

President Biden to Mandate COVID-19 Vaccine for Federal Employees and Large Employers



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On Thursday, Sept. 9, 2021, President Joe Biden signed executive orders requiring federal workers and contractors to get vaccinated against COVID-19. Biden also directed the Occupational Safety and Health Administration (OSHA) to draft a new emergency rule requiring all businesses with 100 or more employees to ensure all of their workers are either tested for COVID-19 once a week or fully vaccinated.

These new rules come shortly after the Pfizer-BioNTech coronavirus vaccine was fully approved for use by the Food and Drug Administration, enabling the White House to fight the pandemic more aggressively.

The federal employee mandate will apply to executive branch employees and members of the armed services, among others. Applicable federal employees will not be provided the option for weekly testing in lieu of vaccination.

The OSHA emergency rule—which is expected in the coming weeks—could affect as many as 80 million Americans. It will reportedly require large employers to provide their workers with paid time off to get vaccinated and recover from any vaccination-related side effects (e.g., chills). Companies that fail to comply may be subject to up to \$14,000 in fines per employee.

Additionally, COVID-19 vaccinations will be required for more than 17 million health care workers at hospitals and other facilities that receive Medicare or Medicaid reimbursement. This requirement covers a majority of health care workers throughout the country.

What's Next?

This hardline stance on vaccines is a stark contrast to the hands-off approach taken by most employers earlier in the year. However, as Delta continues to cause upticks in hospitalizations and deaths throughout the country, employers will need to ramp up efforts to protect their organizations.

Health experts and business leaders agree that vaccination is the most effective way to limit the spread of Delta and maintain uninterrupted operations. Employers should expect the Biden Administration to continue to take measures to increase vaccination rates.

Large employers and federal contractors affected by these new rules should begin preparing to comply. Employers with less than 100 employees that are interested in their own vaccine mandates should consult with legal counsel before moving forward.

Stay tuned as this is a rapidly developing situation. We will keep you updated on any new developments.

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