On November 5, 2021, OSHA issued an emergency temporary standard (ETS), requiring private employers with 100 or more employees to mandate Covid-19 vaccinations for all employees or, in the alternative, testing and masks for those employees choosing not to vaccinate. The Fifth Circuit Court of Appeals issued an order to stay (stop) the ruling the following day. The opinion of the Fifth Circuit is linked below and must be read before participating in the Discussion Board. Recall that the Fifth Circuit is the Circuit Court (Appellate Court) for Texas, Louisiana, and Mississippi. The Fifth Circuit stated, " the ETS exposes employers to severe financial risk if they refuse or fail to comply, and threatens to decimate their workforce's (and business prospects) by forcing unwilling employees to take their shots, take their tests, or hit the road."

All pending appeals throughout the United States were transferred to the Sixth Circuit where a 2-1 decision overturned the stay. This decision was appealed to the United States Supreme Court and on January 7, 2022, the United States Supreme heard oral arguments regarding challenges to the COVID-19 vaccine mandates. If you have the time, I highly encourage each one of you to listen to the oral arguments in their entirety. It will be a landmark decision for generations to come.

If allowed to take effect, the mandate would force every private business with 100 or more employees to require proof of a negative COVID-19 test on at least a weekly basis or proof of vaccination from each worker. The decision will also affect approximately 17 million health care workers at facilities receiving Medicaid and Medicare funding.

The Supreme Court has made its decision. How did they rule? Read the opinion attached below and then participate in the Discussion Board.

**Please discuss the following with your classmates:**

1. Should a government agency (OSHA) **un-elected** by the American people have the power to mandate your bodily autonomy and privacy in a manner that will affect you both inside and outside of the workplace long after you have left your job?

2. Given that we now know that the COVID-19 vaccine does not prevent you from getting infected with COVID-19 or from spreading the infection and that the recovery rate for most is over 99% **do you think an ETS is warranted?**

**Please note the following:**

1. You must read the opinion of the 5th Circuit, the SCOTUS opinion and the OSHA ETS document attached below.

2. You must create an initial post that is at least 450 and a reply post that is also at least 400 words.

**Review the documents below. You may have to copy and paste the link into your browser.**

[**Link to the Fifth Circuit Opinion-https://www.ca5.uscourts.gov/opinions/pub/21/21-60845-CV0.pdf**](https://www.ca5.uscourts.gov/opinions/pub/21/21-60845-CV0.pdf)

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