



U.S. Department of Justice

Washington, D.C. 20530

August 13, 2021

MEMORANDUM FOR ALL DEPARTMENT PERSONNEL

FROM: Lee J. Lofthus
Assistant Attorney General
for Administration

SUBJECT: Guidance for Department Employees, Contractors, and Visitors Concerning
COVID-19 Vaccination Attestation Procedures

Consistent with recent guidance from the Centers for Disease Control and Prevention (CDC) and in coordination with the Safer Federal Workforce Task Force, the Department of Justice (Department or DOJ) is implementing new policies and protocols for the federal workplace with respect to mask wearing, social distancing, and COVID-19 testing.¹ These new protocols require different things of individuals depending on their vaccination status, and thus the Department must ascertain the vaccination status of every individual who enters a Department facility, specifically, Department employees, contractors, and visitors. Once the new protocols become effective (which will occur on a rolling basis), individuals may not be allowed entry into Department facilities unless they are in compliance with the protocols. At this time, we are beginning implementation only of the vaccine attestation requirements for employees and visitors, as described further below.

As described in more detail below, all Department employees, on-site contractors, and visitors will be asked to attest to their vaccination status via standard Certification of Vaccination forms approved for this purpose. A link to an electronic form will be available soon, and will allow you to indicate whether you (1) are fully vaccinated, (2) have begun but not yet completed the vaccination process, (3) are not vaccinated, or (4) decline to respond. Individuals who are fully vaccinated must comply with applicable agency guidance when they are in any Department facility, including a masking requirement in areas of high or substantial COVID-19 transmission. All others, including those who are not yet fully vaccinated or decline to respond, will be required to comply with the CDC and Department guidance for unvaccinated individuals.² This will include mandatory mask wearing, physical distancing, submitting to weekly or bi-weekly COVID-19 testing and demonstrating negative test results prior to entering Department buildings or participating in official events at other locations, and adhering to applicable travel restrictions and protocols. The Department is developing a program to facilitate testing for employees.

¹ These policies will be included in the Department's updated Workplace Safety Plan, which we expect to finalize and share with DOJ employees and contractors in the next few weeks.

² If more stringent local masking or distance requirements are in effect, everyone must adhere to the more stringent requirements in effect for that location.

Subject: Guidance for Department Employees, Contractors, and Visitors Concerning COVID-19 Vaccination Attestation Procedures

Guidance for Employees and On-Site Contractors

All employees, regardless of whether they are teleworking or currently working on-site at a DOJ facility, must complete the Certification of Vaccination form at the electronic link the Department will provide soon (or by other means implemented by a component). Employees will also be required to update their Certification of Vaccination form when there is a change to their vaccination status.

Employees who are not fully vaccinated will be required to obtain and provide to their supervisor (or component designee) a negative COVID-19 test result, from a test taken within the past three days, each time they enter a Department facility or participate in an official meeting or function in another location other than the telework location.

For the purpose of facility entry, the Department will not share employee vaccination attestation information with other Federal agencies, nor will other agencies share their employees' information with us. Employees will be considered to be visitors at agencies other than their own.

Contractors who work on-site at Department facilities will be subject to the same health and safety requirements as employees. Further guidance on implementation procedures will be provided for contractors in the near future.

Guidance with Respect to Visitors at Department Facilities

Except for individuals entering to obtain a public service or benefit,³ prior to admission to the facility, all visitors to Department facilities must complete a Certification of Vaccination and, if applicable, provide a negative COVID-19 test result, from a test taken within the past three days. Department employees who are sponsoring visitors shall, if possible, communicate to visitors prior to their arrival the Department's policy regarding attestation of vaccination status, and provide the form as appropriate. Upon a visitor's arrival each time, Department sponsors must meet their visitor at the point of entry and review the visitor's documentation prior to processing through security. The visitor should keep this documentation on their person for the duration of their visit and may be asked to provide such documentation to other DOJ personnel who have a need to know. Department personnel will not collect or retain the visitor's Certification of Vaccination or test results. Although visitors will not be allowed to enter DOJ facilities until their vaccination status is determined, consistent with usual procedures they may be allowed unescorted access once inside. JMD will provide additional guidance on implementation of the protocol for visitors.

³ Components have discretion to determine the applicability of this exception to visitation policies for component-specific operations.

Subject: Guidance for Department Employees, Contractors, and Visitors Concerning COVID-19 Vaccination Attestation Procedures

Protecting Employee Information

Consistent with Privacy Act protocols for employee medical information, supervisors or their designees are responsible for protecting Certifications of Vaccination and/or COVID-19 test results (where applicable) for their employees, with the same care taken for other employee personal medical information. These records will not be maintained with the employee's other personnel records. The records may be maintained in electronic or paper form, consistent with the component's records management practices for sensitive employee medical records, and applicable records schedules. Employee medical information will remain confidential and may only be disclosed on a "need to know" basis. As noted above, this information may not be shared with other agencies, except under very limited circumstances specifically authorized by law.

These new policies and procedures regarding COVID-19 vaccination/testing status are part of many additional changes to our workplace policies that will be introduced in the near future, including policies for travel and attendance at large meetings or events, and our coming Workplace Safety Plan update. We will continue to keep you informed of new developments.