

Jason Workmaster's Comments on Vaccine Mandate Challenges for Contractors in Federal News Network

"Unanswered Vaccine Mandate Questions Remain for Contractors After FAR Council Rule"

FEDERAL NEWS NETWORK

10.04.2021

Jason Workmaster commented on the unanswered vaccine mandate questions that remain for contractors after the recently issued Federal Acquisition Regulatory (FAR) Council rule. "We're getting just inundated with questions about what is the scope of this mandate. Who exactly does it apply to? What are the consequences of non-compliance? What's going to happen to us if there's somebody who's not vaccinated that under this new mandate is supposed to be?" Workmaster told Federal News Network. He called the issuing of the rule "one step forward toward full clarity," but he didn't find it surprising, given the quick turnaround, that "it leaves lots and lots of questions unanswered ... so there's a lot still that's going to be worked out over time that this new rule doesn't answer." Workmaster said he expects issues to arise "if the employee thinks they're entitled to the exemption, and the contractor thinks they're not — how that gets resolved — I could see there being litigation on that subject."

Workmaster likened the vaccine mandate challenges to other complicated compliance obligations that contractors have faced in recent years. "From the government contracts lawyer perspective, we've had over the last couple years some very challenging new types of compliance obligations for government contractors. There was the new requirement that you can't use certain Chinese telecommunications equipment. And if you do, the government's not going to do business with you," Workmaster said. "This new vaccine requirement very much reminds me of that, and this is kind of a new era of much more far reaching, difficult to comply with contracts obligations. And this one is arising in the midst of an unprecedented pandemic."