

## 22.2104 Exclusions.

The following are excluded from coverage under this subpart:

(a) *Employees* performing in connection with contracts covered by the E.O. for less than 20 percent of their work hours in a given workweek. This exclusion is inapplicable to *employees* performing on contracts covered by the E.O., i.e., those *employees* directly engaged in performing the specific work called for by the contract, at any point during the workweek (see 29 CFR [13.4\(e\)](#)).

(b) Until the earlier of the date the agreement terminates or January 1, 2020, *employees* whose covered work is governed by a collective bargaining agreement ratified before September 30, 2016, that-

(1) Already provides 56 hours (or 7 days, if the agreement refers to days rather than hours) of paid sick time (or paid time off that *may* be used for reasons related to sickness or health care) each year; or

(2) Provides less than 56 hours (or 7 days, if the agreement refers to days rather than hours) of paid sick time (or paid time off that *may* be used for reasons related to sickness or health care) each year, provided that each year the contractor provides covered *employees* with the difference between 56 hours (or 7 days) and the amount provided under the existing agreement in accordance with 29 CFR [13.4\(f\)](#).

(c) The Government's unilateral exercise of a pre-negotiated *option* to renew an existing contract that does not contain the clause at [52.222-62](#) will not automatically trigger the application of that clause. (See definition of "new contract" at 29 CFR [13.2](#)).

**Parent topic:** [Subpart 22.21 - Establishing Paid Sick Leave For Federal Contractors](#)