

OSHA To Issue Emergency Temporary Standard Requiring Large Employers to Mandate Vaccination or Weekly Testing for Employees

Law and the Workplace Blog on **September 9, 2021**

On September 9, 2021, the Biden Administration [announced](#) that the Department of Labor's Occupational Safety and Health Administration (OSHA) is developing an Emergency Temporary Standard that will require all employers with 100 or more employees to ensure their workforce is fully vaccinated or require unvaccinated workers to provide a negative COVID-19 test result at least once per week before coming to work.

The White House also announced that OSHA is developing an Emergency Temporary Standard that will require employers with 100 or more employees to provide paid time off to get vaccinated as well as to recover from vaccination. This requirement had previously been instituted via Emergency Temporary Standard for employers in healthcare sectors, as we reported [here](#), but had not yet been expanded to employers in other industries.

We are monitoring these developments and will post an update when more information on the parameters and scope of the proposed Emergency Temporary Standards become available. If issued, these will be the first mandatory OSHA standards specifically targeted at COVID-19 applying to employers outside the healthcare sector.

These upcoming requirements were announced along with several other actions the Biden Administration is taking to encourage vaccination, which include, among others:

- An [Executive Order](#) requiring all federal executive branch workers to be vaccinated against COVID-19, without the alternative of weekly testing as had previously been offered in July;
- An [Executive Order](#) directing that the above-mentioned vaccination requirement for federal employees be extended to employees of federal government contractors;

- The Centers for Medicare & Medicaid Services requiring COVID-19 vaccinations for employees in most healthcare settings that receive Medicare or Medicaid reimbursement, including hospitals, dialysis facilities, ambulatory surgical settings, and home health agencies. This expands a previously announced requirement that applied to nursing facilities; and
- Calling on large entertainment venues such as sports arenas, large concert halls, and other venues where large groups of people gather to require that their patrons be vaccinated or show a negative test for entry.

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