# OSHA COVID-19 Vaccination and Testing ETS Employer Paid Testing

*(This template has been drafted for employers who have decided to implement a vaccination or testing/masking policy and offer* ***employer paid testing*** *as part of the OSHA ETS. This template should be edited/revised/utilized at the employer’s discretion and should be reviewed by their legal counsel to ensure they are meeting all of the legal requirements of the ETS.)*

**Employees-**

Recently the Occupational Health and Safety Administration (OSHA) released an emergency temporary standard (ETS) requiring private employers who employ 100 or more people implement a COVID-19 vaccination standard for employees.

Our team has reviewed the rule and we have decided that our compliance efforts will include a weekly employer-paid test protocol for employees who have not received a COVID-19 vaccination. What follows is a rundown of how we will implement this mandate:

1. ***Vaccinated employees:*** Vaccinated employees will not have to be tested for the virus, nor will they have to wear a face covering while at work. Those who are already fully vaccinated should submit their vaccinated records to [INSERT DETAILS ON LOGISTICS OF SUBMITTING RECORDS]

**Acceptable Proof of Vaccination:**

* 1. Original record of vaccination
  2. Copy of Vaccination record card
  3. Copy of Medical records documenting vaccination
  4. Official document that contains vaccination type, date and name of provider
  5. Statement attesting to vaccination including specifics on vaccination\*\*
     1. \*\*Penalties will apply for false attestations

1. ***Partially vaccinated employees***: Employees who are in the process of being vaccinated will be considered “unvaccinated” until they complete their vaccination series. In the event they do not finish the series, partially vaccinated employees will have to follow the protocols for unvaccinated staff. Those who finish their series should follow the submission process that vaccinated employees are using.
2. ***Unvaccinated employees:*** Those who are unvaccinated by January 4, 2022 will have to follow the new OSHA standard as a condition of employment. Please know the following:
   1. ***Weekly testing:*** Unvaccinated members of our team will need to take part in weekly (EVERY 7 DAYS) testing. Those tests will be paid for by [EMPLOYER NAME] and those records will be stored confidentially by our team.
   2. ***Face coverings:*** Those who are unvaccinated will also need to wear face coverings while inside of our facilities or in a confined space with co-workers during work hours.
   3. ***Exemptions:***
      1. Those who have a medical condition that does not allow them to become vaccinated or have a sincerely held religious belief that prevents vaccination. If you want to request an exemption you will need to fill out an exemption form. Please contact [EMPLOYER CONTACT] for a request form. If approved, these employees will be exempt from vaccination, however they will need to be tested weekly for COVID-19 and wear a face covering while at work.
      2. 100% remote employees and 100% outdoor employees will be exempt from the vaccination AND testing/masking requirements. However, if at any time these employees enter the workplace where other employees are present and they are unvaccinated, the testing/masking requirements will apply.

## IMPORTANT INFORMATION

* ***Vaccination cost:*** Vaccines are available to the public at no cost. If you have health insurance, you should present your card at the time of vaccination. If you do not have health coverage, a provider must offer you the vaccination at no cost to you.
* ***Paid time off:*** If you get vaccinated during work hours, you will be paid for your time to receive the vaccine. In addition, you may use your employer provided paid leave for purposes of recovering from vaccination side effects.

Regardless of your vaccination status, we are putting the following procedures in place in the event of a positive COVID-19 test or diagnosis:

***Employees are required to promptly notify [EMPLOYER CONTACT] of a positive COVID-19 test result or diagnosis. This should be done as soon as possible, preferably before starting a shift or workday.***

Employees must stay removed from the workplace until:

* You receive a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if you choose to seek a NAAT test for confirmatory testing;
* You meet the return to work criteria in CDC’s “Isolation Guidance” (incorporated by reference, § 1910.509); or
* You receive a recommendation to return to work from a licensed healthcare provider.

Following a COVID-19 positive test result or diagnosis, we are prohibited from testing you again for at least 90 days.

[INSERT ADDITIONAL SPECIFIC EMPLOYER POLICY INFORMATION]

## COMPLIANCE

Please note that these temporary rules are being applied to meet OSHA ETS requirements and are being done in a non-discriminatory fashion. You should note that there are criminal penalties for making false statements or providing false documentation. Fully vaccinated staff should have their records submitted or have an approved exemption submitted to [EMPLOYER CONTACT] by January 4, 2022.

***You may request your records related to this policy at any time. We are required to provide you with those records by the end of the following business day after your request.***

We understand these new rules may cause inconvenience, however we are taking necessary steps to comply with this ETS designed to combat the pandemic. We want to ensure that you and your co-workers continue to have a safety workplace, even during these difficult times. Please reach out to our [EMPLOYER CONTACT/TEAM] with any questions or concerns you may have.

[NAME]