COVID-19 Vaccination Policy

NOTE TO EMPLOYER: The following sample policies address employee vaccination and vaccination status related to the COVID-19 pandemic. These samples should be modified to fit the needs of the organization.

Following the release of OSHA’s Emergency Temporary Standard for private-sector employers and the Safer Federal Workforce Taskforce’s guidelines for federal employers and contractors, employers may wish to update vaccination, PTO, or sick leave policies to be compliant with the requirements set forth by those organizations. Businesses and employers may determine their own vaccination policies and how to administer them for employees and visitors, but should also be aware of any state or local laws that prohibit mandating vaccination, testing, or vaccination passports. Employers should also consider ADA, FMLA, and HIPAA when making decisions related to vaccination requirements. If you choose to document vaccination records, they should be stored separately from employment files and should be kept in a confidential location.

Any employer choosing to make vaccination a requirement should also be aware of any employer responsibilities that may be associated with that decision. We recommend you consult your Worker’s Compensation carrier and continue to follow [OSHA](https://www.osha.gov/coronavirus/safework) and [CDC](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html) guidance for vaccinated individuals. While side effects of the vaccination are not OSHA recordable, through May 2022, it is still advised that employers work to accommodate employees if they experience any side effects related to receiving the vaccination.

**Sample 1 (Employer Requirement, No Alternative Option)**

*XYZ Company* takes pride in providing an environment free of known hazards for our <EMPLOYEES, CUSTOMERS, VISITORS, PATIENTS, ETC.> and is adopting this vaccination policy to help provide a safe workplace. In response to the growing number of COVID-19 cases, the rapid spread of the virus and variants, as well as the potential risks to those exposed to the virus, *XYZ Company* is implementing a mandatory vaccination policy for all <EMPLOYEES, CUSTOMERS, VISITORS, PATIENTS, ETC.>.

As of <DATE>, all <EMPLOYEES, VISITORS, CARE GIVERS, VOLUNTEERS, CONTRACTORS, ETC.> are required to a) provide an original COVID-19 Vaccination Record Card to establish that they have been fully vaccinated, or b) obtain an approved exemption as an accommodation. For purposes of this policy, an employee is considered fully vaccinated two weeks following the second dose of a two-dose vaccine or one dose of a single-dose vaccination. All documentation related to this policy should be provided directly to Human Resources.

To help employees receive the required vaccination, *XYZ Company* will consider advance requests for schedule changes or time off to obtain the vaccination. In addition, *XYZ Company* will reimburse employees for the cost, if any, of receiving the vaccination, with submission of the appropriate supporting documentation.

Accommodation requests should be made through Human Resources, prior to the date listed above. To request an accommodation, employees will need to provide a Medical Accommodation form provided by Human Resources and completed by their Healthcare Provider or a religious accommodation request form. Human Resources will review all requests and make determinations in compliance with the Americans with Disabilities Act (ADA). If you believe that you have been treated in a manner not in accordance with this policy, please notify Human Resources immediately. You may request an accommodation without fear of retaliation.

Employees who do not provide the requested information by <DATE> will be placed on unpaid leave and their employment status will be reviewed by Human Resources. Failure to comply with this policy will be considered a resignation of employment.

All documents should be provided directly to Human Resources and will be treated as confidential information.

**Sample 2 (Employer Requirement With Alternative)**

*XYZ Company* takes pride in providing an environment free of known hazards for our <EMPLOYEES, CUSTOMERS, VISITORS, PATIENTS, ETC.> and is adopting this vaccination policy to help provide a safe workplace. In response to the growing number of COVID-19 cases, the rapid spread of the virus and variants, as well as the potential risks to those exposed to the virus, *XYZ Company* is implementing a mandatory vaccination policy for all <EMPLOYEES, CUSTOMERS, VISITORS, PATIENTS, ETC.>.

As of <DATE>, all <EMPLOYEES, VISITORS, CARE GIVERS, VOLUNTEERS, CONTRACTORS, ETC.> are required to a) provide an original COVID-19 Vaccination Record Card to establish that they have been fully vaccinated, b) obtain an approved exemption as an accommodation, or c) participate in weekly testing for the COVID-19 virus. All documentation related to this policy should be provided directly to Human Resources.

1. For purposes of this policy, an employee is considered fully vaccinated two weeks following the second dose of a two-dose vaccine or one dose of a single-dose vaccination. This does not include booster doses. Employees who are not considered fully vaccinated will be required to submit to weekly testing and wear a face mask.
2. Accommodation requests should be made through Human Resources, prior to the date listed above. To request an accommodation, employees will need to provide a Medical Accommodation form provided by Human Resources and completed by their Healthcare Provider or a religious accommodation request form. Human Resources will review all requests and make determinations in compliance with the Americans with Disabilities Act (ADA) or Title VII. If you believe that you have been treated in a manner not in accordance with this policy, please notify Human Resources immediately. You may request an accommodation without fear of retaliation.
3. Unvaccinated employees may choose weekly COVID-19 testing as an alternative to vaccination. Testing will be an option for unvaccinated employees, regardless of the reason for not being vaccinated. The cost of testing <WILL, WILL NOT> be the employers responsibility. Employees choosing this option will be required to provide test results immediately following the test and positive results will be handled in accordance with CDC and OSHA guidelines.

To help employees receive the vaccination, *XYZ Company* will consider advance requests for schedule changes or time off to obtain the vaccination. In addition, *XYZ Company* will reimburse employees for the cost, if any, of receiving the vaccination, with submission of the appropriate supporting documentation.

Employees who do not provide the requested information by <DATE> will be placed on unpaid leave and their employment status will be reviewed by Human Resources. Failure to comply with this policy will be considered a resignation of employment.

All documents should be provided directly to Human Resources and will be treated as confidential information.

**Sample 3 (Employer Encouraged, Testing Optional)**

*XYZ Company* takes pride in providing an environment free of known hazards for our <EMPLOYEES, CUSTOMERS, VISITORS, PATIENTS, ETC.> and is adopting this vaccination policy to help provide a safe workplace. In response to the growing number of COVID-19 cases, the rapid spread of the virus and variants, as well as the potential risks to those exposed to the virus, *XYZ Company* is encouraging vaccination for all employees.

The choice to be vaccinated is a personal one, as is the choice not to be vaccinated. Regardless of vaccination status, *XYZ Company* will continue to comply with all applicable laws in coordination with CDC and OSHA guidance. Employees who have been vaccinated may provide an original completed COVID-19 Vaccination Record Card to Human Resources. Any employee not providing an original vaccination card to Human Resources will be considered unvaccinated. All vaccination records should be provided directly to Human Resources and will be treated as confidential information.

Unvaccinated employees may choose weekly COVID-19 testing as an alternative to vaccination. Testing will be an option for unvaccinated employees, regardless of the reason for not being vaccinated. The cost of testing <WILL, WILL NOT> be the employers responsibility. Employees choosing this option will be required to provide test results immediately following the test and positive results will be handled in accordance with CDC and OSHA guidelines.

To help employees with vaccination, *XYZ Company* will consider advance requests for schedule changes or time off to obtain the vaccination. In addition, *XYZ Company* will reimburse employees for the cost, if any, of receiving the vaccination, with submission of the appropriate supporting documentation.

This policy is in effect as of <DATE> and may be reviewed and changed based on CDC and OSHA guidance.

**Sample 4 (Voluntary/Not Required)**

*XYZ Company* takes pride in providing an environment free of known hazards for our <EMPLOYEES, CUSTOMERS, VISITORS, PATIENTS, ETC.>. We also recognize that the choice to be vaccinated is a personal one, as is the choice not to be vaccinated.

In response to the growing number of COVID-19 cases, the rapid spread of the virus and variants, as well as the potential risks to those exposed to the virus, *XYZ Company* will continue to monitor COVID-19 infection rates and will follow CDC, OSHA, state and local guidance as it relates to the workplace. Any new or additional safety measures related to this guidance will be communicated and posted in the appropriate locations.

Regardless of vaccination status, all employees are required to follow any safety measures related to PPE, sanitation and social distancing, as well as any state or local ordinances related to COVID-19.

Employees may contact Human Resources for more information on how to obtain the vaccination.

This policy is in effect as of <DATE> and may be reviewed and changed based on CDC and OSHA guidance.

***NOTE TO EMPLOYERS****: Because this area is constantly evolving, MRA advises organizations to review this policy with legal counsel for its defensibility under the law. Employers should only consider information on vaccination status that has been provided by the employee and not attained through other sources. Companies with an organized labor presence are advised to consult with union leadership prior to enforcing any policies that may conflict with the current contract.*