

Summary of OPM Vaccine October 1, 2021 Enforcement Guidance

- Federal employees must be fully vaccinated by November 22, 2021 (fully vaccinated means all doses and 2 weeks)
- Final dose must be received by November 8, 2021 (earliest first dose is for Moderna on October 11, 2021)
- Enforcement for non-compliance may begin on November 9, 2021
- OPM recommends the following enforcement process:
 - 5 days for counseling and education
 - Corrective discipline if counseling unsuccessful
 - OPM recommends a 14-day suspension or less for initial discipline and recommends the consideration of mitigating or aggravating factors in selection of penalty
 - If the suspension is insufficient, OPM recommends greater discipline to include removal or termination
 - If an employee provides proof of vaccination (first or second dose) prior to issuance of a final decision, “the disciplinary process should end”
 - If the employee provides proof of vaccination during a suspension the agency “may” end the suspension or hold it in abeyance
- Exceptions to vaccination mandate:
 - Agencies should not initiate discipline if the employee claims a legally required exception
 - When a request for accommodation is denied employees should receive their first does within 2 weeks of the denial
 - The enforcement process may begin if the employee’s request for an accommodation is denied and the employee refuses to get vaccinated
- The November 22, 2021, deadline does not apply to:
 - Employees on extended leave of absence returning to duty at a later day
 - Seasonal employees returning to duty at a later date
 - Student volunteers, interns, and other employees on an extended break in service
 - Employees using their leave before retirement or departure from the federal service