



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

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December 20, 2021

TO: All Local Unions

RE: OSHA Emergency Temporary Standard on COVID-19 Vaccination in the Workplace (Updated)

Greetings:

This communication updates on the status of the Occupational Safety and Health Administration's (OSHA) Emergency Temporary Standard (ETS) on COVID-19 vaccination and testing. As previously updated, after OSHA issued the ETS in early November, a federal court stayed the ETS from taking effect while the litigation continued. However, late on Friday, December 17, 2021, the U.S. Court of Appeals for the Sixth Circuit dissolved the injunction, paving the way for OSHA to once again implement and enforce the ETS. OSHA quickly announced that it intends to do so, but due to the litigation, the agency has extended the ETS's original enforcement dates to allow affected employers and employees more time to comply.

As explained in my November 5, 2021, communication to you, the OSHA ETS requires private sector employers with 100 or more employees to develop and implement a written mandatory COVID-19 vaccination policy that either: (a) requires all employees to be fully vaccinated, or (b) requires employees who are not vaccinated to undergo weekly COVID-19 testing and wear a face covering while working indoors or when occupying a vehicle with another person. OSHA has announced that it will begin enforcing the requirement that unvaccinated employees wear a face covering starting January 10, 2022. In order to comply with this requirement, employers will need to collect information from employees on their vaccination status prior to that date. Separately, OSHA has indicated that it will begin enforcing the vaccination or vaccination and testing requirements on February 9, 2022, so long as the employer has been making reasonable, good-faith efforts to comply with the ETS.

My November 5, 2021, communication contains more details about the OSHA ETS's key requirements, as well as appropriate subjects for effects bargaining over an employer's implementation of the ETS. Please continue to refer to that memo for such information. In addition, OSHA has an extensive website on the ETS, which includes a detailed list of frequently asked questions, model policies for employers, worker fact sheets in both English and Spanish, and other helpful information, available at <https://www.osha.gov/coronavirus/ets2>.

Finally, although the preliminary injunction has now been lifted, some of the parties challenging the OSHA ETS immediately filed appeals with the U.S. Supreme Court and are asking that Court to reinstate the stay. While the Supreme Court has not yet made any ruling on those appeals, it may act in the future. I will continue to update you if there are any further changes in the status of this important issue.

In solidarity,

Ray Curry
President

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cc: International Executive Board
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