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Biden Mandates COVID Vaccines

Late last week, President Biden took several highly publicized actions regarding mandating COVID vaccinations:

1. **He made a sweeping statement in a speech that the DOL “is developing an emergency rule to require all employers with 100 or more employees, that together employ over 80 million workers, to ensure their workforces are fully vaccinated or show a negative test at least once a week”;**
2. **He signed of an Executive Order mandating COVID vaccines for certain federal workers “with exceptions only as required by law”;**
3. **And followed with the signing of a second Executive Order requiring that federal contracts contain what is anticipated to be a vaccination clause which will be drafted and finalized by the Safer Federal Workforce Task Force.**

Recent actions regarding vaccination taken by Governor Lamont and most of Connecticut’s Universities are directly impacting many of our clients’ workforces. Simply put, mandating vaccination in the workplace has become an increasingly volatile topic since the United States Supreme Court on August 13 refused to hear an appeal involving COVID vaccination requirements at the University of Indiana. The Court’s refusal to consider the case on appeal

allowed the University's rule requiring student vaccination to be implemented as approved by the Seventh Circuit Court of Appeals.

In anticipation of additional COVID legislation, Executive Orders and/or administrative rule making, we will be increasing our issues of *Eye on the Law* through the remainder of the year to assist you with these and other unpredictable workplace issues.



While the President **placed workplace mandatory vaccinations at the forefront of workplace news**, did anything really change?

The answer for now, is no – not yet. Specifically:

1. **The exceptions to mandatory vaccinations that we discussed in our last edition of *Eye on the Law* for employees with disabilities or employees who assert that a sincerely held religious belief, **still apply.****
2. The wording *not* included in the Executive Orders is also significant. **There is no enforcement mechanism (fines, penalties) specified at this time;**
3. **The President's recent actions, although hyped as “mandatory vaccination”, are actually the same hybrid model that many employers have been considering and/or implementing over the last few months (vaccination or weekly tests)**

The Biden announcements provide for “mandates to ensure certain workforces are fully vaccinated or, in the alternative mandates that a negative test be demonstrated at least once a week by employees.”

Several Republican Governors have already voiced opposition to any mandate which would apply to the private sector. An [NPR Article](#) published on the night of the President's address describes some of this opposition.

**NEW
WEBSITE**

Take a peek at our new website <https://www.workplacelawyer.com/> .

If you have concerns about vaccinations, return to in-person work, or any other workplace issue, please contact David Ryan at david.ryan@ryan-ryan.net or by telephone at 860.460.7139 (mobile) or 203.752.9794 (office).

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