

SAFER FEDERAL WORKFORCE

Vaccination Status

Q: Should agencies inquire regarding the vaccination status of Federal employees and onsite contractors?

A: Given the different safety protocols for individuals who are fully vaccinated and those who are not fully vaccinated, agencies need to ask about the vaccination status of Federal employees and onsite contractors. Employees and onsite contractors must attest to the truthfulness of the response they provide. If an employee or onsite contractor chooses not to provide a response, they will be treated as unvaccinated 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, and any applicable collective bargaining obligations. When an employee or contractor 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, including with respect to mask wearing, physical distancing, testing, travel, and quarantine.

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: 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, undergo screening testing, 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.

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

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 undergo screening testing weekly or twice-weekly, and their official travel is restricted.

In order to be treated as fully vaccinated pursuant to agency COVID-19 workplace safety plans and protocols, employees and onsite contractors must attest that they are fully vaccinated by signing a form provided by the agency. Visitors also 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: What safety protocols should an agency apply to employees and onsite contractors prior to establishing a means of determining vaccination status consistent with this guidance?

A: Agencies may take a reasonable period of time to establish a program for determining the vaccination status of employees and onsite contractors consistent with this guidance. Prior to an agency establishing such a program, they should continue to utilize their current means of determining the safety protocols that apply to specific employees and contractors.

NEW Q: How should an agency ask employees about their vaccination status?

A: Agencies should ask employees to complete the [Certification of Vaccination form](#) (“form” or “disclosure form”). By completing the form, employees will provide information about their vaccination status and attest to the truthfulness of that information. Individuals who do not complete the form will be treated as not fully vaccinated for purposes of agency safety protocols.

The Safer Federal Workforce Task Force has produced a [template email](#) that agencies should use as a means for contacting employees and distributing the Certification of Vaccination form. For purposes of this email, an “employee” means an employee of the agency, including a current civilian Federal employee or a member of the uniformed services (including a reservist or member of the National Guard on active duty). For those employees who do not have access to email, agencies should determine the best method of distribution.

Agencies are able to maintain these employee disclosures, under the authorities of the Office of Personnel Management’s regulations for employee medical files (5 C.F.R. part 293 subpart E) and OPM/GOVT-10, Employee Medical File System of Records, 75 Fed. Reg. 35099 (June 21, 2010), amended 80 Fed. Reg. 74815 (Nov. 30, 2015). 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.

Please note that contractors and visitors will also be asked, under most circumstances, to fill out the Certification of Vaccination form – however, agencies **should not be** collecting and maintaining contractor and visitor disclosures at this time unless an agency has a system of records notice that covers its collection of this information. Please see below for more information concerning visitors and contractors.

NEWQ: How should an agency ask onsite contractors about their vaccination status?

A: Agencies should provide onsite contractors 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 contractors, agencies will direct onsite contractors 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. Onsite contractors who are not fully vaccinated (or who decline to disclose vaccination status) will either be enrolled in the agency’s testing program or 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.

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

If authorized and consistent with the terms of the contract, an agency may work with a contracting company to facilitate compliance by its onsite employees with the agency’s safety protocols, such as by having the company certify that all onsite contractors are fully vaccinated.

NEWQ: 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. Unless an agency has an existing system of records notice that permits it to collect and maintain this information on visitors, 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 unless an agency has a system of records notice that covers its collection of this information from visitors. Any such collection, storage, or maintenance of the attestation disclosure forms may implicate the Privacy Act and Paperwork Reduction Act.

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.

NEWQ: Should agencies request documentation to verify an employee's vaccination status?

A: Agencies should not request documentation to verify an employee's vaccination status. If the agency receives a good faith allegation that strongly suggests that an employee made a false statement on the Certification of Vaccination form, the agency may request documentation as part of its investigation into the alleged false statement. If an 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 an employee's vaccination status.

NEWQ: What if an employee is not vaccinated due to a medical or religious reason?

A: Employees who are not vaccinated due to medical or religious reasons should check either "I have not been vaccinated" or "I decline to respond" on the Certification of Vaccination form and must follow the safety protocols in place for not fully vaccinated persons. After submitting the form, they may then use the agency's established reasonable accommodations process to seek an accommodation, if necessary, related to agency safety protocols or procedures.

NEWQ: Are there penalties for providing false information on the vaccination attestation form?

A: Federal employees who make a false statement on the Certification of Vaccination form could be subject to an adverse personnel action, up to and including removal from their position. It is also a federal crime (18 U.S.C. § 1001) for anyone to provide false information on the form. Falsification could also affect continuing eligibility for access to classified information or for employment in a national security position under applicable adjudicative guidelines.

Declining to answer—including selecting "I decline to respond" on the Certification of Vaccination form—does not constitute providing false information.

NEWQ: If an agency already has information on an employee's vaccination status, do they need to utilize the form?

A: In some cases, agencies may have information on the vaccination status of certain employees—for example, if the agency administered the vaccine to that employee. 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, consistent with the requirements of the Privacy Act. An agency is not required to collect duplicative information through the Certification of Vaccination form, if not necessary. However, if an agency has not collected this information from employees, it should use the Certification of Vaccination form to do so.

NEWQ: 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.

NEWQ: How should an agency maintain this employee information once it is received?

A: Agencies have unique operational environments and may develop their own processes to maintain submissions of Certification of Vaccination forms in compliance with all applicable laws and in accordance with their agency's records management policies. Agencies may also develop and utilize tools and applications to maintain submissions of disclosure forms.

The Certification of Vaccination form's Privacy Act statement refers to the Government-wide system of records (OPM/GOVT-10) for employee medical files (EMFs), which is governed by 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. 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, and Senior Agency Official for Privacy to determine the best means to maintain this information to meet the agency's needs.

NEWQ: Should agencies provide a means for individuals to update their vaccination status?

A: Yes. Employees should submit a new [Certification of Vaccination form](#) when their vaccination status changes.

NEWQ: Should supervisors collect information on vaccination status directly from employees?

A: Agencies should ask employees to complete the [Certification of Vaccination form](#) and should designate the appropriate agency official to whom the completed form should be submitted.

NEWQ: What type of negative COVID-19 test result must a visitor or onsite contractor 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 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 and produce a dated result. Note that an onsite contractor enrolled in an agency testing program does not need to show a recent negative COVID-19 test result.

NEWQ: Do agencies need to ask employees on maximum telework or remote workers about their vaccination status?

A: Yes, agencies should provide the [Certification of Vaccination form](#) to all employees, including employees on maximum telework and [remote workers](#).

NEW Q: If an agency has a system of records notice that covers its collection of information on vaccination status from onsite contractors or visitors, 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 contractors or visitors consistent with the Privacy Act, it may do so. The agency should ensure such a collection is also consistent with the Paperwork Reduction Act.

NEW 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 or decline to disclose their status, 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.

