



Employment Alert! - OSHA Suspends Enforcement of COVID-19 Vaccine Mandate

November 18, 2021

OSHA is suspending its recently announced emergency standard requiring certain employers to mandate COVID-19 vaccinations for employees, or permit employees to undergo weekly testing. Last week, the federal Fifth Circuit Court of Appeals' stayed enforcement of the emergency temporary standard ("ETS"), which would have mandated covered employees of private employers with 100 or more employees to be fully vaccinated, or, if the employer chose, undergo weekly testing. For now, covered employers no longer face the December 5, 2021, and January 4, 2022, compliance deadlines associated with the ETS.

Whether and when OSHA will decide to reestablish deadlines for implementation and enforcement of the ETS likely depends on the anticipated decision of another federal appeals court, the Sixth Circuit, which has been chosen by lottery to hear the consolidated legal challenges to the ETS from across the country. Ultimately, the U.S. Supreme Court could decide whether to uphold the ETS.

If you need any assistance or have any questions regarding these and other issues, please contact your Hall Estill Attorney directly.

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