

# Executive Order Requiring COVID-19 Vaccine Mandates or Frequent Testing for Workers

October 1, 2021

## Quick Facts

- In September 2021, President Biden directed the Occupational Safety and Health Administration (OSHA) to create rules requiring U.S. employers with 100 or greater employees to require COVID-19 vaccinations or weekly testing before coming to work.
- At the time of publication of this document, OSHA is still working to develop rules.
- President Biden will require COVID-19 vaccinations for workers in most healthcare settings that receive Medicare or Medicaid reimbursement.
- President Biden extended vaccine requirements for federal workers and contractors to be vaccinated against COVID-19.

## Background

On September 9, 2021, an Executive Order from President Joe Biden was issued, requiring all U.S. employers with 100 or greater employees to either require workers to get COVID-19 vaccinations or produce a weekly negative test result before coming to work. This information is available in the [Path Out of the Pandemic](#), the White House's COVID-19 action plan.

## Vaccination or Weekly Testing Requirement

The Department of Labor's OSHA is developing a rule that will require all employers with 100 or greater employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work. OSHA will issue an Emergency Temporary Standard (ETS) to implement this requirement. This requirement will impact over 80 million workers in private sector businesses with 100+ employees.

## Paid Time Off for Vaccinations

To continue efforts to ensure that no worker loses a dollar of pay to get vaccinated, OSHA is developing a rule that will require employers with greater than 100 employees to provide paid time off for the time it takes for workers to get vaccinated or to recover from post-vaccination side effects. This requirement will be implemented through the ETS.

## Medicare Reimbursement

In addition, Biden will announce that the Centers for Medicare & Medicaid Services (CMS) will require COVID-19 vaccinations for workers in most healthcare settings that receive Medicare or Medicaid reimbursement, including but not limited to hospitals, dialysis facilities, ambulatory surgical settings and home health agencies.

### **Additional Requirements for Federal Workers/Contractors**

Further, the President will also unveil an executive order that requires all federal workers and contractors to be vaccinated against COVID-19. This step expands on the president's July requirement that provided regular testing as an acceptable option to vaccination.

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