



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BURTON M. CROSS BUILDING, 3RD FLOOR
78 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0078

SERVING THE PUBLIC AND DELIVERING ESSENTIAL SERVICES TO STATE GOVERNMENT

JANET T. MILLS
GOVERNOR

KIRSTEN LC FIGUEROA
COMMISSIONER

September 17, 2021

Dear State Employee:

Last Thursday, President Biden announced that he has directed the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) to develop a rule requiring all employers with 100 or more employees to ensure their workforce is fully vaccinated for COVID-19 or require any workers who remain unvaccinated to produce a negative COVID-19 test result on at least a weekly basis before coming to work. OSHA will issue an Emergency Temporary Standard to implement this requirement.

While this Emergency Temporary Standard applies to private employers nationwide, the Maine Department of Labor also sought clarification from OSHA about the rule's applicability to public employers because, under longstanding State law and a 2015 [agreement with the Federal government](#) known as a "state plan," Maine is required to adopt and enforce for public employers all of OSHA's occupational safety and health standards. Maine is one of 26 states and two territories to have a "state plan" agreement with the Federal government.

OSHA confirmed with the Maine Department of Labor that the forthcoming Emergency Temporary Standard will apply to public sector employers with 100 or more employees in Maine and the 25 other states and two territories with a state OSHA plan. In Maine, these public entities include: state, county, and local governments, public school systems, the University of Maine System, the Maine Community College System, Maine Maritime Academy, the Maine Turnpike Authority, and sewer and water districts. The Maine Board of Occupational Safety and Health is required to adopt and enforce OSHA's forthcoming rule for public employers within 30 days of the rule's release. OSHA's standards are considered minimum requirements, so states may implement more rigorous standards but cannot implement less rigorous standards than those set out by OSHA.

OSHA has yet to release its Emergency Temporary Standard, so the timeframe and details of its implementation are unknown at this time. However, given the importance of this information and its impact on public sector employees, we wanted to share this information with you today. We look forward to seeing the final Emergency Temporary Standard when it is released by OSHA and will continue to communicate with you as more information becomes available from the Federal government.

Sincerely,

Kirsten LC Figueroa, Commissioner