

OSHA to Issue a Rule Requiring Employers with 100+ Employees to Mandate COVID-19 Vaccines

Peter Gillespie
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On September 9, 2021, President Biden announced a **six-part plan** as part of a broad effort to increase the number of fully vaccinated individuals in the U.S. As part of that plan, the President directed the Occupational Safety and Health Administration (OSHA) to develop a rule, which will mandate employers with 100 or more employees to require staff to be vaccinated and to give paid time off to get the vaccine. Unvaccinated employees will be required to get tested weekly. Multiple news outlets have reported that Biden administration officials stated that employers could face fines of \$14,000 per violation once the rule goes into effect.

Because OSHA is expected to issue the rule as an Emergency Temporary Standard, OSHA will not solicit public comments before issuing this rule, which means that employers may face short compliance deadlines. Presumably, this new OSHA rule will be similar to requirements applicable to educational and healthcare employers covered by the Governor's **recent Executive Order** in Illinois. Affected businesses should begin planning to address the many issues previously outlined in our **August 9, 2021 Fast Laner article**. In particular, employers should be prepared to receive and evaluate employee accommodation requests asking for exceptions from vaccination requirements and possibly even from weekly testing requirements. Also, based on what appears to be a trend of requiring employers to mandate COVID-19 vaccines, smaller employers will likely face increased pressure to impose vaccination and testing requirements.

Attorneys

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If you have any questions related to workplace strategies to address COVID-19, please contact your servicing Laner Muchin attorney.