

Employee Owned



Est. 1864

OSHA Releases Emergency Temporary Standard for COVID-19 Vaccination and Testing

Update: On Saturday, November 6, a U.S. federal appeals court issued a court order temporarily halting the implementation of OSHA's ETS. While this type of ruling often only applies to the states within a district, according to the Louisiana Attorney General the language employed by the judges of the Fifth Circuit in this case gives this stay a national scope. More action is expected in this case and there are many additional legal challenges to the ETS currently pending in other jurisdictions across the country. We will continue to monitor the process and keep you informed of developments.

As directed by President Biden in September, the Occupational Safety and Health Administration (OSHA) has released its emergency temporary standard (ETS) related to COVID-19 Vaccination and Testing in the workplace. The ETS establishes binding requirements to protect unvaccinated employees of large employers (100 or more employees) from the risk of contracting COVID-19 in the workplace.

Items of Note

- Testing enforcement begins January 4, 2022.
- Remote workers who do not come into a workplace or have contact with others, and workers who work outdoors exclusively are excluded.
- Unvaccinated employees will be required to wear a mask indoors or while in a vehicle with others.

Here is a summary of the ETS:

<https://www.osha.gov/sites/default/files/publications/OSHA4162.pdf>

The full ETS, with additional details from the Department of Labor, is available here:

<https://www.osha.gov/coronavirus/ets2>

Our team is currently reviewing the details of the ETS and we plan to host a webinar in the future to provide more guidance. Stay tuned for more information as we continue to evaluate the expected impacts to our clients.