



**Department of Energy**  
Washington, DC 20585

MEMORANDUM FOR DISTRIBUTION

FROM: ANGELA S. WATMORE  
HEAD OF CONTRACTING ACTIVITY  
OFFICE OF ENVIRONMENTAL MANAGEMENT

SUBJECT: Interim Contractor Health and Safety Guidance Related to  
COVID-19 Vaccinations –Programs to Increase Participation

Thank you all for your continued efforts to ensure an appropriate safety posture is put in place to prevent the spread of COVID-19 and other public health measures to reduce the spread of the disease. The recent increased positivity rate and spread of the Delta variant across the country has resulted in unnecessary loss of life and increased health care costs. The Department of Energy (DOE) and Office of Environmental Management (EM) have not been spared loss of life due to COVID-19.

The Centers for Disease Control and Prevention (CDC) determined the best way to slow the spread of COVID-19 and prevent infection by the Delta variant or other variants is to be vaccinated. It is critical that both the federal government and its robust contractor workforce exercise all options to increase vaccination rates. On September 9, 2021, President Biden issued two Executive Orders mandating that all federal and federal contractors, as well as subcontractor employees be vaccinated. More detailed implementation guidance is forth coming from the Safer Federal Workforce Task Force and my office. Until such time, as the Head of Contracting Activity (HCA), I am issuing this interim guidance to authorize enhanced use of health and safety programs to rapidly increase vaccination participation rates.

Previously, EM authorized a consistent incentive of 4 hours administrative leave to obtain the vaccination (per dose) for the employee and to accompany a family member. This has not increased vaccination rates at EM sites to the maximum levels. Therefore, as Head of Contracting Activity, I am authorizing an increase to 8 hours or one day (per dose) for the employee, proactively. This is within the general allowability of costs for health clinics at Federal Acquisition Regulation section 31.205-13. In addition, I have determined that it is reasonable for EM contractors and subcontractors to grant their personnel who are working on site or on telework to be given up to 8 hours administrative leave per dose to accompany family members to get vaccinated for COVID-19. Use the definition of family member at Title 5 Code of Federal Regulations 603.201 (Attachment 5) to implement this policy. The leave shall be coded consistent with the individual contractor's current Human Resource system and practices. The leave is not retroactive to those that have previously been vaccinated. Contractor and subcontractor personnel who are currently on leave under the special leave authority in CARES Act section 3610 may not be granted additional leave for this purpose.

They may accompany family members to receive the vaccine while on their paid “stand by” status.

Contractors may request approval from the Contracting Officer for other health and safety related incentives to rapidly increase the participation rate and slow the spread of COVID-19. In doing so, the contractor shall submit its market research to demonstrate reasonableness of the request. Below is an example of recent Market Research:

**COVID-19 Vaccination Incentives**

<b>Employer</b>	<b>Policy</b>
Loves Travel Shops & Country Stores	\$75
Arkansas State Employees	\$100
Maryland State Employees	\$100
Bridgestone	\$100
Kroger	\$100
JBS USA (Meat Processor)	\$100
Walmart	\$150
Lidl (Grocery Chain)	\$200
Cigna Inc.	\$200
Houston Hospital System	\$500
Colorado Department of Corrections	\$500
Anne Arundel County (MD) Employees	\$1000
Aldi (Grocery Chain)	2 hrs of pay
McDonalds	4 hrs of pay
Dollar General	4 hrs of pay
Idaho State Employees	4 hrs of pay
Target	4 hrs of pay
Marriot International	4 hrs of pay
Chobani	6 hrs of pay
United Airlines	1 Day off
American Airlines	1 Extra Vacation Day in 2022
Delta Airlines	Raising Monthly Health Insurance Premium by \$200 for Unvaccinated Employees
MGM Resorts	Unvaccinated Employees Must Pay \$15 Weekly for COVID Tests
Hawaii State Employees	Unvaccinated Employees Must Pay for COVID Tests
20 Companies (Currently Not Disclosed)	Considering \$20-\$50 Monthly Health Coverage Surcharge for the Unvaccinated

Increasing health care premiums for unvaccinated and passing the testing cost on to the unvaccinated employee are two trending areas.

The requests shall comply with the Federal Acquisition Regulation (FAR) and be aligned with health and safety performance, rather than a perceived gift. A baseline vaccination rate for each contractor is being established at the present time, whereby performance will be trended on a monthly basis. It is the Department’s intent to measure the contractor’s safety and health performance through the Performance Evaluation and Measurement Plan (PEMP) process, whereby fee may be earned for exemplary health and safety performance.

As stated previously, the costs of contractor efforts to improve public health conditions on EM sites are allowable in keeping with the general allowability of costs for health clinics at Federal Acquisition Regulation (FAR) section 31.205-13 and the terms and conditions of the contract. Previous HCA memos also have used that cost principle to support costs related to improving public health.

This guidance is effective immediately.

If you have any questions, please contact my office at 202-253-0993.

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