

EMPLOYEE BENEFIT ALERT



SEPTEMBER 15, 2021

PRESIDENTIAL EXECUTIVE ORDER TO REQUIRE VACCINE MANDATE OR FREQUENT TESTING

On September 9, 2021, an Executive Order from President Joe Biden was issued, requiring all US employers with 100 or more employees to require COVID-19 vaccinations or a weekly negative test result before coming to work. This is all available in the Path Out of the Pandemic, the White House's COVID-19 Action Plan.

Vaccination or Weekly Testing Requirement

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 on at least a weekly basis before coming to work. OSHA will issue an Emergency Temporary Standard (ETS) to implement this requirement. This requirement will impact over 80 million workers in private sector businesses with 100+ employees.

Paid Time Off for Vaccinations

To continue efforts to ensure that no worker loses a dollar of pay because they get vaccinated, OSHA is developing a rule that will require employers with more than 100 employees to provide paid time off for the time it takes for workers to get vaccinated or to recover if they are under the weather post-vaccination. This requirement will be implemented through the ETS.

Medicare Reimbursement

In addition, Biden will announce that 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.

Additional Requirements for Federal Workers/Contractors

Further, the President also will unveil an executive order that requires all federal workers and contractors to be vaccinated against COVID-19. This step expands on the President's July requirement that provided regular testing as an acceptable option to vaccination.

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