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OSHA COVID-19 Vaccine Mandate Rule Set for January 2022 Enforcement

December 20, 2021

Employers with 100 or more employees should begin planning to follow OSHA's Emergency Temporary Standard (ETS) requiring mandatory COVID-19 vaccinations or weekly testing of employees (see our previous alert describing the ETS in more detail).

The ETS had been suspended pending legal challenges, but it was reinstated by a decision from the US Court of Appeals for the Sixth Circuit on December 17, 2021. OSHA then released additional guidance on December 18. The decision will move to the Supreme Court for further consideration. For now, however, OSHA intends to enforce the rules on two key dates:

- Employers should be in compliance by January 10.
- Employers using "good faith efforts" to come into compliance will not be penalized before February 9.

We will continue to keep you apprised as the case proceeds through the Supreme Court.

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