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HR BRIEF

Provided by **Deutsch & Associates, LLC**

OSHA Withdraws COVID-19 ETS, but Not the Proposed Permanent Rule

On Jan. 25, 2022, OSHA provided notice that it is [withdrawing](#) its COVID-19 vaccination and weekly testing emergency temporary standard (ETS). The withdrawal was published in the Federal Register and became effective on Jan. 26, 2022.

The ETS was adopted to protect unvaccinated employees working for employers with 100 or more employees from the risk of contracting COVID-19. This ETS required employers to adopt either a mandatory vaccination policy or a weekly testing and face-covering policy for all employees. When the ETS was published, OSHA also stated it was using the ETS as a proposed rule. OSHA is required by federal law to publish and accept public commentary on proposed rules before promulgating a new permanent occupational safety and health standard.

OSHA's Withdrawal

On Jan. 13, 2022, the Supreme Court of the United States

(SCOTUS) stayed the vaccination and testing ETS. Because of this ruling, OSHA is withdrawing the ETS as an enforceable ETS. However, the agency is not withdrawing the ETS as a proposed permanent rule, and the standard rule-making process will continue.

Impact on State Plans and Employers

States with OSHA-approved plans must implement and enforce workplace standards that are at least as effective as federal standards. However, since there are no new federal vaccination or testing requirements at this time, state plans are not required to take any action.

Similarly, employers are not required to comply with OSHA's ETS at this time. However, employers are still expected to provide a safe and healthy workplace for their employees and follow other existing OSHA COVID-19 guidance. Employers should also monitor OSHA communications for information about the possible permanent standard.

Contact us today for additional COVID-19-related resources.

Understanding the Value of a Learning Culture

As employers evaluate how to combat today's attraction and retention challenges, learning and development (L&D) efforts are a great way for organizations to find and keep employees. Research found that the majority of employees would stay at an organization longer if they felt the employer was invested in their careers.

An authentic learning culture supports a growth mindset, an independent pursuit of knowledge and open sharing of that knowledge with others. This type of culture supports employees' desires to continually learn and build their careers. And in addition to being a powerful recruitment and retention tool for organizations, a learning culture has the potential to impact workplaces by closing skill gaps, increasing innovation and boosting productivity.

Creating a Culture of Learning

Developing a learning and positive company culture takes time and dedication. Consider the following ways employers

can build or reinforce a workplace culture of learning:

- Personalize learning plans to help guide employees on their learning journeys to make learning efforts relevant, and design these plans to support employees' long-term career goals.
- Appreciate the value of learning regularly by focusing on how employees apply their newfound knowledge versus simply what was accomplished.
- Conduct assessments and behavioral interviews to gauge if candidates are lifelong learners and likely to contribute to a learning culture.

A culture of learning requires ongoing attention and effort from organizational leaders and managers, but can be an investment in employees—and the organization. Contact Deutsch & Associates, LLC today for more L&D resources.