

**VOLUME 17 | ISSUE 4 | WINTER 2021**

## **RECENT EVENTS: EMPLOYER FORUM (DECEMBER 2, 2021)**

### **COVID-19 Vaccination and Testing Mandate and Compliance**

All LVBCH Employer Members are invited to participate in ongoing peer-to-peer discussions between local employers on the topics most important to you!

December's Employer Forum and Holiday Breakfast, held at the Glasbern Inn, featured a discussion facilitated by special guest expert, Bill Catuzzi, Founder and CEO of Clarity Benefit Solutions, LVBCH's partner for online benefits administration.

As part of the discussion, Catuzzi provided an update on the Occupational Safety and Health Administration's (OSHA) emergency temporary standard (ETS) directing private sector employers who employ at least 100 employees to implement and enforce a mandatory COVID-19 vaccination policy announced on November 4. The standard requires employees to be vaccinated or undergo weekly COVID-19 testing and wear a face covering at work and that the employer obtain and maintain records proving each employee's vaccination status and test any unvaccinated employees.

The ETS does not apply to employees who do not report to a workplace where others are present, work from home, or work exclusively outdoors and employees can apply for a religious or medical exemption.

On November 12, the U.S. Court of Appeals for the Fifth Circuit granted a motion to stay the ETS. The court ordered that OSHA "take no steps to implement or enforce" the ETS "until further court order." The Department of Labor has filed a motion to lift the stay, which the U.S. Court of Appeals for the Sixth Circuit will consider.

Despite this, Catuzzi urged employers to be prepared for the vaccine mandate to become law, and shared steps employers should take now to prepare to comply in the future. Priority steps include:

- 1) Develop a COVID vaccine policy, create a plan to enforce it, and proactively share both with employees.
- 2) Evaluate capacity to meet the ETS requirements and consider engaging help from a benefit consulting firm. Make sure to consider capacity related to documenting vaccinated employees, testing unvaccinated employees, processing exemption requests, conducting contact tracing, and issuing rewards for compliance.

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Catuzzi concluded his presentation by sharing information about Clarity Benefit Solution's Simply Well – Vaccine Compliance Program. To learn more visit [www.claritybenefitsolutions.com](http://www.claritybenefitsolutions.com). For additional information about OSHA's ETS for COVID 19 visit [www.osha.gov/coronavirus/ets2](http://www.osha.gov/coronavirus/ets2).

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