

QUICK &A

Answers to not-so-common questions

Even the most experienced HR pros have questions from time to time. Our monthly Quick Q&A series provides answers to not-so-common questions and links to helpful resources.

Q. We have more than 100 employees, even though the emergency stay has blocked enforcement of the OSHA emergency temporary standard (ETS) requiring vaccinations and/or weekly testing and masking of employees, should our company prepare to meet the possible requirements?

A. The 5th District U.S. Circuit Court of Appeals issued an order on November 6 blocking the OSHA ETS, and the same court affirmed the order on November 12 in a [22-page decision](#). Right before the Thanksgiving holiday, the Biden administration asked the 6th U.S. Circuit Court of Appeals to lift the stay while litigation plays out. While there's no clear direction at the current time, companies should evaluate how difficult it will be to implement the ETS should a court issue a green light allowing OSHA to enforce the ETS.

There are a number of requirements employers must meet such as creating a policy, identifying a tracking system and determining when testing occurs and who pays the cost of testing. Employers may want to identify the ETS requirements and simply be ready to know who internally will draft the policy, how accommodation requests will be handled and who will be responsible for implementation.

Bukaty Companies is prepared to help our clients with 100-plus employees on all aspects of the ETS implementation. For questions on exemptions, policy templates and more, contact HRconsulting@bukaty.com.

Helpful Resources

[OSHA sample Mandatory Vaccination Policy Template](#)

[Sample vaccine/testing/masking policy](#)

[Medical/disability accommodation request form](#)

[Religious accommodation request form](#)

Got an HR question? Let us know how we can help at HRconsulting@bukaty.com.