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## **Biden's COVID-19 Action Plan Includes Vaccine Mandate**

*by Dana Lee Cole  
Hardwood Federation Executive Director*

On September 9, President Biden announced a COVID-19 Action Plan titled "Path out of the Pandemic," a six-pronged national strategy aimed at combating COVID-19, including requirements for private sector employees.

Under the President's plan, employers in the private sector with 100 or more employees will be required to ensure their employees are fully vaccinated or test negative on a weekly basis. In order to achieve this goal, the President has directed the Occupational Safety and Health Administration (OSHA) to develop and implement a new Emergency Temporary Standard (ETS) putting this requirement in place, along with details regarding implementation.

The President's plan also directs OSHA to develop a rule, through the ETS process, that will require employers with more than 100 employees to provide paid time off to employees in order to get vaccinated, and to recover from side effects of vaccination. Although there are few details about implementation requirements for employers at this time, we do have some additional information:

- According to high level OSHA officials, OSHA plans to issue the ETS within the next eight weeks. There is currently no precise date or a more narrow timeframe. When published by OSHA, the ETS will be made effective immediately; however, after the ETS is issued and made effective, OSHA will provide stakeholders the opportunity to provide input.
- The 100 employee threshold will apply to the total employee count, and not a single worksite.
- The testing/vaccination requirement will not apply to employees working remotely, or employees who are physically isolated from co-workers.

### **The President's Plan Also:**

- Requires COVID-19 vaccinations for workers in most healthcare settings that receive Medicare or Medicaid reimbursement, and expands current regulations mandating vaccinations for nursing home workers in all Medicare and Medicaid-certified facilities;
- Requires vaccination for all federal executive branch workers, and of employees of federal contractors;  
Seeks to increase access for COVID-19 testing, and utilization of masking, including increasing free and low-cost testing; and
- Aims to increase access to COVID-19 treatments by deploying medical support to hard-hit health systems and hospitals, as well as increasing shipments and availability of monoclonal antibody treatments for COVID-19.

The Hardwood Federation will continue to monitor developments and provide updates about the implementation rules related to private sector employees, as well as how companies and individuals may provide input to the process.