

Vaccine-or-Testing Mandate Expected Soon

News articles and resources from SHRM Online to help employers prepare

By Beth Mirza
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The rule implementing President Joe Biden's order for employers with at least 100 employees to mandate COVID-19 vaccination or weekly testing is likely to be released soon, prompting many employers to begin preparations. The Occupational Safety and Health Administration sent its drafted rule to the White House for review two weeks ago, and the Office of Information and Regulatory Affairs has held meetings with multiple groups representing employers, businesses and individuals to hear their feedback.

The following news articles and resources from *SHRM Online* can help employers get ready. Here's what we know about the rule so far and how employers can start preparing now for its release:

What to Expect from OSHA on COVID-19 Vaccine and Testing Rules (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/what-to-expect-from-osh-a-on-covid-19-vaccine-and-testing-rules.aspx?_ga=2.147819378.418252900.1635155846-136878348.1596451575)

Businesses with at least 100 employees will soon be required to mandate that employees get vaccinated against the coronavirus or submit to weekly testing. Employers are still waiting for the Occupational Safety and Health Administration (OSHA) to issue an emergency temporary standard (ETS), and some key questions have yet to be answered, but employers can take certain steps now to prepare.

How to Approach Federal and State Conflicts on Vaccine Mandates (www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Pages/Federal-and-State-Conflicts-on-Workplace-Vaccine-Mandates.aspx?_ga=2.147819378.418252900.1635155846-136878348.1596451575)

When the White House announced COVID-19 vaccination requirements for federal employees and contractors—and a pending vaccine-or-testing rule for certain private employers—several states responded by initiating their own rules that allow for more exemptions than the federal requirements. This has caused confusion for many business leaders and HR professionals.

Survey: Vaccine-or-Testing Mandate Will Be Difficult to Implement (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-survey-vaccine-testing-mandate-challenges.aspx?_ga=2.147819378.418252900.1635155846-136878348.1596451575)

Nine out of 10 recently surveyed organizations said it will be somewhat or very challenging to implement the Biden administration's expected vaccine-or-testing requirements. These respondents so far have not mandated that their employees get the COVID-19 vaccine, but they do meet the criteria for needing to institute the requirements.

Feedback

FEATURED RESOURCE CENTER

COVID-19 Vaccination Resources (www.shrm.org/hr-today/news/hr-news/Pages/COVID-19-Vaccination-Resources.aspx)

Southwest Airlines Changes Course on Its Vaccine Requirement (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-southwest-airlines-vaccine-leave.aspx)

Southwest Airlines has scrapped its plan to place unvaccinated workers on unpaid leave while they seek an exemption as a reasonable accommodation to the company's vaccine mandate.

Supreme Court Declines to Block Maine's Vaccine Requirement (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-supreme-court-maine-vaccine-mandate.aspx)

The Maine vaccine mandate requires hospital and nursing home workers to get vaccinated or risk losing their jobs. Justice Stephen Breyer rejected the emergency appeal but left the door open for the plaintiffs to try again as the deadline on Maine's mandate nears. The state will begin enforcing it Oct. 29.

Court Puts United Airlines' Vaccination Mandate on Hold (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-court-puts-united-airlines-vaccine-mandate-on-hold.aspx)

On Oct. 12, a federal district court temporarily halted United Airlines' vaccination mandate, keeping the employees who challenged the policy on the payroll while litigation proceeds.

Federal Contractors, Private Employers Confused About COVID-19 Vaccine Rules (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/employers-confused-about-covid-19-vaccine-rules.aspx)

The federal government recently issued guidance to agencies on implementing the White House COVID-19 vaccination mandate for federal contractors, but many covered employers are still confused about the details of the requirement.

Should Employers Add Booster Shots to Their COVID-19 Vaccine Policies? (www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Pages/Booster-Shots-Workplace-COVID-19-Vaccine-Policies.aspx)

Many employers are updating their COVID-19 vaccination policies as they grapple with federal and state mandates. And as the Food and Drug Administration approves booster shots, employers may be wondering if they should require workers to get an extra jab to be considered "fully vaccinated."

Employers Enforce Vaccine Mandates Even Though Some Workers Quit (www.shrm.org/ResourcesAndTools/hr-topics/employee-relations/Pages/Employers-Enforce-Vaccine-Mandates-Even-Though-Some-Workers-Quit.aspx)

Employers large and small are enforcing COVID-19 vaccines for their workforces and firing employees who won't take the vaccine. Most employers report having to let go a small percentage of their workers.

Employers React to Workers Who Refuse Vaccination as COVID-19 Cases Rise (www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/if-workers-refuse-a-covid-19-vaccination.aspx)

As mandatory COVID-19 vaccines become more widespread, many employers are asking what they can do if workers refuse. Some employers are firing workers who won't take the vaccine and others are requiring unvaccinated employees to submit to weekly testing and take other safety precautions.

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