

BARSAMIAN & MOODY

A Professional Corporation

Attorneys at Law

1141 West Shaw Avenue, Suite 104

Fresno, California 93711-3704

Tel: (559) 248-2360

E-mail: laborlaw@theemployerslawfirm.com

Fax: (559) 248-2370

Vaccinating the Unvaccinated – President Biden Unveils New COVID-19 Action Plan

We are sure most of you have heard by now that yesterday, September 9, 2021, President Biden unveiled his new national strategy regarding COVID-19. In an effort to require more Americans to get vaccinated, he is implementing a national vaccination mandate which applies to approximately 100 million Americans.

Specifically, President Biden has directed the federal Department of Labor's Occupational Safety and Health Administration to develop a rule requiring employers with 100 or more employees to ensure their workforce is fully vaccinated, or that unvaccinated employees are tested for COVID at least weekly. OSHA will issue this requirement as an Emergency Temporary Standard, which allows for faster implementation. Please note, however, **that this rule has not been issued yet, and is therefore not yet in effect.**

While we do not know the specifics of the rule yet, President Biden also directed OSHA to incorporate a requirement that employers with more than 100 employees provide paid time off for workers to get vaccinated to recover from post-vaccination symptoms. This may be something similar to Cal/OSHA's exclusion pay, but again, **the this rule has not been issued yet, and is therefore not yet in effect.**

What This Means for Employers:

At this time there is little information on this new ETS, including how OSHA will enforce it or how employers can record compliance. Until OSHA releases the ETS or a proposed ETS, there is no deadline for employers to ensure vaccination status. Our office will be following the developments and will keep employers informed of these requirements as information emerges.

The full text of President Biden's COVID-19 Action Plan can be found here: <https://www.whitehouse.gov/covidplan/>

The goal of this article is to provide employers with current labor and employment law information. The contents should neither be interpreted as, nor construed as legal advice or opinion. The reader should consult with Barsamian & Moody at (559) 248-2360 for individual responses to questions or concerns regarding any given situation.