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Biden Administration announces Covid-19 vaccine mandates

On September 9, 2021, President Biden issued a sweeping Executive Order laying the groundwork for federal vaccination and Covid-19 protection standards.

With regards to contractors and their subcontractors, the full impact of this Executive Order and its requirements will not be ascertainable until September 24, when the Safer Federal Workforce Task Force provides definitions of relevant terms for contractors and subcontractors and explanations of protocols required of contractors and subcontractors to comply with workplace safety guidance.

The new requirements developed by the Task Force will be included in all covered federal contracts, extensions, and renewals, probably effective October 15th. At this point, we do not know which federal construction contracts and which federal federally funded construction projects will be covered.

In addition, OSHA will develop and promulgate a rule requiring all employers with 100 or more employees to either require their workers to be fully vaccinated or to require workers who refuse to be vaccinated to be tested weekly and either test negative or stay home. This standard will apply to contractors and their subcontractors of sufficient size, regardless of the application of the federal contracting requirements. OSHA violations of this sort can result in fines of up to \$14,000 per violation, which means that failure to require vaccination or to require testing/proper documentation from an employee may result in a \$14,000 fine. It is also expected that employers will be required to pay employees for the time they spend being vaccinated.

