

U.S Supreme Court Strikes Down Biden Administration Private Employer Vaccination Mandates

By [Harvey R. Linder](#)
January 14, 2022

On Thursday afternoon, January 13, 2022, the U.S. Supreme Court, in a 6-3 decision, struck down the Biden Administration's attempts to mandate COVID-19 vaccinations for private employers with 100 or more employees. The Biden Administration had attempted to mandate vaccinations through policies released by Department of Labor's Occupational Safety and Health Administration ("OSHA"). The Court concluded the administration overstepped its authority.

The majority [wrote in an unsigned opinion](#): "*OSHA has never before imposed such a mandate. Nor has Congress. Indeed, although Congress has enacted significant legislation addressing the COVID-19 pandemic, it has declined to enact any measure similar to what OSHA has promulgated here.*"

Analysts see the decision as a huge hit to President Biden's attempts to use the power of the federal government to fight the [Covid-19 pandemic](#).

For their part, labor unions had been divided all along about the Administration's attempt to create a vaccine mandate. Many nurses' and teachers' groups were in favor, but many police and fire unions were opposed. Some unions wanted the right to bargain over the issue with companies.

On the other hand, the Court ruled 5-4 that the Biden Administration could proceed with a vaccine mandate that covers most health care workers in the U.S. This includes hospitals, nursing homes, and any health care providers that are regulated by the Centers for Medicare & Medicaid Services ("CMS") at the Department of Health and Human Services.

A separate vaccine mandate for federal contractors, on hold after lower courts blocked it, has not been considered by the Supreme Court.

When the Justices heard arguments on the case last week, eight of the nine Justices were in the courtroom, all wearing masks except Justice Gorsuch. Justice Sotomayor participated remotely from her office due to her diabetes which she has had since childhood.

The Supreme Court courthouse remains closed to the public. Attorneys and reporters are asked for negative test results before being allowed inside the courtroom for arguments, though vaccinations are not required.

The foregoing content is for informational purposes only and should not be relied upon as legal advice. Federal, state, and local laws can change rapidly and, therefore, this content may become obsolete or outdated. Please consult with an attorney of your choice to ensure you obtain the most current and accurate counsel about your particular situation.



[Harvey R. Linder](#) is a partner at Culhane Meadows PLLC in the firm's Atlanta office. A seasoned arbitrator, mediator, GC and senior executive, he is particularly well-equipped to guide clients through matters involving employment law, complex business transactions, class actions, securities (FINRA), and a variety of commercial disputes.

About Culhane Meadows – *Big Law for the New Economy*®

The largest woman-owned national full-service business law firm in the U.S., Culhane Meadows fields over 70 partners in eleven major markets across the country. Uniquely structured, the firm's Disruptive Law® business model gives attorneys greater work-life flexibility while delivering outstanding, partner-level legal services to major corporations and emerging companies across industry sectors more efficiently and cost-effectively than conventional law firms. Clients enjoy exceptional and highly-efficient legal services provided exclusively by partner-level attorneys with significant experience and training from large law firms or in-house legal departments of respected corporations. U.S. News & World Report has named Culhane Meadows among the country's "Best Law Firms" in its 2014 through 2020 rankings and many of the firm's partners are regularly recognized in Chambers, Super Lawyers, Best Lawyers and Martindale-Hubbell Peer Reviews.