

New Executive Order Relieves Federal Contractors From Safer Federal Workforce Requirements

By Patricia Anderson Pryor & Laura A. Mitchell

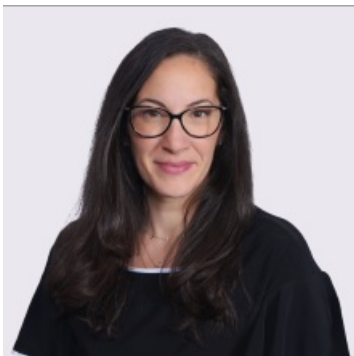
May 16, 2023

Meet the Authors



Patricia Anderson Pryor

Office Managing Principal
513-322-5035
Patricia.Pryor@jacksonlewis.com



Laura A. Mitchell

(She/Her)
Principal
303-225-2382
Laura.Mitchell@jacksonlewis.com

Related Services

Advice and Counsel
Affirmative Action, OFCCP and
Government Contract
Compliance
COVID-19
Disability, Leave and Health
Management

As anticipated, President Joe Biden has rescinded the COVID-19 safety requirements for federal contractors in connection with the [declared end of the COVID-19 public health emergency](#) and the World Health Organization determination that COVID-19 is no longer a Public Health Emergency of International Concern.

The [Safer Federal Workforce](#) website now has the following notice on the “For Federal Contractors” page, which previously contained a surplus of guidance and FAQs:

On May 12, 2023, President Biden signed an [Executive Order](#) revoking Executive Order 14042, which had required certain parties contracting with the Federal Government to follow specified COVID-19 safety protocols. Effective May 12, 2023, all prior guidance from the Safer Federal Workforce Task Force implementing the requirements of Executive Order 14042 has also been revoked. Pursuant to the Executive Order, the Federal Government will not take any steps to require covered contractors and subcontractors to come into compliance with previously issued Task Force guidance implementing Executive Order 14042 and will not enforce any existing contract clauses implementing Executive Order 14042. Agencies must promptly rescind any deviations, policies, or other guidance premised on Executive Order 14042, and the FAR Council has revoked its September 30, 2021 guidance regarding deviations to the FAR to implement Executive Order 14042.

While this is the official end of the required COVID-19 protocols for federal contractors, the obligations have been on hold for some time due to pending litigation challenging the administration’s authority to mandate the protocols.

Despite this, some state and local requirements remain. [It is a good time for employers](#) who still have COVID-19 protocols in place to assess whether those protocols make sense for their workplace in light of the current COVID-19 circumstances. Policies like testing and vaccination, and some accommodations, should be reviewed for legal compliance given the changes.

Please reach out to the Jackson Lewis attorney with whom you regularly work to discuss these issues.

©2023 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.