

Biden Executive Order Regarding Mandatory Vaccinations

September 2021

Recently, President Biden took steps to further combat COVID-19 that will impact many employers and their employees. This series of actions include the following:

- Requiring COVID-19 vaccinations for all employees of the federal government and federal government contractors.
- Requiring COVID-19 vaccinations for workers in most health care settings that receive Medicare or Medicaid reimbursement, including but not limited to hospitals, dialysis facilities, ambulatory surgical settings, and home health agencies.
- Directing OSHA to develop a rule that will require employers with 100 or more employees to require their employees to either be vaccinated or produce a negative test result on at least a weekly basis before coming to work.
- Directing OSHA to develop a rule that will require employers with 100 or more employees to provide paid time off for the time it takes for workers to get vaccinated or recover if they are ill after receiving the COVID-19 vaccination.

The details of the new OSHA rules and when they will be released are unknown at this time. However, we expect those rules to have minimal, if any, direct impact on employer-sponsored health plans and vaccine incentive programs. OSHA generally has authority over workplace safety, and its rules do not regulate employer-sponsored health plans and wellness programs. Also note that under current rules, group health plans are not required to provide coverage for COVID-19 tests that are received for screening or employment purposes. At this point, we do not expect that rule to change.

We will review the OSHA rules once they are released and provide some basic information about them. However, compliance with the OSHA rules is an employment law matter, and the Research and Compliance Team generally does not provide guidance regarding issues that are purely employment law matters. Accordingly, clients are encouraged to consult with their employment law counsel for advice regarding the OSHA requirements once they are released.



More Information regarding the President's actions is available [here](#).

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