Engage PEO Client Alert

OSHA Federal Vaccine Mandate In Effect

What's New: The vaccine mandate is now in effect as we await a decision from the Supreme Court of the United States. Oral Arguments were heard on Jan. 7 and a decision is expected quickly but has not been issued yet. As such, the mandate is now in effect.

Why It Matters: Employers with 100 or more employees must implement COVID-19 vaccinations or testing outlined in the Emergency Temporary Standard (ETS), effective Jan. 10 for implementing a policy and requiring vaccination, and effective Feb. 10 for meeting testing compliance.

OSHA has indicated that it will use enforcement discretion with respect to the compliance dates, so long as an employer is exercising reasonable, good faith efforts to come into compliance with the ETS.

Exemptions: Workers who do not report to a workplace where other individuals are present or who telework from home, and workers who perform their work exclusively outdoors, do not need to comply. Exemptions for religious and medical reasons also apply.

What Employers Should Do Now

- **Determine whether you are covered by the ETS** – your workplace is normally covered by OSHA; has 100 or more employees; or is exempt because it is covered by the Healthcare ETS or Federal Contractor mandate. For clients in states that may have issued recent regulations that conflict with the OSHA ETS, please contact your HR Consultant or Account Manager if you have concerns about how to proceed. For many of these states, federal law will prevail.
- **Familiarize yourself with the ETS**. Engage has prepared Frequently Asked Questions.
- **Collect information from employees about their vaccination status and set up your company's employee vaccination and testing roster** (see Engage FAQs). The percentage of vaccinated workers might help you determine whether you will mandate vaccines or provide the testing option.
- **Communicate with employees that federal law requires your company to implement a mandatory vaccination or testing policy, and which of these policies you will be implementing.** Download sample policy templates from OSHA's ETS resource webpage.

Be prepared for changes. Engage will notify clients of the expected Supreme Court decision. See OSHA's COVID-19 Vaccination and Testing ETS resource webpage.

If you have concerns or questions about these policies, please reach out to your Human Resources Consultant at Engage PEO or the Engage Risk team at wc@engagepeo.com