

Breaking News: President Biden Announces Plan to Require Large Private Companies to Mandate COVID Vaccine

In an 11-page memo released this afternoon, President Biden presented a multi-prong plan to combat the continuing COVID-19 pandemic. Among other things, the plan indicates that there will be new COVID-related requirements imposed on large private employers and also on health care employers, specifically relating to the mandatory COVID-19 vaccines. Those requirements will include:

- The Occupational Safety and Health Administration (OSHA) is developing an emergency temporary standard (ETS) that will require all private employers with 100 or more employees to mandate the COVID-19 vaccine **or** require unvaccinated employees to produce a negative COVID-19 test on a weekly basis before coming to work.
- The new OSHA ETS will also require employers with over 100 employees to provide employees with paid time off for purposes of receiving the COVID-19 vaccine or recovering from being “under the weather” post vaccination.
- A new executive order will mandate the COVID-19 vaccine for all federal employees, and will also require federal government contractors to require that their employees receive the vaccination.
- Centers for Medicare and Medicaid Services will require vaccinations for employees in more health care settings that receive Medicare or Medicaid reimbursement, including hospitals, dialysis facilities, ambulatory surgical settings, and home health agencies.

This is a developing story, and the president is slated to release more details later today. It is unknown how quickly OSHA will act. States that administer their own workplace safety and health programs (including Tennessee) presumably will follow OSHA’s ETS, as they are required to maintain standards that are at least as effective as OSHA’s standards; whether those states will do so within the typically required 30-day period after the ETS is released remains to be seen.

We are closely monitoring this significant development and will be releasing additional guidance in the coming days and weeks. We also anticipate legal challenges to the ETS.

Please contact [Justin Furrow](#) or a member of the firm’s [Labor and Employment group](#) if you have questions or are concerned as to how the ETS may impact your business.