



Interim Guidance for Agency Human Resource Offices
Executive Directive #18 Issued on August 5, 2021
Ensuring a Safe Workplace
Contract Workers

Executive Directive #18 (ED #18), addressing additional measures to protect our state employees and those they serve from exposure to COVID-19 while in the workplace, notes several new requirements for agencies, their employees, and contracted workers. This guidance addresses how ED #18 applies to covered contract workers.

CONTRACT (CONTINGENT WORKERS) COVERED OR NOT COVERED BY ED#18:

Table with 2 columns: COVERED BY ED #18 and NOT COVERED BY ED #18. The 'COVERED' column lists contract workers engaged through a state contract who work on-site or perform public-facing services. The 'NOT COVERED' column lists contract workers engaged through a state contract who perform all services remotely and have no in-person contact.

REQUIREMENT OF COVERED CONTRACT WORKERS TO DISCLOSE VACCINATION STATUS:

- 1. Covered contract workers must disclose their vaccination status to their employers (the contracting vendor that employs them.)
2. Contracting vendors must certify to the agencies that covered contract workers who work on site or perform public-facing services are:
a. Fully vaccinated1 or
b. If not fully vaccinated, are required to wear a mask, maintain social distancing, and adhere to all other agency safety protocols while working on-site or engaged in-person with the public.

REQUIREMENT OF COVERED CONTRACT WORKERS TO WEAR A MASK:

Covered contract workers who are not fully vaccinated must cover their mouth and nose with a mask in accordance with the Centers for Disease Control and Prevention while indoors and conducting public business.

TESTING:

ED #18 does not require that covered contract workers be tested.

1 Fully vaccinated means that the individual has received all doses of an FDA (Food & Drug Administration) or WHO (World Health Organization) approved vaccination series (including emergency use authorization) and at least two weeks have elapsed since the final dose. Not fully vaccinated means that the individual does not meet the definition of "fully vaccinated", regardless of the reason for not being fully vaccinated.



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**AGENCY RESPONSIBILITIES:**

1. Agencies must ensure that their contracting vendors are informed of the requirements of ED #18 and establish a procedure for receiving and recording certification from contracting vendors that covered contract workers are in compliance.
2. The Department of General Services (DGS) and the Virginia Information Technologies Agency (VITA) will alert contracting vendors under their purview of the requirements imposed by ED #18.

**CERTIFICATION REQUIREMENT:**

1. The individual or entity who holds the relevant state contract must provide a certification to the contracting agency of compliance with the requirements of ED #18 and this guidance as it applies to covered contract workers. Such certification must be:
  - a. In writing or otherwise documented electronically in a manner allowing for compliance reporting.
  - b. If provided for an entity, signed or sent by a person with authority to bind the entity, and received by the contracting agency's contract officer (and/or other personnel designated specifically to receive notifications under the contract.)
2. Agencies must establish record-keeping procedures for receiving and retaining documentation of such certifications.
3. Agencies should consult with their counsel in the office of the Attorney General about records retention, disclosure, and other requirements that may apply to such certifications.

**QUESTIONS:**

1. Contracting vendors should direct questions about ED #18 or this guidance to the contracting state agency.
2. Agency staff responsible for contract certifications may direct questions to their contacts at DGS or VITA or to their legal counsel in the office of the Attorney General.
3. Agency human resource staff may direct questions to the policy box ([policy@dhrm.virginia.gov](mailto:policy@dhrm.virginia.gov)).