

COVID-19 Vaccination, Testing and Face Covering Policy Template

With the community spread of the respiratory disease SARS-CoV-2 (“Coronavirus” or “COVID-19”), we all must remain vigilant to ensure COVID-19 is not transmitted in the workplace. The Occupational Safety and Health Administration (“OSHA”) has issued an emergency standard called the Emergency Temporary Standard (ETS) on Vaccination, Testing and Face Coverings. Under this ETS, employers must establish either a mandatory vaccination policy (“hard vaccine mandate”) or a policy allowing employees to either be fully vaccinated, or, if they choose to not become vaccinated, submit to weekly COVID-19 testing and wear a face mask at all times when working indoors and when occupying a vehicle with another person for work purposes (“soft vaccine mandate”). [The Company] has chosen to implement the hard/soft vaccine mandate.

The purpose of this COVID-19 Vaccination, Testing and Face Covering Policy (the “Policy”) is to outline the steps that we must take to reduce the risk of exposure to COVID-19 in our workplace, and for compliance with applicable federal, state, and local law. To the extent state/local conflicts with provisions set forth under the ETS, OSHA has made clear that OSHA intends for the ETS to preempt and invalidate any state or local requirements that ban or limit an employer’s authority to require vaccination, face covering, or testing.¹

Vaccination, Testing, and Face Covering Policy

Purpose:

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. The Company encourages all employees to receive a COVID-19 vaccination to protect themselves and other employees. However, should an employee choose not to be vaccinated, this Policy’s sections on testing and face coverings will apply. This Policy complies with OSHA’s Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

Scope:

This Policy on vaccination, testing, and face covering use applies to all Company employees of, except for:

- employees who do not report to a workplace where other individuals (such as coworkers or customers) are present;
- employees while working from home; and
- employees who work exclusively outdoors.

For purposes of our workplace, this typically means that the Policy does not apply to _____ [insert job positions that meet any of the above exceptions].

Additionally, this Policy does not apply to:

¹ This Policy (and associated attachments) is intended for compliance with the Federal OSHA Vaccination and Testing Emergency Temporary Standard (“ETS”), 29 C.F.R. Section 1910.501. State/local laws are outside the scope of this Policy.

- *Workplaces covered under the Safer Federal Workforce Task Force COVID19 Workplace Safety: Guidance for Federal Contractors and Subcontractors; or*
- *Settings where any employee provides healthcare services or healthcare support services when subject to the requirements of § 1910.502 (OSHA's Healthcare ETS).*

*All employees are encouraged to be fully vaccinated. Employees are considered "**fully vaccinated**" two weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses. For example, this includes two weeks after a second dose in a two-dose series, such as the Pfizer or Moderna vaccines, two weeks after a single-dose vaccine, such as Johnson & Johnson's 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. Generally, vaccines listed for emergency use by the World Health Organization (WHO), or administered as part of a clinical trial at a U.S. site, if the recipient is documented to have primary vaccination with the active (not placebo) COVID-19 vaccine candidate, for which vaccine efficacy has been independently confirmed (e.g., by a data and safety monitoring board) or if the clinical trial participant at U.S. sites had received a COVID-19 vaccine that is neither approved nor authorized for use by FDA but is listed for emergency use by WHO, qualify under the definition of "fully vaccinated" as well.*

NOTE: *There is NO exemption based on "natural immunity" or the presence of antibodies from a previous infection.*

Employees who are not fully vaccinated will be required to provide proof of weekly COVID-19 testing and wear a face covering when indoors and when occupying a vehicle with another person for work purposes at the workplace.

*All employees are required to report their vaccination status and, if vaccinated, provide proof of vaccination. Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if not fully vaccinated, their testing results. Employees not in compliance with this Policy will be subject to discipline per the Company's **disciplinary program**, up to and including termination.*

*Employees may request an exception from vaccination requirements (if applicable) 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 (as otherwise required by this Policy) 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 contacting **Human Resources**. All such requests will be handled in accordance with applicable laws and regulations, and in accordance with applicable Company policies and procedures. See Attachment A (**Interactive Process Re Request for Vaccination Exemption**).*

Procedures:

Overview and General Information

Vaccination

Any Company employee that chooses to or is required to be vaccinated against COVID-19 must complete their primary vaccination series (i.e., get two-doses of a two-dose series or one dose of a one-dose series) no later than February 8, 2022. Any employee who has not completed their primary vaccination series by February 8, 2022 will be subject to the regular testing and face covering requirements of the Policy.

To complete their primary vaccination series by February 8, 2022, an employee must:

- Obtain the first dose of the Pfizer vaccine no later than January 18, 2022; and the second dose no later than February 8, 2022;
- Obtain the first dose of the Moderna vaccine no later than January 11, 2022; and the second dose no later than February 8, 2022;
- Obtain the second dose of any other non-Pfizer, non-Moderna two dose vaccine no later than February 8, 2022 (it is the employee's responsibility to ensure that the first dose is received in time for the second dose to be administered on or before February 8, 2022 with the requisite interval time in between doses);
- Obtain one dose of a single dose vaccine no later than February 8, 2022.

Employees can schedule vaccination appointments through a variety of methods (e.g., through their own medical provider, by visiting their local pharmacy, with a mass-vaccination clinic, etc.). There are several ways to look for vaccination providers:

- Visit [Vaccines.gov](https://www.vaccines.gov) to find vaccination providers near you.
- Text your ZIP code to 438829 or call 1-800-232-0233 to find vaccine locations near you in the United States.
- Check your local pharmacy's website to see if vaccination appointments are available.
- Contact your [state health department](#) to find additional vaccination locations in the area.
- Check your local news outlets. They may have information on how to get a vaccination appointment.

[\[insert department\]](#) is responsible for maintaining, and should be contacted with any questions regarding, this Policy.

Testing and Face Coverings

All employees who have not completed their primary vaccination series as of February 8, 2022 will be required to undergo regular COVID-19 testing and wear a face covering when indoors and when occupying a vehicle with another person for work purposes in the workplace. Policies and procedures for testing and face coverings are described below.

Vaccination Status and Acceptable Forms of Proof of Vaccination

Vaccinated Employees

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted to [Human Resources](#).

Acceptable proof of vaccination status is:

1. The record of immunization from a health care provider or pharmacy;

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

Proof of vaccination generally should include the employee’s name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances the Company will still accept the state immunization record as acceptable proof of vaccination.

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee is required to provide a signed and dated self-attestation. **See Attachment B (Self-Attestation of Vaccination Status).**

NOTE: Prior to November 5, 2021, if vaccination status was ascertained through another form of attestation or proof, and records of that ascertainment were retained, those records of ascertainment of vaccination status constitute acceptable proof of vaccination.

In accordance with applicable medical record and confidentiality laws, the Company will maintain a record of each employee’s vaccination status and will preserve acceptable proof of vaccination for each employee who is fully or partially vaccinated, as well as a roster of each employee’s vaccination status. **See Attachment C (Confidential Employee Vaccination Status Roster).** Any employee who does not provide one of the acceptable forms of proof of vaccination status will be treated as not fully vaccinated.

All Employees

All employees, both vaccinated and unvaccinated, must inform the Company of their vaccination status. The following table outlines the requirements for submitting vaccination status documentation. If the Company does not receive a response by the appropriate deadline, the Company will consider the employee to be unvaccinated until a response is received, at which point, the employee’s status will be changed accordingly.

Vaccination Status	Instructions	Deadline(s)
Employees who are fully vaccinated.	Submit proof of vaccination that indicates full vaccination.	January 9, 2022
Employees who are partially vaccinated (i.e., one dose of a two dose vaccine series).	Submit proof of vaccination that indicates when the first dose of vaccination was received, followed by proof of the second dose when it is obtained.	January 9, 2022

Employees who are not vaccinated.	Submit statement that you are unvaccinated, but are planning to receive a vaccination by the deadline.	January 9, 2022
	Submit statement that you are unvaccinated and not planning to receive a vaccination.	January 9, 2022

Supporting COVID-19 Vaccination

An employee may take up to four hours of paid time per dose to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of eight hours of paid time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of paid time will be granted. Employees who take longer than four hours to get the vaccine must send **their supervisor** an email documenting the reason for the additional time (e.g., need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., sick leave, to cover the additional time. If an employee is vaccinated outside of their approved paid time, they will not be compensated.

NOTE: Employees will not be reimbursed for transportation costs (e.g., gas money, train/bus fare, etc.) incurred to receive the vaccination. This could include the costs of travel to an off-site vaccination location (e.g., a pharmacy) or travel from an alternate work location (e.g., telework) to the workplace to receive a vaccination dose.

NOTE: Paid time only applies to the primary vaccination doses; i.e., time required to receive a booster shot is not required to be paid under the ETS.

Employees may utilize a reasonable amount of **sick leave** (typically, up to two days of paid sick leave per primary vaccination dose) 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 a reasonable amount of additional sick leave immediately following each dose if necessary.

NOTE: Some states or localities may also provide for paid time for an employee to get vaccinated and/or recover from any side effects. In this circumstance, generally the more generous leave requirements to employees would apply.

Please contact **Human Resources** to request paid time to obtain the COVID-19 vaccine or sick leave to recover from side effects. These changes take effect January 10, 2022.

Employee Notification of COVID-19 and Removal from the Workplace

The Company requires all employees, regardless of vaccination status, to promptly notify **their supervisor** when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider. Promptly notifying means notifying the Company as soon as practicable before the employee is scheduled to start their shift or return to work. In the event that the employee is in the workplace when they receive a positive COVID-19 test result or diagnosis of COVID-19, promptly notifying means notifying the Company as soon as safely possible while avoiding exposing any other individuals in the workplace.

Commented [A1]: Note that OSHA states that “[i]f an employee already has accrued paid sick leave, an employer may require the employee to use that paid sick leave when recovering from side effects experienced following a primary vaccination dose. Additionally, if an employer does not specify between different types of leave (i.e., employees are granted only one type of leave), the employer may require employees to use that leave when recovering from vaccination side effects. If an employer provides employees with multiple types of leave, such as sick leave and vacation leave, the employer can only require employees to use the sick leave when recovering from vaccination side effects. Employers cannot require employees to use advanced sick leave to cover reasonable time needed to recover from vaccination side effects under paragraph (f)(2) [of the ETS]. An employer may not require an employee to accrue negative paid sick leave or borrow against future paid sick leave to recover from vaccination side effects. In other words, the employer cannot require an employee to go into the negative for paid sick leave if the employee does not have accrued paid sick leave when they need to recover from side effects experienced following a primary vaccination dose. Neither the paid time required to receive any vaccine dose(s) nor the paid sick leave required to recover from side effects experienced following any vaccination dose are retroactive requirements for vaccine dose(s) received prior to the promulgation of [the] ETS. This requirement applies to the vaccine dose(s) necessary to achieve full vaccination (one or two doses depending on the vaccine).” See OSHA [Vaccination and Testing ETS FAQs #5.B.](#)

Medical Removal from the Workplace

The Company has also implemented a policy for keeping COVID-19 positive employees from the workplace in certain circumstances. The Company will immediately remove an employee from the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate).

Return to Work Criteria

For any employee removed because they are COVID-19 positive, the Company will keep them removed from the workplace until the 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 the employee chooses to seek a NAAT test for confirmatory testing;
- meets the return to work criteria in CDC's "Isolation Guidance" (see below); or
- receives a recommendation to return to work from a licensed healthcare provider.

Under CDC's "Isolation Guidance," 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 are true:

- 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 (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).

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

NOTE: Any time an employee is required to be removed from the workplace, the Company may require the employee to work remotely or in isolation if suitable work is available and if the employee is not too ill to work. In cases where working remotely or in isolation is not possible, and the employee is not too ill to work, the Company may consider flexible and creative solutions, such as a temporary reassignment to a different position that can be performed by telework.

NOTE: The Company will typically not provide paid time off to any employee for removal as a result of a positive COVID-19 test or diagnosis of COVID-19; however, paid time off may be required by other laws, regulations, or collective bargaining agreements or other collectively negotiated agreements.

NOTE: OSHA recordkeeping/reporting regulations may apply. See Attachment D (OSHA COVID-19 Recordkeeping and Reporting Flowcharts).

COVID-19 Testing

All employees who are not fully vaccinated will be required to comply with this policy for testing.

NOTE: Employees who completed their primary vaccination series by February 8, 2022, but have not yet completed their two-week waiting period, are not subject to this policy for testing.

Employees who report to the workplace (where other individuals such as coworkers and customers are present) at least once every seven days:

(A) must be tested for COVID-19 at least once every seven days; and

(B) must provide documentation of the most recent COVID-19 test result to **their 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 (where other individuals such as coworkers and customers are present) during a period of seven or more days (e.g., if they were teleworking for two weeks prior to reporting to a workplace with others):

(A) must be tested for COVID-19 within seven days prior to returning to the workplace; and

(B) must provide documentation of that test result to **their supervisor** upon return to the workplace.

Some COVID-19 tests (see definition below) take additional time to be processed. For example, most nucleic acid amplification tests need to be processed in a laboratory with variable time to receive results (approximately 1–2 days). Employees must ensure that their test results are received in time. If an employee does not provide documentation of a COVID-19 test result as required by this testing policy, they will be removed from the workplace until they provide a test result.

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

A “COVID-19 test” is a test for SARS-CoV-2 that is:

1. cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the U.S. Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 virus (e.g., a viral test);
2. administered in accordance with the authorized instructions; and
3. not both self-administered and self-read unless observed by the employer or an authorized telehealth proctor.

Examples of tests that satisfy this requirement include tests with specimens that are processed by a laboratory (including home or on-site collected specimens which are processed either individually or as pooled specimens), proctored over-the-counter tests, point of care tests (which must be performed in accordance with the Clinical Laboratory Improvement Amendments of 1988), and tests where specimen collection and processing is either done or observed by the Company. Antibody tests do **not** meet the definition of COVID-19 test.

The Company expects that most employee will seek PCR or antigen tests. Antigen tests are the only type of diagnostic tests that can be self-administered. To be a valid COVID-19 test, an antigen test may not be both self-administered and self-read unless observed by **Human Resources** or an authorized telehealth proctor. If an over-the-counter test is being used, it must be used in accordance with the authorized instructions. The Company will validate the test through the use of a proctored test that is supervised by an authorized telehealth provider or proctor the over-the-counter test itself with a **Human Resources** representative.

There are several ways to find information on testing resources, including:

- Contacting your healthcare provider;

- Visiting your [state, tribal, local, and territorial health department's website](#);
- Checking your local pharmacy's website or giving them a call;
- Considering either an [at-home collection kit or an at-home test](#).

Typically, the Company will not pay for any costs associated with testing; however, payment for testing may be required by other laws, regulations, or collective bargaining agreements or other collectively negotiated agreements.

In accordance with applicable medical record and confidentiality laws, the Company will maintain a record of each test result. **See Attachment E (Confidential Employee COVID-19 Testing Results Tracking Record).** The records will be maintained and preserved until November 5, 2022.

Face Coverings

The Company will require all employees who are not fully vaccinated to wear a face covering when indoor and when occupying a vehicle with another person for work purposes at the workplace. Face coverings must:

- (i) completely cover the nose and mouth;
- (ii) be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source);
- (iii) 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;
- (iv) fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and
- (v) be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings.

Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

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.

Employees are typically responsible for providing their own face coverings, unless otherwise required by other laws, regulations, or collective bargaining agreements or other collectively negotiated agreements. The Company will ensure that face coverings fully cover the employee's nose and mouth and are replaced when wet, soiled, or damaged (e.g., is ripped, has holes, or has broken ear loops). **Face shields may be worn in addition to face coverings to prevent them from getting wet and soiled.**

The Company will not prevent any employee from voluntarily wearing a face covering or facemask unless the Company can demonstrate that doing so would create a hazard of serious injury or death, such as interfering with the safe operation of equipment. Additionally, the Company will permit employees to wear a respirator instead of a face covering whether required or not. The Company will not prohibit customers or visitors from wearing face coverings.

The following are exceptions to the requirements for face coverings:

1. When an employee is alone in a room with floor to ceiling walls and a closed door.
2. 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.
3. When an employee is wearing a respirator or facemask.
4. Where the Company has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee's mouth for reasons related to their job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).

Information

The Company will inform each employee, in a language and at a literacy level the employee understands, about:

- The requirements of OSHA's COVID-19 Vaccination and Testing ETS as well as the policies and procedures established in this Policy;
- COVID-19 vaccine efficacy, safety, and the benefits of being vaccinated, by providing the document, "[Key Things to Know About COVID-19 Vaccines](#);"
- The requirements of 29 CFR 1904.35(b)(1)(iv), which prohibits employers from discharging or in any manner discriminating against an employee for reporting a work-related injuries or illness, and section 11(c) of the OSH Act, which prohibits employers from discriminating against an employee for exercising rights under, or as a result of actions that are required by, the ETS. Section 11(c) also protects the employee from retaliation for filing an occupational safety or health complaint, reporting a work-related injuries or illness, or otherwise exercising any rights afforded by the OSH Act; and
- The prohibitions of 18 U.S.C. 1001 and of section 17(g) of the OSH Act, which provide for criminal penalties associated with knowingly supplying false statements or documentation.

See Attachment F (OSHA COVID-19 Vaccination and Testing ETS Information Package).

Availability of Records

By the end of the next business day after a request, the Company will make available, for examination and copying, the individual COVID-19 vaccine documentation and any COVID-19 test results for a particular employee to that employee and to anyone having written authorized consent of that employee.

By the end of the next business day after a request by an employee or an employee representative, the Company will make available to the requester the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace.

The Company will provide to the Assistant Secretary of Labor for OSHA for examination and copying:

- Within 4 business hours of a request, this Policy, and the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace.
- By the end of the next business day after a request, all other records and other documents required to be maintained by the ETS.

New Hires

All new employees are required to comply with the vaccination, testing, and face covering 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.

Confidentiality and Privacy

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

Questions

Please direct any questions regarding this Policy to _____ [insert department].

EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I have received a copy of and read the Company's COVID-19 Vaccination, Testing, and Face Covering Policy (the "Policy"), and that I have had an opportunity to ask questions about the Policy. I understand and acknowledge that it is my responsibility to review the Policy and to familiarize myself with the policies and procedures contained in the Policy. I understand that if I have any questions about the Plan or its contents, I am to discuss them with my supervisor. I agree to abide by all policies and procedures contained in the Policy.

I further understand and acknowledge that the Company reserves the right to add, delete, or change any or all portion of the Policy at any time, with or without notice.

Printed Name

Employee Signature

Date