

OSHA Sends Rule to White House for Approval

PUBLISHED ON
October 14, 2021

The Occupational Safety and Health Administration's emergency rule concerning vaccination mandates at large and some medium businesses is in the White House for review and could be approved as early as Friday.

OSHA's emergency temporary standard (ETS) [went to the White House for final approval Tuesday](#).

This action follows up President Joe Biden's announcement on September 9 that directed OSHA to issue an ETS [requiring businesses with 100 or more employee to mandate COVID-19 vaccination](#) for their employees or undergo weekly testing.

Employers would also be required to give employees paid time off to get vaccinated or recover from the side effects of the vaccine. Failure to comply with the requirements of the ETS may result in fines of up to \$14,000 per violation.

It is expected that the White House may approve the ETS as early as Friday and that the ETS could be made public the week of October 18, but no details of what it contains are available currently.

While there are many unanswered questions about the ETS, covered employers should at a minimum be tracking vaccination status and, for unvaccinated employees, begin to set up a mechanism to track weekly testing of the unvaccinated.

If you have any questions about the upcoming ETS, please [contact me](#) or anyone in the [Barley Snyder Employment Practice Group](#).

DISCLAIMER: The information in this alert should not be construed as legal advice to be relied upon nor to create an attorney/client relationship. Please note that the reader's or an industry's specific situation or circumstances will vary and, thus, for example, an approach that is advisable in one industry may not be appropriate in another industry. If you have questions about your situation or about how to apply information contained in this alert to your situation or industry, you should reach out to an attorney.

The views expressed in this alert are those of the individual author and do not necessarily reflect the views of the firm or the firm's clients. The response to the COVID-19 pandemic is particularly challenging, evolving and, in many cases, can be controversial. Any views expressed in this alert are not intended to advocate for or endorse a particular governmental response to the pandemic.

WRITTEN BY:



Jennifer Craighead Carey

Managing Partner

Tel: (717) 399-1523

Email: jcraighead@barley.com