

President Biden's Plan for Employer Vaccine Mandates: What We Know Now

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The White House [recently announced](#) its plan to increase the number of fully vaccinated individuals in the private and federal workforce. Here's what we know now about the September 9th announcement:

- **Private employers of more than 100 employees** will be required to ensure that all employees are fully vaccinated or produce a negative test result at least once per week. Employers also will be required to provide paid time off for employees to be vaccinated and recover from any side effects. The Department of Labor's Occupational Safety and Health Administration ("OSHA") will implement this plan through an Emergency Temporary Standard ("ETS"). Earlier this year, [OSHA issued an ETS](#) applicable to employers in the healthcare industry with safety rules pertaining to COVID-19. The timing of any new ETS will depend on when OSHA takes action and whether it survives the numerous legal challenges that have been threatened.
- **Federal contractors and their employees** were originally subject to the President's July 29th [directive](#), requiring unvaccinated workers to be tested. But President Biden's new Executive Orders no longer allow [federal contractors](#) and [employees](#) to provide proof of a negative test in lieu of vaccination. Rather, vaccination exemptions will be granted on a case-by-case basis. Details are expected to be released by September 24.
- **Healthcare employers who receive federal funding** will be required to mandate vaccinations. The Centers for Medicare and Medicaid Services is developing an Interim Final Rule, expected in October, expanding vaccine mandates to hospitals, dialysis facilities, home health agencies, and other providers.

Numerous legal challenges seeking to block the implementation and enforcement of these vaccine mandates have been threatened and most certainly will be filed around the country. Oklahoma's Attorney General has already announced his intent to do so in a September 9th [statement](#).

GableGotwals' [Employment & Labor team](#) is available to help employers assess their current policies, procedures, and practices in light of these announcements. We will be monitoring for any action by OSHA, and any and all related litigation. Please contact any member of the team for further assistance.

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