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Federal Contractor Vaccine Mandate Will End on May 12

Government Contractor Compliance & Regulatory Update on **May 2, 2023**

On May 1, the Biden Administration announced that the federal contractor and subcontractor ("Contractor") vaccine mandate (the "Contractor Vaccine Requirement") issued by the Safer Federal Workforce Task Force (the "Task Force") in response to President Biden's Executive Order 14042, Ensuring Adequate COVID Safety Protocols for Federal Contractors will officially end on May 12, 2023.

As we previously reported, the Contractor Vaccine Requirement, issued in September 2021, required Contractors to (1) impose vaccination requirements on certain employees, (2) comply with masking and physical distancing requirements, and (3) designate person(s) to coordinate COVID-19 workplace safety efforts. However, in December 2021, a federal judge issued a nationwide preliminary injunction halting enforcement of the Contractor Vaccine Requirement. As a result of the injunction, the Office of Management and Budget issued guidance stating that the federal government would not enforce the Contractor Vaccine Requirement, "absent further written notice from the agency[.]"

Following an Eleventh Circuit ruling narrowing the nationwide injunction, the Safer Federal Workforce Taskforce announced that it "intend[ed] to update its guidance regarding COVID-19 safety protocols for covered contractor and subcontractor workplace locations" and temporarily directed agencies not to enforce the Contractor Vaccine Requirement "to allow time to develop advice and processes for meeting agencies' obligations under Executive Order 14042." No updated guidance was issued.

The May 1, 2023 announcement instructs agencies "not [to] take any steps to require covered contractors and subcontractors to come into compliance with previously issued [Task Force] guidance, or enforce any contract clauses implementing Executive Order 14042." The Task Force plans to "issue further guidance" after President Biden issues a new executive order "[i]n the coming days," which will formally rescind the vaccination requirement effective May 12, 2023.

We will continue to monitor and report on this and other developments impacting federal government contractors.

View original.

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