



Stay on Vaccine Mandate Dissolved by Sixth Circuit

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On Friday, December 17, the Sixth Circuit for the U.S. Court of Appeals dissolved the Fifth Circuit's stay of the Occupational Safety and Health Administration's (OSHA's) emergency temporary standard (ETS) concerning the COVID vaccination and testing mandate for employers with 100 or more employees that was issued last month.

According to the update on OSHA's website, to account for any uncertainty created by the stay and to provide sufficient time for businesses to update their policies and practices, OSHA will not issue any citations for noncompliance of the full ETS requirements before January 10, 2022. Nor will they issue noncompliance citations with the ETS' testing requirements before February 9, 2022 so long as "An employer is exercising reasonable, good faith efforts to come into compliance with the standard".

So what does this mean for your organization? Although the Sixth Circuit's ruling has already been appealed to the U.S. Supreme Court, employers should prepare and adjust any internal policies to comply with the OSHA ETS and continue with COVID hygiene best practices.

Please reference our October webinar segment on key considerations as employers develop and implement COVID hygiene policies for 2022: <https://www.youtube.com/watch?v=ELWG21IGf6o>.

We will continue to monitor this evolving situation and keep you apprised of any updates.

If you have any concerns in the meantime, please feel free to reach out to a member of our labor & employment law team:

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