

## e-Alert

01.18.22

# Supreme Court Blocks OSHA ETS

## Background

The Occupational Safety and Health Administration (OSHA) published the [COVID-19 Vaccine and Testing Emergency Temporary Standard \(ETS\)](#) in November 2021. The ETS was originally put into place to require a vaccine mandate or weekly testing for all employers with 100 or more employees by January 10, 2022. Since the original publication, the ETS has brought controversy as to whether OSHA has the authority to implement such a standard.

## Summary

On January 13, 2022, the Supreme Court of the United States (SCOTUS) ruled 6-3 to block the enforcement of the ETS for COVID-19; meaning, employers with more than 100 employees have no mandated requirement to ensure their employees be fully vaccinated or submit to weekly COVID-19 testing until next steps are provided by the courts. Employers continue to have the right to develop and implement their own policies governing employee vaccination and masking, so long as those policies comply with relevant federal and state laws. We will continue to monitor this situation as it develops.

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

## Employer Next Steps

- Employers should continue familiarizing themselves with any COVID-19 vaccine or testing mandates within the cities, counties, and states they do business in.
- Employers are not required to take further action to implement the OSHA ETS for COVID-19 Vaccines and Testing.
- With the everchanging landscape of the ETS, employers should be vigilant of any forthcoming updates regarding the ETS.

## The People Simplifying HR

For almost twenty years, HR Knowledge has made it our mission to demystify the complex and daunting process of HR management. We do more than just provide the level of service and technology you'd expect from an industry leader. We combine unparalleled passion for service with our decades of HR, payroll, and benefits experience to provide our clients with personalized and actionable advice that is second—to—none. From managed payroll to employee benefits to HR support, we can help your organization thrive, grow, and reduce operating costs—no matter what industry you serve. Whether you're interested in our Full-Service solution or just need your employee handbook written, HR Knowledge can help you minimize risk while staying on top of compliance regulations. The bottom line? We're not just another cloud-based technology company that also does HR, #WeAreHR. [Get the scoop](#) on how we can help you simplify HR.



@WEAREHRK