



Department of Defense Civilians and the Federal Employee COVID-19 Vaccination Mandate

November 23, 2021

The Department of Defense (DOD) employs individuals in the civil service (DOD civilians) consistent with its yearly appropriation for direct hire employees. Since September 9, 2021, each executive agency must implement a Coronavirus Disease 2019 (COVID-19) vaccination program for its employees, allowing for exceptions only as required by law ([5 U.S.C. §105](#); [EO 14043, §§2, 3\(a\)](#)). DOD implemented the federal employee COVID-19 vaccination mandate on October 1, 2021, which requires all DOD civilians to be vaccinated by November 22, 2021 ([DOD Memorandum](#)).

This Insight summarizes the federal employee vaccination mandate as implemented in DOD and applied to DOD civilians.

For a summary of the COVID-19 vaccination mandate for military personnel, see CRS Insight IN11764, *The Military's COVID-19 Vaccination Mandate*, by Bryce H. P. Mendez. For a summary of the federal government contractor employee vaccination mandate, see CRS Insight IN11803, *Executive Order 14042 Requirements for COVID-19 Vaccination of Federal Contractors*, coordinated by Heidi M. Peters.

Federal Employee Vaccination Mandate Implementation

Under the vaccination mandate, an *employee* is any individual appointed into the federal civil service by an authorized official, including certain foreign citizens employed overseas ([5 U.S.C. §2105](#)). Also, individuals paid from non-appropriated funds are incorporated into the mandate's definition of an *employee* ([EO 14043, §3\(b\)](#)).

The *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees Executive Order* is the specific authority for mandating federal employee COVID-19 vaccinations. It includes a determination that “to promote the health and safety of the Federal workforce and the efficiency of the civil service, it is necessary to require COVID-19 vaccination for all Federal employees, subject to such exceptions as required by law.”

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DOD Civilian Vaccination Mandate Implementation

On October 1, 2021, the Deputy Secretary of Defense (DEPSECDEF) issued a [memorandum](#) implementing the federal employee COVID-19 vaccination mandate that requires all DOD civilians to be vaccinated by November 22, 2021, subject to exemptions permitted by law. The DEPSECDEF memorandum states that a DOD civilian is “considered fully vaccinated 2 weeks after completing the second dose of a two-dose COVID-19 vaccine or 2 weeks after receiving a single dose of a one-dose COVID-19 vaccine.” The civilian employee vaccination mandate also requires that:

... individuals must be vaccinated with vaccines that are either fully licensed or authorized for emergency use by the Food and Drug Administration (FDA) (e.g., [Comirnaty/Pfizer-BioNTech](#), Moderna, Johnson & Johnson/Janssen); listed for emergency use on the World Health Organization Emergency Use Listing (e.g., AstraZeneca/Oxford); or approved for use in a clinical trial vaccine for which vaccine efficacy has been independently confirmed (e.g., Novavax). Those with previous COVID-19 infection(s) or previous serology are not considered fully vaccinated on that basis for the purposes of this mandate.

Any DOD civilian who was not fully vaccinated on October 1, 2021, typically needed to meet the following vaccination deadlines to have been fully vaccinated by November 22, 2021:

- October 11: first dose deadline (if receiving the Moderna vaccine);
- October 18: first dose deadline (if receiving the Comirnaty/Pfizer-BioNTech vaccine);
- November 8: second dose deadline (if receiving the Moderna and Comirnaty/Pfizer-BioNTech vaccines); and
- November 8: first dose deadline (or only dose deadline if receiving the Johnson & Johnson/Janssen vaccine).

Vaccinated DOD civilians must provide their supervisor a copy of their vaccine record to comply with DOD’s vaccination [verification procedures](#). These procedures also require DOD civilians to complete Defense Department Form 3175 – *DoD Civilian Employee Certification of Vaccination*, which includes the following attestation:

I certify that the information I have provided on this form and the proof of vaccination document I have submitted is true and correct. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment of both (18 U.S.C. 1001). I understand that making a false statement on this form could result in additional administrative action including an adverse personnel action up to an including removal from my position.

Since December 7, 2020, DOD civilians have been eligible to receive a COVID-19 vaccination at a DOD vaccination site or any military medical treatment facility at no cost.

The Department of Homeland Security, which includes all Coast Guard civilians, also has issued a mandatory vaccination [policy](#) for its civil service employees.

Exceptions to the Vaccination Mandate

In some circumstances the [Americans with Disabilities Act](#) (ADA) and [Title VII of the Civil Rights Act of 1964](#) (Title VII) may require an employer to provide [reasonable accommodations](#) for employees who inform their employers that they are not vaccinated against COVID-19 because of a disability or sincerely held religious belief, practice, or observance. Whether DOD will grant an accommodation under the ADA or Title VII for a disability or religion, respectively, will be based on factors such as the nature of the DOD civilian’s job responsibilities and reasonably foreseeable effects on DOD operations, including protecting the public and other DOD personnel from COVID-19. If an employee’s accommodation request is denied, government-wide [guidance](#) states that the employee must receive a first or single dose

within two weeks of the denial becoming final, and when a second dose is required, it must be received within six weeks of the first dose.

Noncompliance with the Vaccination Mandate

Guidance from the [Safer Federal Workforce Task Force](#) states that an individual subject to EO 14043 who fails to comply with its vaccination mandate will be violating a lawful order and “subject to discipline, up to and including termination or removal.” Beginning on November 9, 2021, DOD was able to initiate enforcement of EO 14043 against noncompliant employees. If such employee does not comply by the end of any counseling and education period, [Office of Personnel Management](#) (OPM) guidance recommends a suspension of 14 days or less. Both OPM and the Task Force suggest that continued noncompliance during the suspension can be followed by proposing the employee’s removal from federal service.

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