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**Model COVID-19**

**Mandatory Vaccination**

**Policy**

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This document is meant as a ***guideline*** to assist in developing a *COVID-19*

*Mandatory Vaccination Policy* for an individual company. The purpose of developing a plan is to safeguard the health of our employees from the hazard of COVID-19 while at the same time complying with OSHA’s Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501). To develop an effective plan using this model, one must carefully tailor it, including incorporating information about disciplinary action and payment for testing in line with local collective bargaining agreements, how employees must schedule their vaccination appointments, and describing the “Designated Person” who will be maintaining this policy for your company. Over time, the information and recommendations contained in this document may change. Therefore, users must continuously monitor COVID-19 developments and update each plan accordingly.

For implementation under a collective bargaining agreement, employers are encouraged to consult their labor counsel and/or their multiemployer bargaining agent, and then to notify the bargaining unit workers' union representative regarding the terms of the plan prior to implementation.

**<COMPANY LETTERHEAD>**

**<Company>**

**COVID-19 Mandatory Vaccination Policy**

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**Company Name COVID-19 Mandatory Vaccination Policy**

Purpose

<Company Name> is implementing this policy on mandatory vaccination to safeguard the health of our employees from the hazard of COVID-19. This policy complies with OSHA’s Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

Scope

This Mandatory COVID-19 Vaccination Policy applies to all <Company Name> employees, except for employees who do not report to a workplace where other individuals are present; employees while working from home; and employees who work exclusively outdoors. All employees covered by this policy are required to be fully vaccinated as a term and condition of employment. <Company Name> employees are considered fully vaccinated two weeks after completing primary vaccination with a COVID-19 vaccine. This includes two weeks after a second dose of a Pfizer or Moderna vaccine, two weeks after a single-dose of a Johnson & Johnson vaccine, or two weeks after the second dose of any combination of two doses of different COVID-19 vaccines as part of one primary vaccination series. All affected employees are required to report their vaccination status and to provide proof of vaccination. Affected employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if applicable, their testing results. Affected employees who are not in compliance with this policy are subject to the following disciplinary action.

**[Insert a paragraph here describing the disciplinary action your company will enact if needed. Be sure to consider local collective bargaining agreements before completing this section]**

Affected employees may request an exception from this mandatory vaccination policy if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by a written request submitted to the affected employee’s immediate supervisor. All such requests will be handled in accordance with applicable laws and regulations.

Procedures

*Overview and General Information*

All <Company Name> employees must be fully vaccinated no later than <Date>.

**[Describe here how employees must schedule their vaccination appointments through an on-site clinic, their own medical provider, or a mass-vaccination clinic. Also, describe the “Designated Person” who will be maintaining this policy for your company.]**

***Vaccination Status and Acceptable Forms of Proof of Vaccination***

All vaccinated employees must provide proof of COVID-19 vaccination, regardless of where they received it. Proof of vaccination status must be submitted by providing <Designated Person> with a copy of their vaccination documentation.

Acceptable proof of vaccination status includes:

* The record of immunization from a healthcare provider or pharmacy;
* A copy of the COVID-19 Vaccination Record Card;
* A copy of medical records documenting the vaccination;
* A copy of immunization records from a public health, state, or tribal immunization information system; or
* A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) administering the vaccine(s).

Where state immunization records do not include one or more of these data fields, <Company Name> will accept the state’s immunization record as acceptable proof of vaccination.

If an employee is unable to produce one of these acceptable forms of proof of vaccination, he or she may provide a signed and dated statement attesting to their vaccination status. The statement must include information about the type of vaccine administered, the date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) where the vaccine(s) were administered. The following language must also be included in the statement:

*“I <Employee Name> do hereby certify that this statement regarding my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties.”*

All affected employees must inform <Company Name> of their vaccination status in writing by the close of business <Date>.Documentation of the current vaccination status for each affected employee will be collected and maintained by <Designated Person>.

***Supporting COVID-19 Vaccination***

Any <Company Name> employee may take up to four hours of duty time per vaccine dose to travel to the vaccination site, receive a vaccination, and return to work. Employees who take longer than four hours to get the vaccine must send their immediate supervisor an email documenting the reason for the additional time needed. Any additional time requested will be granted, if reasonable, but will not be paid. The employee must elect to use sick leave or vacation to cover the additional time. If an employee is vaccinated outside of their approved duty time they will not be compensated.

Employees may utilize up to two workdays of sick leave immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to two days of additional sick leave immediately following each dose if necessary.

Affected employees must request duty time off to obtain the COVID-19 vaccine or sick leave to recover from side effects from their immediate supervisor. The request can be made in person or by telephone. The affected supervisor must grant the request, document the request in writing, and send an electronic copy to <Designated Person>.

***Employee Notification of COVID-19 and Removal from the Workplace***

<Company Name> employees must promptly notify their immediate supervisor when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider. Communication must take place by telephone without exposing any other person to the virus.

***Medical Removal from the Workplace***

<Company Name> will immediately remove any affected employees from the workplace, by sending them home or to seek medical care if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider. The affected employee’s immediate supervisor will tell the employee that he or she must leave the jobsite immediately and advise them to go straight home and/or contact an appropriate health care professional.

***Return to Work Criteria***

Employees who have been medically removed from the workplace due to the virus must remain away from the workplace until he or she:

* Receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing;
* Meet the return-to-work criteria in CDC’s “Isolation Guidance”; or
* Receive a recommendation to return to work from a licensed healthcare provider.

Under CDC’s “[Isolation Guidance](https://www.osha.gov/sites/default/files/CDC's_Isolation_Guidance.pdf),” asymptomatic employees may return to work once 10 days have passed since the positive test, and symptomatic employees may return to work after all the following:

* At least 10 days have passed since symptoms first appeared, AND
* At least 24 hours have passed with no fever without fever-reducing medication, AND
* Other symptoms of COVID-19 are improving.

If an affected employee has severe COVID-19 or an immune disease, <Company Name> will follow the guidance of a licensed healthcare provider regarding return to work.

***COVID-19 Testing***

If an employee covered by this policy is not fully vaccinated due to an acceptable exception, the employee will be required to comply with the following <Company Name> policy for testing.

Employees who report to the workplace at least once every seven days:

* Must be tested for COVID-19 at least once every seven days; and
* Must provide documentation of the most recent COVID-19 test result to their immediate supervisor no later than the seventh day following the date on which the employee last provided a test result.

Any employee who does not report to the workplace during a period of seven or more days:

* Must be tested for COVID-19 within seven days prior to returning to the workplace; and
* Must provide documentation of that test result to their immediate supervisor upon return to the workplace.

If an affected employee does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result.

Separately, employees who have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days following the date of their positive test or diagnosis.

Affected employees can fulfill the weekly testing requirement by contacting and making appointments as necessary at <Closest Testing Facility> - <Telephone Number>. Affected employees must also contact <Designated Person> by telephone at <Telephone Number> to request the required schedule for testing.

Each affected employee must cover the cost of all testing.

**[Consider local collective bargaining agreements before proceeding with the language regarding employee payment for testing]**

***Face Coverings***

If an employee covered by this policy is not fully vaccinated due to an acceptable exception, <Company Name> will require the employee to wear a face covering. Face coverings must:

* Completely cover the nose and mouth;
* Be made with two or more layers of a breathable fabric that is tightly woven;
* Be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers;
* Fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and
* Be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings.

Employees who are not fully vaccinated must wear face coverings over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes. Policies and procedures for face coverings will be implemented, along with the other provisions required by the ETS, as part of a multi-layered infection control approach for unvaccinated workers.

<Company Name> will provide each affected employee with a face covering that meets the requirements of the ETS. Affected employees must wear the face covering provided by <Company Name>. Each affected employee’s immediate supervisor will train them on how to use and maintain the face covering properly.

<Company Name> will not require affected employees to wear face coverings under the following conditions:

* When an employee is alone in a room with floor to ceiling walls and a closed door;
* For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements;
* When an employee is wearing a respirator or facemask; and
* Where <Company Name> has determined that the use of face coverings is infeasible or creates a greater hazard.

**New Hires**

All new employees are required to comply with the vaccination requirements outlined in this policy as soon as practicable and as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment. New employees must comply with this policy by providing proof of vaccination to <Designated Person> as soon as practicable, but no later than 3 business days after starting work. New hires who are not vaccinated must receive their first dose within 14 business days of starting work and their second dose in a two-dose series within 21 business days after receiving the first dose. All unvaccinated new hires must wear a face coving as described in this policy for existing employees.

**Confidentiality and Privacy**

All medical information collected from individuals, including vaccination information, test results, and any other information obtained because of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.