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President Biden's New COVID-19 Strategy Creates Vaccine Mandates for Numerous Employers

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On September 9, President Biden outlined a sweeping strategy for addressing COVID-19. Multiple aspects of the President's plan will impose vaccination requirements on employers. Although specifics are not yet available, highlights of the plan appear below.

- A new Emergency Temporary Standard (ETS) drafted by the Department of Labor's Occupational Safety and Health Administration (OSHA) will direct all employers with 100 or more employees to ensure their workforces are fully vaccinated or to require employees who remain unvaccinated to produce negative COVID-19 test results at least once per week before coming to work. OSHA is also developing a rule that will require employers with 100 or more employees to provide paid time off for the time it takes workers to get vaccinated or recover from side effects related to the vaccine. Employers who violate OSHA standards face the prospect of thousands of dollars in fines per employee.
- A new Executive Order requires all federal executive branch workers to be fully vaccinated, with no option of regular testing in lieu of vaccination. This requirement also applies to employees of contractors that do business with the federal government.
- The Centers for Medicare & Medicaid Services (CMS) will take action to require COVID-19 vaccinations for workers in a broad range of healthcare facilities that receive Medicare or Medicaid reimbursement. This action will require vaccination for essentially all staff (whether clinical or otherwise), independent contractors, and volunteers at CMS-regulated facilities, such as nursing homes, hospitals, dialysis facilities, ambulatory surgical centers, and home healthcare agencies.

The vaccination requirements in the President's plan will impact more than 100 million employees – amounting to two-thirds of all workers in the United States.

Additional Information

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