

Legal Update Article

New Executive Order Relieves Federal Contractors From Safer Federal Workforce Requirements

By Patricia Anderson Pryor & Laura A. Mitchell

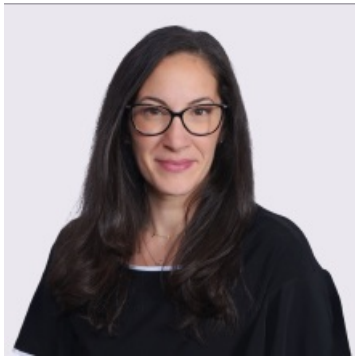
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Meet the Authors



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

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As anticipated, President Joe Biden has rescinded the COVID-19 safety requirements for federal contractors in connection with the [declared end of the COVID-19 public health emergency](#) and the World Health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guidance from the Safer Federal Workforce Task Force implementing the requirements of Executive Order 14042 has also been revoked.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.