

[Proposed Legislation]

**COVID-19 Vaccine Federal Worker Reinstatement and Accountability Act**

119TH CONGRESS

**H. R. \_\_\_\_\_**

A Bill to compensate and provide reinstatement options to Federal employees forced to resign their careers due to the Federal Coronavirus disease 2019 (COVID-19) vaccination mandate, Executive Order 14043, issued on September 9, 2021.

This Bill also directs all United States (U.S.) Departments and Agencies to investigate and hold accountable Federal officials who directed unlawful punitive and administrative actions against Federal employees who objected to or otherwise requested exception from Executive Order 14043, particularly actions that withheld promotions, pay, awards and assignments, or otherwise discriminated against such employees; U.S. Departments and Agencies are also directed to determine compensation and personnel correction actions for those impacted current and former Federal employees.

IN THE HOUSE OF REPRESENTATIVES

February 2, 2025

**A BILL**

To provide compensation and reinstatement options to Federal employees forced to resign from Federal employment and to provide compensation to Federal employees that faced unlawful discrimination because of the September 9, 2021 Federal COVID-19 vaccination mandate, Executive Order 14043, *“Requiring Coronavirus Disease 2019 Vaccination for Federal Employees.”*

This Bill also directs all United States (U.S.) Departments and Agencies to investigate and hold accountable Federal officials who violated U.S. Laws, regulations and/or Federal employee Constitutional rights – i.e. who directed unlawful punitive and administrative actions against Federal employees who objected to or sought reasonable accommodations or medical/religious exemptions to Executive Order 14043.

This Bill, be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, may be cited as the “COVID-19 Federal Employee Accountability Act”.

**IN GENERAL**

Executive Order 14043 issued on September 9, 2021 required all Federal workers to be fully vaccinated against Coronavirus disease 2019 (COVID-19), and subsequently, the unvaccinated Federal workforce was threatened with, among other things, loss of security clearances and termination if the vaccination mandate was not satisfied on time; the first threatened deadline for loss of security clearances and employment termination was November 22, 2021.

Following September 9, 2021, the Federal workforce was also given guidance that the submittal of medical and/or religious exemptions to the COVID-19 vaccine requirement would become part of an employee’s permanent Federal workforce file, impacting future travel and training opportunities, and thus directly impacting, among other things, future promotion opportunities, training opportunities, future assignments, and retention. Many Federal workers were instructed to submit to a panel of peers to review their private medical

and religious information, an act considered a violation of the Health Insurance Portability and Accountability Act (HIPAA), longstanding personnel policy and the most basic Constitutional rights. Those employees that requested a legal exemption (religious and/or medical) were then placed into a separate database that further discriminated against these employees, stating their information could be shared with other agencies, including law enforcement.

A nationwide injunction against Executive Order 14043 issued on January 24, 2022, halted the vaccine mandate, and to date, the United States (U.S.) Federal Government is no longer taking action to implement or enforce the COVID-19 vaccination requirement. However, thousands of Federal employees had already resigned under duress to avoid the loss of their security clearances, medical benefits, insurance, pensions, subsequent termination, and further medical and religious discrimination.

Federal workers were also fired, and others were unlawfully reprimanded after the injunction was obtained due to ongoing medical discrimination and retaliatory actions taken by U.S. Departments and Agencies, including withholding pay, forced leave without pay, and denying promotion opportunities. U.S. Department and Agencies also violated Federal laws and personnel policies by sharing the medical/vaccination status of Federal workers with other staff/managers. Federal workers that had pre-existing medical conditions that prevented vaccination were also subjected to this medical harassment.

U.S. Department and Agency leadership also implemented discriminatory practices to target the unvaccinated Federal workforce by enforcing the following, which is not exhaustive: COVID-19 testing practices that placed undue logistical hardships on Federal workers; penalizing the unvaccinated Federal workforce for not masking; forcing Federal workers to use accrued personal time off; inactivating identification cards to prevent employees from entering into their Federal workspaces; denying Federal workers security clearances or shutting off access to secure spaces; and preventing Federal workers from traveling and/or attending work meetings.

Thus, current and former Federal workers who objected to Executive Order 14043 were subjected to illegal, discriminatory treatment, including unjust harassment and persecution, that violated HIPAA, U.S. Department and Agency personnel policies (i.e. Department of Labor laws), basic due process and the United States Constitution.

## **IMPLEMENTATION**

### **A. RE-HIRING OPTIONS**

Not later than 30 days after enactment of this Bill, the impacted Federal workers will be provided re-hiring options as follows:

- a. All impacted former Federal employees shall be given the option for reinstatement with their former employer at the same or equivalent service rank (i.e. the same or equivalent service rank held on the date the employee left government), or in some cases if deemed appropriate based on gained experience a higher service rank, will be granted to the impacted former Federal employee. Affected Federal employees will also be issued back pay for the time period between their departure from government service and date of rehire.
  1. The reinstated employee's government pension (i.e. respective government retirement system) and Thrift Savings Plans accounts will also be credited with amounts equal to those that would have accrued were there no break in Federal Service. If an impacted Federal employee selected to receive a lump sum payout of their Federal retirement upon exiting the

workforce, and chooses not to return to government service, then any reimbursed pension will be paid directly to the reinstated employee in one lump sum. The reinstated employee will also be given the option to buy back into their respective retirement system or given the option to begin accruing new retirement upon the reinstatement date.

- b. If the prior Federal employee's position cannot be reinstated at the same or similar government service rank held or if the former Federal employee does not wish to return to the same employer, the employee will be issued severance pay equivalent to the employee's annual salary in one lump sum or installment payments over 12 months. The former employee will also receive pension compensation equivalent to 12 months of retirement earnings as outlined in section A.a.(1).
- c. Federal employees coerced and/or forced to resign, or who otherwise affirm that they would not have resigned, due to the Federal vaccine mandate following September 9, 2021 shall be considered involuntarily separated from government service without fault and receive priority re-hiring status for a period of five years from the implementation of this bill should they wish to reenter the Federal workforce.

## **B. COMPENSATION FOR DISCRIMINATORY ACTIONS**

U.S. Departments and Agencies discriminated against Federal workers that objected to Executive Order 14043 and thereby created a hostile work environment, which caused psychological distress. Federal workers' religious and medical freedoms were violated, and Federal workers faced constant implied threats of disciplinary actions, denial of work assignments and promotions, and denial of requests for COVID-19 vaccination exemptions. U.S. Departments and Agencies must be held accountable for this unprecedented and egregious discrimination. Not later than 30 days after enactment of this Bill, impacted Federal workers will be provided compensation as follows:

- d. All impacted current and former Federal employees who were coerced to resign, fired, denied pay, were denied bonuses/awards, denied promotions, were issued official letters of reprimand for non-compliance, were unlawfully placed on Executive Order 14043-related non-compliance lists within U.S. Departments and/or Agencies, and/or were subjected to *any* other such violations of Federal laws, regulations, and/or Federal personnel policies shall be compensated pecuniary damages in the amount equal to one year of their annual government salary for the fiscal year in which the discriminatory separation or personnel action took place.

## **C. ACCOUNTABILITY**

Not later than 30 days after enactment of this Bill, all U.S. Departments and Agencies are directed to investigate discriminatory violations of personnel policies, Federal Laws, regulations and/or Federal employee rights which resulted in unlawful personnel actions following the implementation of Executive Order 14043.

- a. Not later than 120 days after the enactment of this Bill, all U.S. Departments and Agencies are directed to report to Congress the findings of internal investigations and provide a list of personnel actions that violated Federal Laws, regulations and/or Federal employee rights which resulted in unfair personnel actions following the implementation of Executive Order 14043. Any actions deemed retaliatory or any actions that violated U.S. Laws and regulations, such as actions that resulted in withheld pay, withheld work travel, promotions, promotion opportunities, and awards, will be corrected by each U.S. Department and Agency.
- b. Departments and Agencies will also take corrective actions to back pay employees in such cases in which pay was withheld, to correct personnel files and records (e.g. to remove any reprimand

documents wrongfully issued), and to advance withheld promotions; compensation may also be deemed appropriate for withheld bonuses and awards.

- c. Federal officials who directed punitive and administrative actions against impacted Federal employees who objected to Executive Order 14043, will also be held accountable and corrective actions will be taken by Departments and Agencies. All Executive Branch managers, to include Senior Executive Service personnel, who directed personnel actions that violated the Constitutional rights of unvaccinated workers, or violated Federal Laws or Regulations pertaining to those unvaccinated workers, shall be removed for cause from the Federal workforce not later than 120 days after enactment.
- d. Departments and Agencies will also immediately direct the destruction of any existing discriminatory databases compiled on the unvaccinated Federal workforce, including any databases containing information on Federal workers that requested a religious and/or medical exemption.

#### **D. SPECIAL CONSIDERATIONS**

- a. If an impacted Federal employee died before the enactment of this bill and is survived by a spouse, child, or lawful civil partner, the surviving family member will receive compensation equivalent to the former Federal employee's annual salary in one lump sum or installment payments over 12 months. The survivor's retirement pension will also be compensated for 12 months of retirement earnings per section A.a.(1).
- b. If a Federal employee was terminated due to Executive Order 14043, but was rehired into another Federal Government position that was not subject to Executive Order 14043, then the individual will receive salary adjustment for any gap in Federal pay since September 9, 2021, plus one year of salary adjustment if the previous Federal position was higher paying. The salary adjustment and gap in pay adjustment will be paid in one lump sum or as installment payments over 12 months. The individual's pension will also be adjusted accordingly and per section A.a.(1).
  1. If the individual's current Federal position is a lower government service rank than their terminating position, then they shall also receive priority re-hiring status for five years from the implementation of this bill.