

EMPLOYER LAW BLOG

President Biden Requests OSHA Mandate COVID-19 Vaccination for Large Employers

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On September 9, 2021, President Biden issued a statement wherein he asked the Occupational Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard (ETS) requiring all employers under OSHA's jurisdiction (including private sector employees in Missouri, Illinois and Kansas) to mandate the COVID-19 vaccination for all employees, where the employer has at least 100 employees. OSHA is allowed to issue an ETS if workers are exposed to grave danger and the rule is necessary to address the danger. The President requested that ETS require employees who remain unvaccinated to be tested weekly for the virus.

This sudden announcement leaves more questions for employers than answers, as we await OSHA's response to the President's request. Among the unanswered questions are:

- What kind of test will be sufficient for employees who remain unvaccinated? Will employers be required to give time off for testing?
- If an employer offers a remote working environment, will compliance be required for employees who work remotely?
- What will be the enforcement mechanism for the ETS?
- What will be the recordkeeping requirements imposed on employers?

The Labor and Employment Team at Sandberg Phoenix is closely monitoring this issue and will continue to update clients on compliance as OSHA responds to the President's request. If you have any questions, please reach out to a member of our Team.