NEWS BRIEF

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White House Tells Businesses to Proceed with Vaccination Mandate Despite Court-ordered Stay

On Monday, Nov. 8, 2021, the White House urged employers to move forward with their efforts to comply with the recently announced COVID-19 vaccination and testing mandate despite a court-ordered "stay."

The mandate compels private employers with at least 100 workers to require COVID-19 vaccinations or accept proof of negative tests each week among the unvaccinated.

Several states attorneys general and companies have filed lawsuits against the vaccination rule, primarily alleging that the vaccination mandate exceeds the authority of the Occupational Safety and Health Administration (OSHA).

One of those lawsuits was introduced by a group of companies led by BST Holdings. It was the stay requested in that case that led to the court-ordered pause.

The stay, which was issued in the 5th U.S. Circuit Court of Appeals on Friday, effectively prevents enforcement of the emergency temporary standard (ETS) until a final decision regarding its legality is published. Currently, there is no timetable for a resolution.

"People should continue to move forward and make sure they're getting their workplace vaccinated."

- *White House Deputy Press Secretary Karine Jean-Pierre*

What's Next?

While the vaccination mandate is currently on pause, it has not been permanently delayed or vacated. As such, the White House has urged employers to continue moving forward with vaccinating their workplaces.

Most legal experts agree that applicable employers should continue to prepare to comply with the mandate's provisions. In fact, noncompliance with the OSHA mandate could result in hefty penalties. For that reason alone, employers should be cautious about delaying their compliance actions.

Employers with any questions related to the specifics of the vaccination and testing mandate should visit the OSHA website or speak with legal counsel.

Stay tuned for more details on this story as it unfolds.

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