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Biden Bombshell: Employers With 100+ Employees Must Require COVID-19 Vaccinations or Weekly Tests

On September 9, President Biden announced sweeping [new measures](#) to combat the spread of COVID-19, including a mandate for all employers with 100 or more employees to require their employees to either be vaccinated against COVID-19 or submit to weekly testing.

The new mandate will be enforced by the Occupational Safety and Health Administration (OSHA), which is expected to issue an Emergency Temporary Standard (ETS) to implement the new requirements. OSHA will also require covered employers to provide paid time off for workers to get vaccinated and recover from post-vaccination symptoms. The OSHA ETS will reportedly include penalties of \$14,000 per violation.

The White House has not announced when the ETS will be published or its effective date. The ETS will reportedly impact more than 80 million workers in private sector businesses nationally and is expected to face immediate legal challenges.

Accompanying President Biden's announcement are two new [Executive Orders](#) requiring all federal workers, as well as employees of federal contractors, to receive vaccinations. The White House's plan also calls for mandatory vaccinations for employees of health care facilities that receive Medicare or Medicaid funding, among other entities.

While the legal and practical ramifications of these anticipated requirements remain unclear, Frost Brown Todd will continue to promptly update and advise employers on their obligations.

For questions or additional information, please contact [Catherine Burgett](#), [Kyle Johnson](#), [Jeffrey Shoskin](#), [Steve Tolbert](#), or any attorney in Frost Brown Todd's [Labor and Employment Group](#).

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