

## Federal vaccine mandate in effect while Supreme Court considers

The requirement for employers of 100 or more workers to have a vaccination or weekly COVID-19 testing policy in place became effective this week, even while the U.S. Supreme Court mulls arguments heard last Friday. While OSHA has delayed any enforcement action temporarily, employers could be forced to show their good faith efforts to comply with the effective date.

Steps that employers covered by rule should be taking can be found in [this document](#). While some of the justices indicated they feel the government may have overstepped, the outcome is far from certain.

Ohio Attorney General Dave Yost feels the OSHA Emergency Temporary Standard is an unlawful use of executive power. He was one of 27 state attorney generals who asked for an immediate stay of the mandate before it took effect.

Many businesses and business organizations, including OHLA, feel that vaccine mandates should be left to employers to implement, and not forced on them through unequal application of rules.

Supreme Court Chief Justice John Roberts and Justice Neil Gorsuch indicated that the federal administration may have overstepped its authority. Justice Roberts stated that it was "hard to argue" that OSHA had been given the power to act by Congress. Justice Brett Kavanaugh pointed out that Congress did not pass a vaccine requirement.

Steps hotel & lodging employers of more than 100 people should be taking now include:

- Confirming if your business entity is covered by the mandate. Generally, all employees (full time and part time) of a corporation, regardless of location, count. Contractors do not.
- Gather information on vaccine status of employees.
- Choose a vaccination or testing policy for your employees, including steps to document.
- Prepare compliance training and guidance for managers.
- Require unvaccinated employees to wear masks.

The mandate on Federal contractors is not part of the OSHA rule that the Supreme Court heard on January 7. However, the contractor mandate faces its own legal challenges, and one court ruled to block its implementation nationwide. Until the challenge is resolved, hotel & lodging businesses that fall under federal contracting requirements should take similar good faith steps on compliance as those covered by the 100-employee rule.

## Ohio enters election year with some campaigns already underway

2022 will be an election year in Ohio, with voters facing decisions on races for Governor and statewide offices, U.S. Senate, all members of the U.S. House of Representatives, the Ohio General Assembly, the Ohio Supreme Court, and many local offices.

The races for Governor and statewide offices will have an impact on Ohio's business and economic climate, and the U.S. Senate race will put Ohio in the national spotlight once again. OHLA will share information this year to help inform members of the individuals and issues in these races, and to help engage employees in registering to vote, engaging in issues important to their jobs, and GOTV.

Republican Governor Mike DeWine seeks reelection, but perhaps a more difficult road than usual due to dissention within his own party over the handling of the response to COVID-19. He is being challenged by former Republican Congressman Jim Renacci and farmer Joe Blystone. Dayton Mayor Nan Whaley and Cincinnati Mayor John Cranley are seeking the nomination from Democrats.

In an announcement seen as a surprise to many observers, U.S. Senator Rob Portman, an ally of the hotel & lodging industry, announced in January of 2021 that he would not seek reelection after 10 years in office. Numerous candidates began working to build support for the Republican nomination last year, including former party chair Jane Timken, author/venture capitalist J.D. Vance, three-time U.S. Senate candidate Josh Mandel, State Senator Matt Dolan, Mike Gibbons, Bernie Moreno and Mark Pukita. Democrat Congressman Tim Ryan from the Youngstown area is the frontrunner for the Democratic nomination.

### Important Dates:

Candidate Filing Deadline: February 2

Voter Registration Deadline for Primary: April 4

Primary Election: May 3

Special Election: August 2 (if necessary)

Voter Registration Deadline for General: October 11

General Election: November 8