

For Managers and Supervisors

Frequently Asked Questions on Vaccinations and Exemptions

On September 9, 2021, President Biden issued [Executive Order 14043 on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees](#), mandating all federal employees be fully vaccinated by November 22, 2021 (the Mandate). The [Safer Federal Workforce Task Force](#) (Task Force), led by the White House COVID-19 Response Team, the General Services Administration (GSA), and the Office of Personnel Management (OPM), is providing federal agencies with ongoing guidance to keep employees safe and agencies operating during the COVID-19 pandemic. On October 21, 2021, the Task Force issued [updated guidance](#) regarding the Mandate for federal employees, including information about exemptions from the Mandate. Additional guidance on legally required exemptions may also be forthcoming.

The following provides guidance for management officials to respond to employee questions that may arise regarding compliance with the Mandate, exemptions, and the processes for requesting exemptions based on disability, religion or other limited temporary medical extensions.

Q1. Is the COVID-19 vaccination mandatory for all civilian employees at DHS?

A: Yes, unless DHS approves an exemption from the Mandate based on a disability, a sincerely held religious practice, belief, or observance, or a limited temporary delay due to a documented medical necessity. The Mandate applies regardless of where an employee works, or if the employee is working onsite at a federal facility or remotely on maximum telework.

Q2. Are employees required to be vaccinated if they have already had COVID-19?

A: Yes. The Centers for Disease Control and Prevention (CDC) recommends the COVID-19 vaccination for all, regardless of infection history. As a result, previous COVID-19 infection does not satisfy the Mandate requirements but, depending upon CDC guidance, acute or recent illness with COVID-19 may be the basis for a request for a limited temporary medical extension.

Q3. What is the deadline for being fully vaccinated?

A: DHS civilian employees who are not fully vaccinated or have only received a partial vaccination must become fully vaccinated by November 22, 2021. An employee is considered fully vaccinated for COVID-19 14 days after they have received the requisite number of doses of COVID-19 vaccines approved by the Food and Drug Administration (FDA) or World Health Organization (WHO).

Q4. Are there any employee exemptions from the Mandate?

A: Executive Order 14043 provides that agencies must make exceptions as required by law. DHS is required to reasonably accommodate an employee who is a qualified individual with a disability and unable to get vaccinated because of their disability, unless providing an accommodation would cause undue hardship to agency operations or would pose a safety risk to themselves or others. In addition, under some circumstances, DHS may also be required to accommodate an employee's sincerely held religious beliefs, practices, or observances. Finally, DHS is required to consider a request for a delay based on a documented medical need that necessitates a delay in vaccination.

Q5. Are managers and supervisors authorized to grant exemptions to the Mandate?

A: No. Managers or supervisors are not authorized to consider, grant, or deny an exemption to the Mandate. If a manager or supervisor receives an exemption request, they should direct the employee to submit their request through the DHS Accessibility Compliance Management System (ACMS) in order to document the request and provide further details regarding their need for a medical or religious exemption to the Mandate.

Q6. What is the general process an employee must take to request an exemption from the Mandate?

A: Generally, an employee seeking medical or religious exemption from the Mandate must do so by November 9, 2021. Employees should access ACMS to document their request and provide further details about their need for a religious or medical exemption by completing the appropriate request form. The form must be completed in its entirety to ensure that the request is fully considered. ACMS will acknowledge receipt and produce a unique identification number for the request. Employees must also report their vaccination status in VSS reflecting that they are not vaccinated. This ensures accurate tracking of the employee's vaccination status pending a determination on their exemption request and to maintain data integrity throughout DHS.

If an employee does not have access to ACMS, they may [download](#) the requisite Vaccine Exemption Request forms from the DHS.gov website for completion and submission to their servicing Disability Program Manager (DPM) or Reasonable Accommodation Manager (RAM) for further processing.

After review and consideration of the submitted exemption request, the requestor will be provided a written determination on the request and, in the case of a denial, the next steps for full Mandate compliance.

Q7. If an employee requested an exemption before (date of the issuance of these FAQs), do they need to file another request?

A: Yes. Requests submitted prior to the issuance of these FAQs or outside of ACMS may not provide all of the necessary information for full consideration of the accommodation request. Supervisors and Managers must advise employees who previously applied for an exemption, including requesting their supervisor or manager approve an exemption, to resubmit and document their request through ACMS.

Q8. What forms or documentation is expected from employees requesting a medical or religious exemption from the Mandate?

A: In addition to the information employees provide on their request forms, employees may be asked to submit additional information about the basis of their request (whether it is based on a disability, medical condition, or religion) including an explanation of how the Mandate conflicts with their disability, documented medical necessity or religious belief, and the specific accommodation(s) requested. For vaccine exemption requests based on an employee's sincerely held religious belief or practice, additional information regarding the nature of the belief and how the Mandate imposes a substantial burden on the practice of their religion may be requested.

Q9. Who will make the determination regarding whether to grant or deny on requests for exemption from the Mandate?

A: Determinations on requests for exemption from the Mandate will be made by designated component-specific boards composed of senior officials, who will be advised by appropriate medical, legal, human resources, and civil rights offices.

Q10. Should a supervisor/manager review, challenge, or scrutinize the legitimacy of an employee's stated religion?

A: No. Managers and supervisors are not authorized to make the determination regarding an exemption from the Mandate and, therefore, should not review or scrutinize the sincerity or legitimacy of an employee's stated religious belief or practice, nor assume that a request is invalid simply because it is based on religious beliefs or practices with which the supervisor or manager is unfamiliar.

Q11. What factors will be used to evaluate a request for an exemption from the Mandate?

A: Requests for exemptions based on disability or religion will involve an individualized assessment prior to a determination. Relevant factors include the basis for the request; the nature of the employee's job duties and responsibilities; the number of employees in the workplace who already are partially or fully vaccinated against the spread of COVID-19; the extent of the employee's contact with other agency employees as well as with the general public; and the reasonably foreseeable effects on the agency's operations of an exemption, including protecting other agency employees and the public from the spread of COVID-19. Requests for religious exemptions may require documentary evidence of the nature of the employee's religious practice or beliefs and the manner in which they would be substantially burdened by compliance with the Mandate. These assessments are fact and context dependent.

Q12. Is information about an employee's medical condition or religion submitted during the request for an exemption confidential?

A: Yes, DHS will maintain the confidentiality of employees' medical and religious information acquired during a request for an exemption from the Mandate. Boards making determinations regarding requests for exemption and those serving as advisors to the Board will be provided such information solely on a need-to-know basis.

Q13. What happens if an employee submits a request for an exemption before the November 9, 2021, but has not yet received a determination by the time of the November 22, 2021 deadline?

A: If an employee submits a request before November 9, 2021, they may be asked for additional information and are expected to cooperate in submitting such information. Employees are expected to respond to requests for additional information within ten (10) business days unless otherwise instructed. Employees must also complete the VSS by November 9, 2021 to indicate that they are not vaccinated. If a determination has not been made to either approve or deny the request by the November 22, 2021 deadline, the agency will continue to consider the exemption request. During this time, the employee will not be subject to disciplinary action for failure to comply with the Mandate.

Q14. If the request for an exemption is denied, by what date must the employee receive the vaccine in compliance with the Mandate?

A: If an employee's request for an exemption is denied, the employee must receive their one-dose vaccine or their first dose of the two-dose vaccine within 14 days of the date of denial. If receiving a two-dose series, the employee must receive the second dose within 6 weeks of receiving the first dose. If an employee received a first dose of a two-dose series prior to requesting an exemption, they must receive their second dose within two weeks of the final determination to deny the accommodation, or within a week of the earliest day by which they can receive their second dose, whichever is later. Upon receiving their first and second vaccination dose, employees are also required to update their vaccination status on the VSS, including providing the requested vaccination information to demonstrate compliance with the vaccine Mandate.

Q15. If a request is denied, is there a reconsideration mechanism available to employees?

A: Yes. Employees may request reconsideration of a denial by submitting their request through the ACMS system or by contacting the Component's servicing DPM or RAM. If an employee requests reconsideration of the initial determination, they must comply with the Component's existing reconsideration procedures and established timeframes for like reasonable accommodation requests. Otherwise, if an employee's request for an exemption to the Mandate is denied, that determination is final, and the employee must take steps to comply with the Mandate as instructed in the denial notification. Employees also must update the VSS after each vaccination dose.

Q16. Can an employee whose request was denied file an EEO complaint?

A: Yes. Employees may file an EEO complaint within 45 calendar days of the date of the denial determination by contacting the servicing EEO Office. Also, non-bargaining unit employees may file an Administrative Grievance to the extent allowed by their agency's Administrative Grievance Procedures. Bargaining Unit Employees may file a negotiated grievance pursuant to the time frames provided under the provisions of their collective bargaining agreement. Please note that this option does not delay the time provided to obtain a vaccination or otherwise exempt the employee from the requirement to comply with the Mandate.

Q17. Can an employee request an extension to the Mandate deadline due to a medical necessity, even if they are not an individual with a disability?

A: Yes. Generally, an extension will be considered by DHS if an employee submits medical evidence supporting the request through the ACMS system. Although the process for requesting an extension is the same as requesting a medical or religious exemption, an extension, if granted, amounts to a temporary delay before full compliance with the Mandate is required. Extensions may be considered in very narrow medical circumstances. Requests for an extension must be medically based and fully supported by medical documentation. For example, the CDC recommends delaying COVID-19 vaccination for at least 90 days after receiving monoclonal antibodies or convalescent plasma. A history of severe allergies after a previous dose or a component of a COVID-19 vaccine may be a contraindicator which might require a delay in getting a second dose of the same vaccine, but not receiving, as the second dose, a different approved vaccine. An employee may also request a delay until fully recovered from any acute illness and after isolation after contracting COVID-19. For more information on the medical conditions that might support a delay in complying with the Mandate, the employee should discuss it with their medical provider or consult the CDC website.

Q18. What happens if an employee refuses to get vaccinated or declines to provide information regarding vaccination status?

A: An employee who refuses to become fully vaccinated (absent an approved exemption or temporary delay) or to disclose their vaccination status will be subject to progressive disciplinary action, including and up to termination. If you are advised to take disciplinary action because an employee fails to comply with the Mandate, you must coordinate your actions with your servicing Labor and Employee Relations representative and servicing legal office.