

COVID-19 ADVISORY MEMORANDUM

TO: Superintendents and Heads of Independent Schools
FROM: Daniel M. French, Ed.D., Secretary of Education
SUBJECT: COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS)
DATE: Jan. 6, 2022

You may have heard that the U.S. Supreme Court will be hearing arguments tomorrow, Jan. 7, 2022, about vaccination mandates. One of the cases before the Court relates to an Emergency Temporary Standard (ETS) on Vaccination and Testing issued by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA).

As of now, OSHA has said that it will not issue citations for non-compliance with any requirements of the ETS before Jan. 10, 2022, and will not issue citations for noncompliance with the standard's testing requirements before Feb. 9, 2022, so long as an employer is exercising reasonable, good faith efforts to come into compliance with the standard. However, we anticipate that OSHA may provide more guidance regarding these timelines based on the arguments before the U.S. Supreme Court and/or the Court's ruling.

To ensure a smooth transition, please review the materials available on [OSHA's COVID-19 Vaccination and Testing ETS website](#) and begin planning to meet these standards. The AOE will provide more guidance as the situation develops.

The AOE urges district officials to consult with their own attorney to receive advice specific to their conditions, policies and needs. The AOE does not provide legal advice to school districts.