



BELL NUNNALLY'S BRENT HOCKADAY QUOTED ON RETAIL DIVE REGARDING IMPACT OF U.S. SUPREME COURT VACCINE MANDATE DECISIONS

January 24, 2022

Bell Nunnally Partner Brent D. Hockaday is quoted in the *Retail Dive* article “Supreme Court deals final blow to Biden vaccine-or-test mandate for large employers.” The piece explores ramifications for businesses of the U.S. Supreme Court’s January 13 decisions regarding both the Occupational Safety and Health Administration (OSHA) shot-or-test and the Centers for Medicare and Medicaid Services (CMS) health care COVID-19 vaccine mandates. While the high court voiced no confidence in the OSHA mandate’s legality, sending it back the Sixth Circuit Court of Appeals, it narrowly upheld the CMS mandate.

Hockaday, in the article, added the caveat that the Supreme Court in its OSHA decision did give room for some state mandates to remain in place, and with its health care carve-out language, one can see a path forward for other workplaces with an elevated risk for virus transmission to face requirements that their employees provide proof of vaccination or get tested regularly.

The moves by the Supreme Court, when state and local restrictions are absent, do not prevent companies from imposing their own vaccine mandates. However, Hockaday noted that such decisions are also influenced by applicable employment laws and company culture commenting:

What this ruling tells you is what you are not required to do from a federal standpoint. I think it gives you clarity on that, for now. But you should still look at state requirements, and then, obviously, you’re still under an obligation to have a healthy and safe work environment for your workforce. So you need to take that into consideration.

To read the full article, please click [here](#).

Related Practices

Labor and Employment

Litigation