



October 22, 2021

Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office of the President
Washington, DC 20500

**RE: Follow Up from Nonprofit Community Meeting on EO 12866
COVID-19 Vaccination and Testing Emergency Temporary Standard Rulemaking**

Dear meeting attendees from OIRA, DOL, and SBA:

On behalf of my colleagues on the teleconference call on Thursday, October 22, we thank you again for the opportunity to share the views of charitable nonprofits regarding the forthcoming emergency temporary standard (ETS) on vaccinations and testing at organizations with 100 or more employees. As we discussed at the outset of the call, the vast majority of charitable organizations fully support vaccinations. Indeed, many have led drives in their communities to promote and provide vaccinations; the Administration has enlisted many of us in this effort as COVID Community Corps members. We recognize the efficacy of vaccination and testing requirements.

Our interest is to see a clear and comprehensive standard -- as soon as possible -- that expressly covers the questions presented in the set of eight questions we submitted to OSHA last month and shared in advance of this call. See [Nonprofit Questions Concerning the COVID-19 Vaccination & Testing Emergency Temporary Standard](#). As you heard, we do have concerns about when the ETS takes effect in the field and the need to tailor enforcement in recognition that employers may face significant staff turnover due to the ETS requiring vaccinations and testing of new personnel.

One of the main points we raised on the call is that the decisions you are making have consequences. Charitable nonprofits are our nation's safety net. We're also the guardians of our faith, culture, and wellbeing. And, as the third largest employer and provider of essential services we are important catalysts and contributors to the economic recovery. We all believe that the emergency temporary standard -- done right -- can help end the pandemic; done wrong, the ETS can lead to greater suffering.

Central to this concern is the challenge charitable nonprofits, particularly in the human services subsector, are currently facing in filling job vacancies. Increased resignations or terminations due to a proposed vaccination requirement could exacerbate this pre-existing problem. At the end of our call Thursday, we were asked to provide additional data, if any, on the jobs vacancy crisis in the nonprofit sector. One data point comes from the [Center for Civil Society Studies](#) at Johns Hopkins University, which regularly tracks nonprofit job growth and decline on a monthly basis. Most recently, they report that nonprofit employment fell by 2,500 jobs in September, registering a decline of nearly 560,000 nonprofit jobs since the onset of the pandemic. September's jobs numbers reflect the sector's first monthly decline since December 2020.

The networks of the National Council of Nonprofits currently have a [Survey on Nonprofit Workforce Shortage](#) in the field that will not close for another week. A comprehensive report of the results will not be available until early November, but we share partial or initial findings here to assist your analysis of the proposed ETS. Reviewing the first 248 responses from 37 states, we can share that 77% of respondents identify "salary competition" as a factor affecting the nonprofit's ability to recruit

or retain staff. Nearly a third (30%) of responses report a current job vacancy rate of between 10% and 19%; another 17% share that their vacancy rate is between 20% and 29%.

We recognize that these data are incomplete, so we'll share that colleagues who attended the call yesterday are finding unique challenges in the area of competition for qualified staff. A recover center in New York state has lost staff to hospitals that pay \$10,000 to \$15,000 more. A behavioral health provider in the Midwest is now competing with the state government for qualified staff; the state is filling similar jobs with employees straight out of school which is a marked change from past practices. Other human services providers report that they are now competing to fill vacancies, and too often losing, with online services, CVS and Walgreens, and even McDonalds and Target.

Again, we share these data and points to demonstrate that the ETS will have consequences for our country's safety net and the ability of charitable nonprofits to serve those most in need. Similarly, we fully recognize that the pandemic and the lack of vaccinations will continue to devastate lives, the economy, and the nation's wellbeing, so appropriate action is needed. We ask that you mindfully balance these realities as you finalize the ETS and schedule its rollout and implementation.

Finally, while not a part of the ETS rulemaking, we'd also like to reiterate the point made on Thursday's call that additional resources need to be devoted to education and promotion of the opportunities and value of working in the human services sector. The pandemic has imposed significant stress on all levels of providers – from childcare and domestic violence centers to homeless outreach programs, residential care facilities of all types, and many others. As the country recovers, it is essential that policymakers recognize the tremendous sacrifice of the care-giving fields outside of hospitals and provide appropriate resources to encourage workers back into these professions that are vital both to individual wellbeing, but also to the economic recovery.

Respectfully submitted,



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