# OSHA COVID-19 Vaccination and Testing ETS FEDERAL STAY EXPLAINATION

*(This template has been drafted for employers who have a need to* ***explain the federal stay*** *to their employees as part of their OSHA COVID-19 ETS rollout plans. This template should be edited/revised/utilized at the employer’s discretion. This reflects the situation as of 11/12/2021.)*

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**Employees**

We are reaching to you regarding the recent OSHA COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS), which is applicable to private employers with 100 or more employees. As your employer we wanted to inform you of a few important items in relation to this standard.

* ***Key dates:*** This temporary rule was effective November 5, 2021 with implementation dates of December 5, 2021 for most requirements and January 4, 2022 for the vaccination/vaccination status requirements.
* ***Court challenges:*** As of today, this ETS is under a “stay” of enforcement issued by a federal court (the Fifth Circuit Court of Appeals). The stay does not mean the ETS has been struck down or is invalid. Rather, it means that until the legality of the ETS is decided by the court system the mandates will not be in effect. Additional challenges to the ETS are pending before other Circuits of Appeal.
* ***Preparation:*** As a matter of standard business operations, we are currently preparing for implementation of the mandate for the original effective dates pending any additional court orders or decisions.
* ***Notices:*** We will promptly notify you of the policies and requirements we plan to implement as a result of this ETS once we are legally required to do so***.***

In the meantime, if you have any questions regarding the applicability of the OSHA ETS to our business or have any concerns, please contact [EMPLOYER CONTACT].