Insights: Alerts

Biden Announces Private Employers with 100+ Employees Must Mandate Vaccination or Require Regular Testing

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Please note: The below information may require updating, including additional clarification, as the COVID-19 pandemic continues to develop. Please monitor our main COVID-19 Resource Center and/or your email for updates.

President Biden announced a series of proposals yesterday to combat rising COVID-19 infections. Chief among them is that all private employers with 100 or more employees must mandate vaccination of their workforce. Workers who remain unvaccinated are required to submit to regular COVID-19 testing (at least on a weekly basis). The Occupational Safety and Health Administration is responsible for drafting and implementing these requirements via an Emergency Temporary Standard ("ETS") which is estimated to impact over 80 million workers and will be issued in the coming weeks.

Under the ETS, private employers subject to the new rule will also be required to provide their workers paid time off to get vaccinated or recover from any vaccine side effects. Employers could face up to $14,000.00 in penalties per violation for violating the vaccine mandate or the paid-time-off requirement.

Biden also signed a number of executive orders yesterday that will impact most federal employees, contractors, and health care workers that receive Medicare or Medicaid reimbursement. These individuals, too, will be required to be vaccinated against COVID-19.

In total, Biden's new proposals will cover approximately 100 million or two-thirds of all U.S. workers.

Employers with additional questions should reach out to the Labor & Employment team at Kilpatrick Townsend or contact their employment law counsel with specific questions. As with all things COVID-19 related, we will continue to monitor the situation and update as new information becomes available.