



January 10 Enforcement Deadline for OSHA ETS Remains Intact

On Friday, January 7, 2022, the Supreme Court of the United States heard arguments on the legality of the Occupational Safety and Health Administration's (OSHA) Vaccination and Testing Emergency Temporary Standard (ETS).

While a majority of the justices appeared skeptical of OSHA's authority to issue the Vaccination and Testing ETS, as of Monday, January 10, 2022—the first deadline for compliance under the ETS—the Supreme Court had not stayed enforcement of the ETS.

As discussed in our [prior alert](#), OSHA effectively extended the deadline to comply with all aspects of the ETS except the testing requirements, from December 5, 2021, to January 10, 2022. OSHA extended the deadline to comply with the testing requirements from January 4, 2022, to February 9, 2022.

Until the Supreme Court or OSHA indicates otherwise, beginning today, January 10, 2022, private employers with 100 or more employees must comply with all aspects of the ETS, except the testing requirements. This includes implementing and enforcing an ETS-compliant plan, determining the vaccination status of each employee, obtaining and retaining acceptable proof of vaccination and providing time for employees to receive and recover from COVID-19 vaccinations.

If you have questions regarding compliance with the ETS, or if we can help you draft and implement ETS-compliant policies and procedures, please contact Brittany Lopez Naleid, [Shannon Toole](#) or your Reinhart attorney.

These materials provide general information which does not constitute legal or tax advice and should not be relied upon as such. Particular facts or future developments in the law may affect the topic(s) addressed within these materials. Always consult with a lawyer about your particular circumstances before acting on any information presented in these materials because it may not be applicable to you or your situation. Providing these materials to you does not create an attorney/client relationship. You should not provide confidential information to us until Reinhart agrees to represent you.

POSTED:

Jan 10, 2022

RELATED PRACTICES:

[Labor and Employment](#)

<https://www.reinhartlaw.com/practices/labor-and-employment>

[Corporate Law](#)

<https://www.reinhartlaw.com/practices/corporate-law>

[Health Care](#)

<https://www.reinhartlaw.com/practices/health-care>

[Banking and Finance](#)

<https://www.reinhartlaw.com/practices/banking-and-finance>

RELATED PEOPLE:

[Shannon M. Toole](#)

<https://www.reinhartlaw.com/people/shannon-toole>