

## OSHA COVID-19 Emergency Temporary Standard (ETS)

OSHA has released the COVID-19 ETS. The ETS was published November 5, 2021. The US Court of Appeal 5<sup>th</sup> Circuit placed a stay on the ETS on November, 16, 2021. **On Friday December 17, 2021 the US Court of Appeal 6<sup>th</sup> district removed the stay. At this time the OSHA ETS is now once again in place with new implementation dates.** The Supreme Court has yet to review this court decision. If the ETS is not overruled by the Supreme Court, the following is required:

To comply employers must:

- **January 10, 2022**-Implement all requirements except testing for employees who have not completed their entire COVID-19 vaccination dose(s)
- **February 9, 2022**-Test all employees who have not received all doses of their COVID-19 vaccination

The OSHA COVID-19 ETS details are as follows and must be completed by **January 10, 2022**:

- Companies with 100+ employees corporate-wide must comply
- Employers are required to enforce:
  - A mandatory COVID-19 vaccination policy **or**
  - A policy allowing employees who are not fully vaccinated to undergo weekly COVID-19 testing **and** wear a face covering at work.
- Employers are required to:
  - Determine the vaccination status of each employee
  - Obtain acceptable proof of vaccination
  - Maintain a current roster/record of each employee's vaccination status
- Employers must support employee vaccination by providing
  - Up to 4 hours of time off for each vaccination dose
  - Reasonable paid sick leave for recovery from side-effects of the vaccine
- Employers must provide information to employees in an appropriate language and literacy level regarding:
  - The requirements of the ETS
  - Have each employee read the CDC document [“ Key things to know about COVID-19 Vaccines”](#)
  - Information about protection against retaliation and discrimination
  - Information about laws leading to criminal penalty for knowingly providing false statements or documents regarding their vaccination status and weekly testing

Sanford OccMed offers a Surveillance Testing Program to assist companies in navigating through the requirements of the OSHA ETS.

For more information, please visit our website, [occmed.sanfordhealth.org](http://occmed.sanfordhealth.org) or contact Dr. Joel Blanchard, MD @ 1-888-600-2378. [Joel.Blanchard@SanfordHealth.org](mailto:Joel.Blanchard@SanfordHealth.org)