



## Federal and local COVID-19 updates

September 14, 2021

### Federal vaccine mandate for private employers

United States President Joe Biden announced a [COVID-19 vaccine requirement](#) applicable to private sector employers who employ 100 or more employees on September 9, 2021. The Department of Labor's Occupational Safety and Health Administration (OSHA) is developing a rule requiring employers of 100 or more employees to ensure all employees are either fully vaccinated or provide a negative COVID-19 test result on a weekly basis. OSHA will issue an Emergency Temporary Standard (ETS) after the rule is finalized.

The ETS will impact approximately 80 million private sector workers that are unvaccinated. The White House noted that over 175 million Americans are already fully vaccinated.

OSHA is also developing a rule requiring impacted employers to provide paid time off for employees to receive a COVID-19 vaccination and recover if they experience vaccine-related side effects. The rule will also be implemented through the ETS.

The Biden administration revealed a series of measures designed to make tests more affordable and available. Multiple top retailers are making at-home, rapid COVID-19 tests available for purchase at-cost for the next three months. The United States Department of Human & Health Services (HHS) also announced an expansion of the Department's free testing program, which provides free COVID testing at a number of retail pharmacies. HHS expanded the testing program to 10,000 pharmacies.

### Columbus face covering ordinance

Columbus Mayor Andrew Ginther signed an [executive order](#) requiring face masks in any indoor space accessible to the public on September 10, 2021. Buildings owned by the state or federal government or a religious entity are exempted. City Council followed by enacting an [ordinance](#) on September 13, 2021, codifying the executive order. The ordinance applies to all individuals over the age of three.

The ordinance contains many exemptions, including but not limited to, anyone actively eating or drinking; individuals with medical conditions that preclude the wearing of a mask; individuals considered at risk as determined by local, state or federal regulations or workplace safety guidelines; and/or individuals who find that facial coverings impede their visibility while operating equipment or a vehicle.

The ordinance charges the Columbus Department of Health with enforcement. According to the order, businesses and organizations can rely on any customer or patron's statements about whether or not they are exempted from the order's requirements. If a patron of a business refuses to wear a mask, law enforcement can enforce the city's trespass laws.

A business that violates the order receives warning for the first violation, a \$500 fine for the second and a \$1,000 fine for each subsequent violation. The ordinance will remain in effect until Mayor Ginther rescinds his September 10, 2021, executive order.

# Authors

---



**Matthew R. Koppitch**

Senior Associate

Columbus

614.227.8824

[mkoppitch@bricker.com](mailto:mkoppitch@bricker.com)



**Christopher N. Slagle**

Partner & Government Relations Chair

Columbus

614.227.8826

[cslagle@bricker.com](mailto:cslagle@bricker.com)



**Gregory J. Lestini**

Partner & Financial Services/Insurance  
Chair

Columbus

614.227.4893

[glestini@bricker.com](mailto:glestini@bricker.com)



**Rachael N. Mains**

Associate

Columbus

614.227.4851

[rmains@bricker.com](mailto:rmains@bricker.com)



**Brock A. Miskimen**

Of Counsel

Columbus

614.227.2340

[bmiskimen@bricker.com](mailto:bmiskimen@bricker.com)



**Sue A. Roudebush**

Partner & Workers' Compensation Chair

Columbus

614.227.7744

[sroudebush@bricker.com](mailto:sroudebush@bricker.com)



**Marie-Joëlle C. Khouzam**

Partner & Employment Practice Group  
Chair

Columbus

614.227.2311

[jkhouzam@bricker.com](mailto:jkhouzam@bricker.com)