

Illinois Adopts Biden's Private Employer Vaccine Mandate

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Illinois has adopted the Biden administration's vaccine-or-test requirement for private employers, according to new rules announced by state authorities on Jan. 7, the same day the Supreme Court heard arguments challenging the federal mandate.

The Illinois Department of Labor (DOL) said in an announcement that it had filed rules adopting the federal Occupational Health and Safety Administration (OSHA) COVID-19 Emergency Temporary Standard, which imposes a vaccination requirement with a test-out option on private companies employing 100 or more people.

COVID-19 is the disease caused by the CCP (Chinese Communist Party) virus, also known as SARS-CoV-2.

The OSHA rule applies to some 84 million U.S. workers who would be required to be fully vaccinated against COVID-19 or wear masks and be tested weekly.

The Illinois DOL said the rules are effective immediately, but give employers in the jurisdiction until Jan. 24 to begin coming into compliance, with a Feb. 24 implementation deadline for a workplace vaccinate-or-test policy.

OSHA earlier announced a six-day grace period beyond the Jan. 4 deadline for compliance with the private employer mandate, saying it would not issue citations to give employers more time to adjust. That announcement came after the U.S. Court of Appeals for the 6th District in Cincinnati ruled that the private

employer mandate could proceed, reversing a previous court decision that blocked the measure in the face of legal challenges by 27 Republican-led states, conservative groups, business associations, and some individual firms.

Meanwhile, the Supreme Court on Jan. 7 heard oral arguments pertaining to legal challenges to the lawfulness of the private employer vaccinate-or-test mandate and to a separate vaccine requirement for workers in federally funded health care facilities.

In regards to the OSHA rule case, National Federation of Independent Business (NFIB) v. Department of Labor, NFIB attorney Scott A. Keller argued that the “one-size-fits-all mandate covering 84 million Americans is not a necessary, indispensable use of OSHA’s extraordinary emergency power,” adding that the requirement would drive some workers to quit, exacerbating the labor crunch.

Thousands of Americans have been confirmed by various companies as quitting or getting fired over COVID-19 vaccine mandates. An October survey from the Kaiser Family Foundation showed that five percent of unvaccinated workers—or around 1 percent of all adults—have left their jobs over vaccine requirements.

The argument that the OSHA mandate would hurt the economy was earlier made by a coalition of nearly 100 business groups, including key supply chain stakeholders, in an open letter to the Biden administration that called for flexibility in applying the rule.

The coalition, representing industries like foodservice, trucking, and warehousing, urged the Biden administration to exempt transportation and supply chain essential workers from the private employer mandate.

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