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President Biden Announces COVID-19 Action Plan with Implications for Private Employers

On September 9, 2021, the White House announced [Path Out of the Pandemic: President Biden's COVID-19 Action Plan](#) to combat the ongoing COVID-19 pandemic, in part by imposing new obligations on employers. Most notably, **employers with 100 or more employees must ensure their workforces are fully vaccinated or require unvaccinated workers to produce a negative COVID-19 test on a weekly basis.** Employers will also be required to provide paid time off for employees to get vaccinated and recover from any vaccine side effects.

Specifically, President Biden is directing the Occupational Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard (ETS) that requires all private employers with 100 or more employees to ensure that every employee is fully vaccinated or able to produce a weekly negative COVID-19 test. The ETS will also require covered employers to provide paid time off for employees to get vaccinated or recover from vaccine side effects. Although no timeline has been announced for issuance of the ETS, it is expected to apply to over 80 million private sector workers across the United States. Cline Williams will continue to monitor this significant development, including the release date and far-reaching impacts of the ETS.

President Biden's Plan also provides that the Centers for Medicare and Medicaid Services (CMS) will require employee vaccination in most healthcare settings—including hospitals, dialysis facilities, ambulatory surgical settings, and home health agencies—as a condition of continued Medicare or Medicaid reimbursement. Further, President Biden issued two new Executive Orders, which require [federal government employees](#) and [employees of federal contractors](#) to be vaccinated as a condition of employment.

This is a rapidly-evolving issue, and employers that will be impacted by the Plan should prepare to navigate legal and operational challenges. For more information, please reach out to a member of [Cline Williams' Labor and Employment Law Section](#).

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