## GUIDELINES FOR **EMPLOYERS WHO HAVE CHOSEN TO MAKE COVID-19 VACCINATIONS MANDATORY** AS A CONDITION OF EMPLOYEMENT

FOR ORGANIZATIONS WITH 100+ EMPLOYEES REVISED 12.20.21

### MAIN EMPLOYEE POPULATION COMPLIANCE

## **EXCEPTIONS/ EXEMPTIONS**

## **1/10/22 DEADLINE**

**Develop/distribute a policy** compliant with the OSHA ETS requirements

**Determine vaccination status** of each employee, obtain proof of vaccination and maintain roster of vaccination status

**Provide vaccination support** - PTO to receive vaccine, including travel/recovery time (See paragraph (f) of the ETS)

Require employees to provide prompt notice of positive COVID-19 test or diagnosis; ensure immediate removal of positive cases from the workplace

Ensure employees not fully vaccinated wear face coverings when indoors or in a vehicle with another person for work purposes. (See paragraph (i) of the ETS)

## **2/9/22 DEADLINE**

Ensure policy is in place to have employees who are not fully vaccinated tested for COVID-19 weekly (if in the workplace at least once/week) or within 7 days before returning to work (if away from work for a week or longer)

## 1/10/22-2/9/22 DEADLINES

Employee must have begun vaccination series by the following dates:

- Johnson & Johnson by 2/9/22 (1 dose)
- Pfizer by 1/19/22 (2 doses, 21 days apart)
- Moderna by 1/12/22 (2 doses, 28 days apart)

\*Employers and employees should note that this is not a complete list of ETS-acceptable vaccinations. The ETS allows vaccines that have been approved or authorized for emergency use by the FDA, WHO, vaccines used in clinical trials, and "mix-and-match" vaccination series. Employers and employees should review the "fully-vaccinated" definition in paragraph (c) of the ETS for details.

- · Vaccine is medically contraindicated
- Medical necessity requires vaccination delay
- Reasonable accommodation is legally entitled under federal civil laws because of disability or sincerely-held religious beliefs that conflict with vaccination requirement

If these exemptions result in vaccinated and unvaccinated employee population

**Need to establish two relevant procedures** for two sets of employees in written policies

### **NEW HIRE CONSIDERATIONS**

Develop written policy for new hires, including:

- New employee disclosure of vaccination status
- Determination of when the unvaccinated must be vaccinated
- Communication of COVID-19 testing & face-covering policy

Written policies and procedures for unvaccinated must include COVID-19 testing & face covering use unless the exemption removes employee from scope of 1910.501

Provide all employees information on the ETS; (See paragraph (j) of ETS)

Report work-related COVID-19 incidents to OSHA; fatalities within 8 hours and in-patient hospitalizations within 24 hours

Make certain records available (See paragraph (I) of the ETS)



# GUIDELINES FOR **EMPLOYERS WHO HAVE CHOSEN TO ALLOW EMPLOYEE CHOICE** BETWEEN COVID-19 VACCINATION, TESTING, AND FACE COVERING

FOR ORGANIZATIONS WITH 100+ EMPLOYEES CREATED 11.10.21

### **COMPLIANCE REQUIREMENTS**

### **EMPLOYEE IS VACCINATED**

#### **EMPLOYEE IS UNVACCINATED**

### **1/10/22 DEADLINE**

**Develop/distribute a policy** compliant with the OSHA ETS requirements

**Determine vaccination status** of each employee, obtain proof of vaccination and maintain roster of vaccination status

**Provide vaccination support** - PTO to receive vaccine, including travel/recovery time (See paragraph (f) of the ETS)

Require employees to provide prompt notice of positive COVID-19 test or diagnosis; ensure immediate removal of positive cases from the workplace

### **2/9/22 DEADLINE**

Ensure policy is in place to have employees who are not fully vaccinated tested for COVID-19 weekly (if in the workplace at least once/week) or within 7 days before returning to work (if away from work for a week or longer)

Refer to guidelines for employers who have chosen to make COVID-19 vaccinations mandatory

Testing is not required

Employee works remotely

**Employee** 

chooses to be

vaccinated

Employee does not report to workplace weekly

Employee must be tested for COVID-19 within seven days prior to returning to workplace & must provide documentation of that test result to employer upon return to workplace

Employee reports to workplace & chooses

testing/face covering use

Employee must wear face covering in workplace

Employee must be tested weekly using an acceptable method

Employee **must provide test documentation** to employer
on return to workplace

Employee testing positive must be removed from workplace

COVID-19 positive employee shall be removed from workplace until:

**Ensure employees not fully vaccinated wear face coverings** when indoors or in a vehicle with another person for work purposes. (See paragraph (i) of the ETS)

Provide all employees information on the ETS; (See paragraph (j) of ETS)

**Report work-related COVID-19 incidents to OSHA**; fatalities within **8 hours** and in-patient hospitalizations within **24 hours** 

Make certain records available (See paragraph (I) of the ETS)

- Employee receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if employee chooses to seek a NAAT test for confirmatory testing; or
- Meets the return to work criteria in CDC's "Isolation Guidance"; or
- Receives a return to work recommendation from licensed healthcare provider

