



Employment Alert! New Mandatory Vaccination Rules Announced

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Hall Estill News Letter

<https://conta.cc/2X4zRaw>

Absent a successful legal challenge, a majority of private sector employees in the United States, and all federal workers and contractors stand to be directly impacted by the announcement late yesterday of a new federal rule requiring COVID-19 vaccinations. These new mandates could affect around 100 million workers, which is more than two-thirds of the United States workforce.

The United States Department of Labor's Occupational Safety and Health Administration (OSHA) is preparing an emergency rule that will require all private sector employers with 100 or more employees to mandate full vaccinations for all employees, or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work. OSHA will issue an Emergency Temporary Standard (ETS) to implement this requirement, which will impact over 80 million U.S. workers.

Additionally the rule will mandate vaccines for health care providers who accept Medicare and Medicaid—such as hospitals, home health agencies and other facilities, all federal employees and federal contractors, and teachers and staff at Head Start programs and Department of Defense schools. The option to opt-out of the vaccine and obtain weekly testing is not available to federal workers.

Covered employers will still be required to explore whether a reasonable accommodation exists for those employees who seek refuge from the vaccination mandate because of a sincerely held religious belief, or a disability-based reason. Absent falling into one of those two categories, however, unvaccinated covered employees will have no choice but to obtain full vaccination or, if they are private sector employees, undergo weekly testing if they wish to keep their current job.

Although the timing of when the emergency requirement will be issued has not been announced, given its emergency designation, we expect it any day now. Hall Estill is strongly encouraging all of its clients to work closely with the Hall Estill employment team to ensure understanding and compliance with the new requirements and the federal employment laws covering the two narrow exceptions for sincerely held religious beliefs and disability-related reasons.

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

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