

CMS and OSHA Issue New Rules and Standards Around COVID-19 Vaccination Requirements

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On November 5, 2021, the Occupational Safety and Health Administration (OSHA) under the U.S. Department of Labor announced new emergency temporary standards to protect nearly 85 million workers from the spread of COVID-19. These standards come in alignment with the [Administration's previous policies](#) requiring federal employees and contractors to be fully vaccinated, as well as the recent Centers for Medicare and Medicaid Services (CMS) rule that health care workers at facilities participating in Medicare and Medicaid be fully vaccinated.

OSHA's COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS) will follow the same time frame as both the CMS rule and the Administration's previously implemented policies – by January 4, 2022 all contractors and employees covered under these vaccination rules must have completed a full series of vaccinations or have received a single dose vaccination. These rules take precedent over any state or local ordinances, and OSHA further clarifies that their standard does not preempt the CMS rule.

The [OSHA COVID-19 Vaccination and Testing \(ETS\) for employers with 100 or more employees](#) is as follows:

- Require full vaccination of employees by Jan 4, 2022. If an employee is not fully vaccinated by then, employees must provide a negative COVID test on at least a weekly basis. The ETS does not require an employer to cover the cost of the tests but they may be required to do so through other agreements or laws.
- Pay employees for the time taken to get vaccinated. If needed, employers must also give sick leave to those who need to recover from side effects. Compliance for this must be met by December 5, 2021.

The CMS COVID-19 Omnibus Vaccine Rule (IFC-6) is as follows:

- By December 5, 2021, all facilities must have processes and plans in place for vaccinating staff, providing exemptions and accommodations and tracking and documenting staff vaccinations. All eligible staff must also have received at least one dose of a multi-dose vaccination, or the single dose vaccination by this date.
- By January 4, 2022, all covered staff at eligible facilities must have completed a multi-dose series of vaccination or be fully vaccinated. For this rule, CMS considers fully vaccinated to be 2 weeks post completion of either the single or multi-dose inoculations.

For more information, please see:

[Fact Sheet: Biden Administration Announces Details of Two Major Vaccination Policies](#)

[OSHA Publication 4162: Summary of COVID-19 Emergency Temporary Standard](#)

