



## Executive Order 14042 Client Update

November 17, 2021

### EO 14042

- › Let's start with the **good news**. The date to have applicable employees "fully vaccinated" moved from December 8, 2021, to after the holiday season. The new deadline is [January 18, 2022](#).
  - The vaccine deadlines with that adjusted date:
    - Moderna
      - First shot Dec. 7, 2021
      - Second shot Jan. 4, 2022
    - Pfizer
      - First shot: Dec. 14, 2021
      - Second shot Jan. 4, 2022
    - J&J (single-shot): Jan. 4, 2022
- › OMB [formally](#) approved of the protocols detailed in the Safer Federal Workforce Task Force.
- › Note that, while the date to be "fully vaccinated" was extended, other requirements are in effect earlier. This includes the requirement, effective immediately upon adoption of the clause, for unvaccinated employees to wear masks and for vaccinated employees in areas of high or substantial transmission to wear masks.
- › New FAQs were added covering the following topics on the Safer Federal Workforce Task Force [website](#) for contractors:

FAQ SECTION	NEW TOPICS
<b>Vaccination and Safety Protocols</b>	Sample signage that a covered contractor can post at entrances to covered contractor workplaces providing information on safety protocols.
	Updates to the circumstances that the CDC recommends delaying vaccination for COVID-19, highlighting new date of January 18, 2022 compliance.
<b>Workplaces</b>	Updating the protocols for covered contractor workplaces and Federal workplaces to January 18, 2022 compliance date.

The information provided in this email is intended as a general guide to EO 14042 compliance issues. Please contact an Ogletree attorney if you need additional information or clarification.



### OSHA ETS

- › On November 12, 2021, a three-member panel of the United States Court of Appeals for the Fifth Circuit issued a sweeping order continuing its initial November 6, 2021, stay of the emergency temporary standard (ETS) that the U.S. Occupational Safety and Health Administration (OSHA) issued on November 4, 2021. Read more [here](#).
- › On November 17, 2021, via circuit lottery, the OSHA ETS matter was assigned to the U.S. Sixth Circuit Court of Appeals – which covers Michigan, Ohio, Tennessee, and Kentucky. Expect more to come shortly in this area.

### CMS

- › The Biden Administration is requiring COVID-19 vaccination of eligible staff (and others) at health care facilities that participate in the Medicare and Medicaid programs. The emergency regulation issued by the Centers for Medicare & Medicaid Services (CMS) can be found [here](#). Ogletree also has a helpful [blog post](#).

Wishing you a safe and joyful Thanksgiving holiday!