

RESOURCES FOR EMPLOYERS

OSHA EMERGENCY TEMPORARY STANDARD (ETS) ON VACCINATION AND TESTING

OVERVIEW

On Nov. 5, 2021, the U.S. Occupational Safety and Health Administration (OSHA) issued an Emergency Temporary Standard (ETS) requiring private **employers with 100 or more employees** to:

- Ensure their workforce is fully vaccinated, **OR**
- Require unvaccinated employees to undergo COVID-19 testing at least weekly and wear a face covering in the workplace

Employers are required to ensure unvaccinated workers wear masks in the workplace by December 5, 2021, and provide a negative COVID-19 test weekly beginning January 4, 2022.

In Acadiana, approx. 320 businesses with 68,000 employees are subject to this ETS. However, on Nov. 6, the Fifth Circuit Court of Appeals issued a stay, **temporarily freezing the mandate until the court takes further action.**

EXEMPTIONS

The ETS does not apply to **employers** who:

- Have less than 100 employees
- Are subject to the requirements of the Safer Federal Workforce Task Force workplace safety guidance for federal contractors and subcontractors
- Are subject to the requirements of OSHA's existing Healthcare ETS

The ETS does not apply to **employees** who:

- Do not report to a workplace where other individuals are present
- Are working from home
- Work exclusively outdoors

ADDITIONAL EMPLOYER REQUIREMENTS

Additional employer requirements include, but are not limited to, the following:

- Determining and documenting the vaccination status of each employee
- Providing reasonable paid time off for employees to receive each primary vaccine dose
- Providing reasonable time and paid sick leave to recover from any vaccine side effects
- Requiring employees to promptly report when they test positive for or are diagnosed with COVID-19 and immediately removing those employees from the workplace, regardless of vaccination status
- Providing employees with information on the ETS, implementation policies, and more
- Promptly reporting work-related COVID-19 hospitalizations or fatalities to OSHA

For details on the full requirements of the ETS, please utilize the following OSHA resources:

[OSHA.gov/Coronavirus/ETS2](https://www.osha-slc.gov/Coronavirus/ETS2)

[ETS Frequently Asked Questions](#)

[Summary: COVID-19 Vaccination and Testing ETS](#)

[OSHA Fact Sheet](#)

WANT TO COMMENT ON THE ETS?

If you have suggestions or concerns regarding the ETS, OSHA is accepting public comments through December 5, 2021. Comments will be considered as OSHA determines how to proceed with a final rulemaking.

Submit comments via [FederalRegister.gov](https://www.federalregister.gov).

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