number of questions and answers directing contractors to CDC guidance on a variety of vaccination-related issues, including pregnancy, contraindications, and clinical trials.

We will continue to monitor developments in this space and report on them here.

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