

Virtual Briefing: OSHA, CMS, and Federal Contractor Mandatory Vaccination Rules

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Practices

Employment & Labor Law

Webinar
WebEx
Fall 2021

This Webinar took place on Tuesday, November 9, 2021, from 12:00-1:00 PM

On November 4th, 2021 the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) made public its Emergency Temporary Standard (ETS) that requires employers with 100 or more employees to make sure their workers are either fully vaccinated against COVID-19 or test negative weekly by January 4, 2022. The ETS also requires that these employers make sure all unvaccinated workers are wearing a face mask in the workplace by December 5, 2021. In addition, the ETS requires that these employers provide paid time off for employees to get vaccinated. Employers in different states will be impacted differently because some states are federal OSHA states and other states are state plan OSHA states. The ETS is likely to face legal challenges, and courts may or may not prevent or delay enforcement of the ETS.

The U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) announced the details of its requirement that health care workers at facilities participating in Medicare and Medicaid be fully vaccinated. Under the CMS rule, the deadline for full vaccination is also January 4, 2022. The CMS rule applies to more than 17 million workers at approximately 76,000 health care facilities, including hospitals and long-term care facilities.

In addition, the administration pushed back the deadline for compliance with the federal contractor/subcontractor employee vaccination requirement from December 8, 2021 to January 4, 2022.

On Tuesday, November 9, 2021 from 12:00 noon to 1:00 p.m., the Nexsen Pruet Employment and Labor Law group presented a webinar that covered the specifics of the OSHA ETS, the CMS rule, and the federal contractor requirements, including practical issues like creating policies and

procedures and how to handle accommodation requests. *NC, SC CLE and SHRM credits have been applied for and are pending.*

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