

NEWS & INSIGHTS

Court grants national injunction on federal contractor COVID-19 vaccine mandate

INSIGHTSLEGAL UPDATE

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The below information is current as of the publication date listed. Because COVID-19 response measures on all fronts are continually evolving, clients should stay alert to new developments and consult with counsel on any critical questions.

On December 7, 2021, a federal judge in Georgia granted a request for injunction that paused the implementation

of the COVID-19 vaccine mandate for federal contractors. Unlike an earlier case from the District of Kentucky that paused the mandate in only a few states, this recent order is applicable to the entire nation.

The federal contractor mandate, as it is informally referred to, stems from Executive Order 14042, which tasked the Safer Federal Workforce Task Force with identifying measures to combat the spread of COVID-19 in the workplace. Pursuant to the Executive Order, the Task Force issued its Guidance for Federal Contractors and Subcontractors, which mandated all “covered” contractors, subject to religious and medical exemptions, be vaccinated against COVID-19. The definition of “covered” employee is broad and encompasses all employees who perform work “in connection with” a federal contract, including back-office personnel.

The mandate was challenged in several jurisdictions; however, until recently, no court had issued a nationwide injunction (or pause) on the mandate’s implementation. While the initial lawsuit was brought by the State of Georgia, the national chapter of Associated Builders and Contractors, Inc. (ABC) intervened on behalf of its members. The Honorable R. Stan Baker determined that implementing the federal contractor mandate would require federal contractors “to make decisions which would significantly alter their ability to perform federal contract work which is critical to their operations.”

Although the mandate is now paused, a resolution to this mandate likely depends on future legal proceedings. Additionally, private entities, such as healthcare facilities, senior care facilities, etc., may still include certain vaccine-related requirements in their contracts.

The attorneys at Saxton & Stump are available to answer questions and provide guidance. Our [Construction Law](#) team chair [Ron Pollock](#) is able to collaborate closely with our [Labor and Employment Law](#) team as needed.

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