



Written by [Veronika Kyrylenko](#) on October 26, 2021

## Federal Employees Sue Biden Admin Over Vax Mandate

More than 50 federal employees from across various federal agencies are suing the Biden administration over the COVID vaccine mandate.

According to the [Washington Examiner](#), the Washington-based Federal Practice Group filed [the complaint](#) against President Joe Biden and top government officials in the U.S. District Court for the District of Columbia on October 19 and submitted an amended version on October 20.

According to President Biden's executive orders [14042](#) and [14043](#), all federal workers, as well as contractors and subcontractors, are mandated to receive COVID shots with limited exceptions. In implementing the orders, the federal agencies have set a November 22 deadline for workers to be fully vaccinated, which is considered achieved two weeks after the second dose of the Pfizer-BioNTech or Moderna vaccines, or one dose of the Johnson & Johnson shot. The consequences for non-compliance include disciplinary actions, up to and including termination and removal from the contract.

The complaint reads,

In rushing to force COVID-19 vaccinations on the federal workforce, the President's edicts violate longstanding statutory prohibitions against inoculations with unlicensed vaccines, as well as the individual rights of government employees and contractors under the Rehabilitation Act and the Americans with Disabilities Act (ADA). Accordingly, plaintiffs who are representative of nearly every Federal Agency respectfully request relief from this Court in the form of injunctive relief stopping this illegal and unnecessarily broad and wide-ranging program.

The plaintiffs argue that the Biden administration's policy violates their rights on three levels.

First, the suit states both of the executive orders violate the Rehabilitation Act and ADA as they allow federal agencies to conduct unlawful medical inquiries. Since vaccination for COVID-19 is arguably non-work related and there is no evidence unvaccinated workers pose a direct threat to others, it is not the government's business to mandate the vaccines.





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As knowledge of the vaccines evolves, the suit continues, it is now known for a fact that both vaccinated and unvaccinated employees can get sick and infect others with the virus. Vaccinated people, it is noted, carry a similar load of the virus as the unvaccinated, this being confirmed by the CDC. Therefore, requiring employees to get “leaky” protection from a vaccine, for which the safety profile is still being studied, is not justified in terms of reducing transmission of the virus.

Second, the orders require the agencies to discriminate against some workers “on the basis of a perceived disability,” which is unlawful.

The suit explained that communicable diseases, such as COVID, are being considered disabilities. In other words, by adopting the mandate, the agencies assume that at some point, unvaccinated workers will contract COVID, and choose to fire them before such a situation occurs in the future. Federal law strictly prohibits such conduct.

Third, the orders violate the Food, Drug, and Cosmetic Act (FDCA) by requiring individuals to involuntarily receive unlicensed vaccines.

While the majority of the COVID vaccines available in the United States have not been fully licensed by the Food and Drug Administration (FDA), the FDCA “clearly proscribes that a vaccine which has been authorized for emergency use only may not be administered to an individual unless the individual is given an opportunity to refuse or accept the vaccine.” Yet, the federal mandate provides for no such choice.

Peculiarly enough, the only vaccine that has received a full FDA approval, Comirnaty, manufactured by Pfizer and BioNTech, is “conspicuously omitted” from the vaccines’ deadline lists designed by the Safer Federal Workforce Task Force.

The section of the lawsuit entitled “Statement of Facts” cites numerous issues of medical and administrative nature surrounding the mandate.

For example, the plaintiffs point to the “warp speed” of the vaccines’ development and point to the novelty of the vaccines that don’t use an inactive version of a virus, like all traditional vaccines, but “teach our cells how to make a piece of the virus.”

Further, it is stated the agencies disregard natural immunity, which is arguably more durable and effective in preventing future infection.

Plaintiffs also complain that they are only allowed very limited medical exemptions. Typically, the medical exemptions are based on the “contraindications,” when certain medical conditions or risks of developing health implications prevent individuals from taking a drug. While there may be numerous such “contraindications,” the only one listed for all the three vaccines is “severe allergic reaction to any of the vaccines’ components.”

The agencies have also failed to exclude from the mandate those working remotely or teleworking.

Based on those considerations, the lawsuit asks the court to block the administration’s policy from taking effect.

That is not the first legal challenge to Biden’s draconian mandate filed by the those working for the feds.

On September 23, a group of plaintiffs, including Air Force officers and a Secret Service agent, [asked](#) a federal court to block the Biden vaccination mandates, arguing that “Americans have remained idle for



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far too long as our nation’s elected officials continue to satisfy their voracious appetites for power while neglecting to uphold and defend the Constitution and preserve the values upon which this nation was founded.”

The plaintiffs argue that the vaccine mandate requires them to “inject themselves with: (1) a non-FDA approved product; (2) against their will; and (3) without informed consent.”

Many American servicemen, too, do not wish to “remain idle” and comply with the mandates, and have filed [several lawsuits](#) challenging the requirement.



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