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Bryan Prepared to Enforce Biden Mandate Calling For Vaccination or Weekly Testing for Employers With 100 Employees or More, Administration Says

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Governor Albert Bryan is prepared to enforce portions of a recently announced President Joe Biden mandate that calls for private employers with 100 or more employees to require workers to be vaccinated or undergo weekly testing. The mandate also requires federal employees in the executive branch and federal government contractors to be vaccinated.

The Bryan administration during its weekly Covid-19 press briefing Monday showed on a slide presentation that read, "Governor Bryan is prepared to enforce the federal mandates passed down by President Biden as they apply here in the territory, and continue to urge Virgin Islanders to take advantage of the availability of vaccines."

The mandate's rules are being developed by the Occupational Safety and Health Administration (OSHA). Along with the mandatory vaccination or weekly testing for employees with over 100 employees, the rules require that these employers provide paid time off for employees to get vaccinated, or for those who have been impacted by the disease to recover. There is no current mandate requiring employers to pay employees for the time it takes to get tested weekly, nor has the mandate made clear who will pay for the tests. OSHA has said it will issue formal rules in the coming weeks. According to the Wall Street Journal, companies are also wondering exactly how OSHA will determine the threshold for which businesses are covered by the requirement, and about exemptions for employees who continue to work from home or who have religious or medical accommodations that are protected under the Americans with Disabilities Act.

How the mandate is applied will vary state by state, and some states — most notably Florida — have challenged many of the federal government's Covid-19 mandates.

The Consortium reported on Mr. Biden's announcement on [Sept. 10](#). The announcement is part of a six-point Biden administration initiative to curb the spread of the Covid-19 virus, whose Delta variant has disrupted America's march back to normalcy. It includes boosting vaccinations, the improvement of access to testing, and making Covid-19 treatments more readily available.

Mr. Bryan, who [had stated](#) he would require vaccination or mandatory weekly Covid-19 testing for government employees beginning Sept. 9, [walked back the comment](#).

The Biden mandate is set to affect roughly 80 million private sector workers, and businesses that don't comply can face fines of up to \$14,000 per violation. The mandate also requires vaccination for workers in a plurality of healthcare settings that receive Medicare or Medicaid reimbursement. The Juan F. Luis Hospital and the Schneider Regional Medical Center are Medicare and Medicaid participating institutions.

Additionally, all federal employees in the USVI working on the executive branch level will need to be vaccinated, according to the Biden initiative. Those include V.I. District Court, Federal Bureau of Investigation and the Social Security Administration employees, among others.

Possible affected operations in the USVI include Limetree Bay Terminals, though a [recent downsizing announcement](#) would take the company below the 100 threshold. Other companies that could be impacted include Home Depot, Plaza Extra and The Market, though these companies' employee count has not been verified.

The Biden plan has been welcomed by some and seen by others as gross government overreach. "My legal team is standing by ready to file our lawsuit the minute @joebiden files his unconstitutional rule. This gross example of federal intrusion will not stand," tweeted South Dakota Republican Gov. Kristi Noem (via the Wall Street Journal).

Delegate to Congress Stacey Plaskett lauded the decision in a statement. "Since President Biden took office, he has pulled every lever to save lives and stop the spread of the virus. Since January 20, our nation has gone from 2 million fully vaccinated Americans to more than 175 million. And since early July, we have seen a consistent trend of increasing vaccinations with an average of 825,000 shots a day. Throughout the pandemic, the Biden administration has worked around the clock to get more people vaccinated, decrease hospitalizations and deaths, and keep our schools and economy open," Ms. Plaskett said.

She added, "... President Biden outlined a robust plan to build on our progress, stop the spread of the Delta variant, and increase vaccinations. The wartime spirit and science-based plan reflects the

Biden administration's whole-of-government approach and unwavering commitment to defeat the deadly virus at home and abroad."

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