

Engage PEO Client Alert:

OSHA ETS Suspended

On November 4th OSHA issued an Emergency Temporary Standard (ETS) which mandates either vaccination or testing, but due to pending litigation OSHA Suspended Implementation and Enforcement of this new ETS.

Although the Occupational Safety and Health Administration issued its rule requiring large private employers with more than 100 employees to establish policies to ensure employees are either fully vaccinated or subject to weekly testing and masking, on November 17th, it announced it is suspending implementation and enforcement of the Emergency Temporary Standard (ETS).

Employers were to establish and communicate their policy by December 5, 2021, with enforcement effective January 4, 2022. These dates are no longer in effect.

The suspension came as a result of a stay granted by the 5th U.S. Circuit Court of Appeals that blocked the rule, which was followed by 34 challenges. All cases have been consolidated and transferred to the 6th Circuit Court.

With the status of the ETS currently in limbo, your partners at Engage will continue to monitor the courts for updates.

What should employers do?

While litigation continues, it is still important for large employers to become familiar with the requirements of the rule.

Engage has prepared a list of [Frequently Asked Questions](#) related to the ETS for Employers to review and familiarize themselves with the rule while we monitor for a final outcome on the court challenges.

Your partners at Engage are here to assist with any questions or compliance issues. If you have any questions, please **contact the Engage Risk Department at 888-780-8807 or WC@engagepeo.com.**