President Biden Takes a Tough Stand On Employer-Mandated Vaccination And Testing

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Porzio Client Alert

On Thursday, September 9, 2021, President Joseph Biden announced sweeping new requirements for vaccination and testing of U.S. workers. In his public address, the President said the Department of Labor's Occupational Safety and Health Administration (OSHA) is developing a rule that will require all employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result at a minimum of a weekly basis prior to appearing for work. OSHA's rule will require employers with more than 100 employees to provide paid time off for employees to be vaccinated and to recover if they experience side effects from vaccination. The White House said the new regulation will impact over 80 million workers in private sector businesses with 100+ employees.

The President also signed Executive Orders that require all federal executive branch workers to be vaccinated with no opt-out for testing and extended the requirement to employees of contractors that do business with the federal government.

The Centers for Medicare & Medicaid Services (CMS) will require COVID-19 vaccinations for workers in most health care settings that receive Medicare or Medicaid reimbursement, including but not limited to hospitals, dialysis facilities, ambulatory surgical settings, and home health agencies, and will apply to nursing home staff as well as staff in hospitals and other CMS-regulated settings, including clinical staff, individuals providing services under arrangements, volunteers, and staff who are not involved in direct patient, resident, or client care. These requirements will apply to the majority of health care workers across the country.

The President also called on entertainment venues such as sports arenas, 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.

Employers with 100 or more employees should be ready to implement vaccination and testing policies to comply with the new federal requirements for their workforce.