

Publications

Court Blocks Federal Contractor Vaccine Mandate Nationwide

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On December 7, 2021, a federal district court in Georgia temporarily blocked the federal contractor vaccine mandate from taking effect nationwide. **Less than a week ago**, a federal district court in Kentucky temporarily blocked the federal contractor vaccine mandate from taking effect in Kentucky, Ohio, and Tennessee.

As we previously reported, President Biden issued Executive Order 14042 in September 2021 requiring that, with limited exceptions, all employees working on or in connection with covered federal government contracts be fully vaccinated against COVID-19. The Safer Worker Federal Workforce Task Force then issued its *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors* implementing the Executive Order and mandating that such employees be fully vaccinated. The mandate applies to procurement contracts for services, construction, and concessions that exceed \$250,000.

The states of Georgia, Alabama, Idaho, Kansas, South Carolina, Utah, and West Virginia, along with the Associated Builders and Contractors, Inc., sued, arguing the Executive Order exceeded Presidential authority. The court agreed, finding it “goes far beyond addressing administrative and management issues in order to promote efficiency and economy in procurement and contracting” under the Federal Property and Administrative Services Act (FPASA). The FPASA generally empowers the President to manage federal procurement.

The court in Georgia issued a nationwide injunction. Under the injunction, the federal government is prohibited from enforcing the vaccine mandate for federal contractors and subcontractors in all covered contracts in any state or territory of the United States.

The Vorys COVID Task Force will provide further insights as litigation and the ultimate fate of the Executive Order plays out. In the interim, contact your Vorys lawyer if you have questions about the federal contractor vaccine mandate or other COVID-related requirements or concerns.

VORYS COVID-19 TASK FORCE

Vorys attorneys and professionals are counseling our clients in the myriad issues related to the coronavirus (COVID-19) outbreak. We have also established a comprehensive Coronavirus Task Force, which includes attorneys with deep experience in the niche disciplines that we have been and expect to continue receiving questions regarding coronavirus. Learn more and see the latest updates from the task force at [vorys.com/coronavirus](https://www.vorys.com/coronavirus).