



# AFSCME *Facts*

## Overview of New Federal COVID-19 Vaccination Requirements for Workers Sept. 10, 2021

On Sept. 9, 2021, President Biden announced new COVID-19 vaccination requirements that will affect many public- and private-sector workers, including many AFSCME members. The new requirements include the following:

- **Federal executive branch employees** and employees of federal contractors will be required to be vaccinated as a condition of employment. There will no longer be a testing option in lieu of vaccinations.
- **Employees of employers with 100 or more employees that are covered by the Occupational Safety and Health Act** (including all such private sector employers, as well as public employers in the 28 states and territories with OSHA plans) will have to be vaccinated or get tested at least once per week.
- **Employees of most health care facilities**, including home care agencies, that participate in Medicare or Medicaid will be required to be vaccinated.
- **Head Start and Early Head Start Agency employees** will be required to be vaccinated.

The table that follows on the next page provides additional information about the scope and timing of each of these new requirements.

## New Vaccination Requirements Announced by Pres. Biden on Sept. 9, 2021

Who	What	How	When
<p><b>Federal Executive Branch Employees</b></p>	<p>Must be vaccinated*</p>	<p>Executive Order  <a href="https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-requiring-coronavirus-disease-2019-vaccination-for-federal-employees/">https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-requiring-coronavirus-disease-2019-vaccination-for-federal-employees/</a></p>	<p>Fully vaccinated by November 22. The Safer Federal Workforce Task Force is required to issue guidance by Sept. 16, 2021, on agency implementation of this requirement.</p>
<p><b>Employees of Employers with 100+ Employees— Private Sector and Public Employees Covered by a State OSHA Plan (28 states and territories)</b></p>	<p>Employers will be required to adopt plans requiring their workers to be vaccinated or to get tested at least once every seven days.</p> <p>Employers will be required to provide paid time off for the time it takes to get vaccinated or to recover from side effects.</p>	<p>Emergency Temporary Standard, which will be issued as an Interim Final Rule that generally goes into effect when issued but that provides an opportunity for public comment on the rule.</p>	<p>TBD.</p>
<p><b>Workers in Medicare and Medicaid Participating Hospitals and Other Health Care Settings</b></p> <p>Includes but is not limited to hospitals, dialysis facilities, ambulatory surgical settings and home health agencies.</p> <p>Builds on the recently announced policy for nursing home staff.</p>	<p>Must be vaccinated*</p>	<p>Interim Final Rule that generally goes into effect when issued but that provides an opportunity for public comment on the rule. Announced via press release from US Department of Health and Human Services:  <a href="https://www.cms.gov/newsroom/press-releases/biden-harris-administration-expand-vaccination-requirements-health-care-settings">https://www.cms.gov/newsroom/press-releases/biden-harris-administration-expand-vaccination-requirements-health-care-settings</a></p>	<p>TBD. Rule implementing the requirement is expected in October.</p>

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<p><b>Head Start and Early Head Start Agency Employees</b> (as well as US Department of Defense teachers and child and youth program personnel and Bureau of Indian Education-operated schools' teachers and staff)</p>	<p>Must be vaccinated*</p>	<p>Interim Final Rule that generally goes into effect when issued but that provides an opportunity for public comment on the rule.</p>	<p>TBD. Office of Head Start has indicated workers will be required to be vaccinated by January 2022.</p>
<p><b>Federal Contractors' Employees performing on or in connection with a Federal Government contract or contract-like instrument</b> (not including grants)</p>	<p>Must be vaccinated* according to Sept. 9, 2021, Biden COVID-19 Action Plan. More generally, contractors and subcontractors must comply with all guidance for contractor or subcontractor workplace locations published by the Safer Federal Workforce Task Force.</p>	<p>Executive Order  <a href="https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/">https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/</a></p>	<p>TBD. The Safer Federal Workforce Task Force will provide protocol guidance by Sept. 24, 2021. Will apply to new or extended contracts. Agency guidance for protocol implementation in contracts expected by Oct. 8, 2021. For some contracts, adoption expected by Oct. 15, 2021.</p>

\* Subject to exemptions required by law, including for medical reasons and sincerely held religious beliefs.