

## OSHA Issues ETS for Vaccine Mandates Today: What We Now Know

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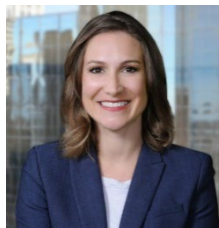
Today, [OSHA issued](#) the Emergency Temporary Standard (“ETS”) announced on September 9 by President Biden. The ETS purports to force private employers to fully vaccinate their entire workforce or require unvaccinated employees to wear face coverings and undergo weekly testing for COVID-19. The ETS takes effect tomorrow but employers have 30 days (Dec. 5, 2021) to begin complying with the vaccine mandate and 60 days (Jan. 4, 2022) to begin testing. While lawsuits to block the ETS have been threatened by many and are anticipated, employers should at least *prepare* to address questions from employees and implement compliant policies and procedures if necessary. Here are the basics:

- **Employers with 100 or more employees** must ensure all employees are either fully vaccinated or produce a negative test result at least once a week and wear a face covering. Employers also must provide at least four hours of paid leave for employees to receive each dose of the vaccine and to recover from any side effects after each dose.
- **Employees must give prompt notice** if they test positive for COVID-19. Employers must remove positive employees from the workplace, regardless of vaccination status, and must not allow them to return until they meet required criteria.
- **Employees may be exempted for religious and medical accommodations.** Employers must document the reasons for an exemption while maintaining the exempted employee’s privacy. You can access our prior client alert on religious accommodations [here](#).
- **OSHA has [published FAQs](#)** to provide clarifying guidance.

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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