Federal Contractor Vaccine Mandate Remains Blocked in Kentucky, Ohio, and Tennessee

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On January 5, 2022, the U.S. Court of Appeals for the Sixth Circuit denied the federal government's motion to stay the preliminary injunction that halted the federal contractor vaccine mandate in Kentucky, Ohio, and Tennessee.

After President Biden issued Executive Order 14042 (requiring certain federal contractor and subcontractor employees to be fully vaccinated against COVID-19), Kentucky, Ohio, and Tennessee filed a lawsuit arguing the vaccine mandate was contrary to procedure, arbitrary and capricious, and violated the U.S. Constitution. The U.S. District Court for the Eastern District of Kentucky agreed and issued a preliminary injunction blocking enforcement of the federal contractor vaccine mandate in Kentucky, Ohio, and Tennessee.

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The federal government filed its appeal and requested the Sixth Circuit stay the injunction pending the appeal. Noting the breadth and scope of the vaccine mandate, the Sixth Circuit concluded that "the government is not likely to succeed on appeal" and denied the request to stay the injunction. Opinion, pp. 8-9.

There are multiple lawsuits challenging the federal contractor vaccine mandate, including a decision from the U.S. District Court for the Southern District of Georgia that blocks the federal contractor vaccine mandate nationwide. That Order is currently being appealed to the U.S. Court of Appeals for the Eleventh Circuit and should be fully briefed by the end of January.

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