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Whitepaper

COVID-19 Vaccines in the Workplace

Summary:

Employers have questions about vaccines in the workplace. Must/Can I mandate vaccines? Can I ask if my employees have been vaccinated? What are the privacy considerations? The following is an overview of vaccinations in the workplace. Sample policies and waiver forms are available at the end of this document.

Important Notice:

The information provided herein is general in nature and designed to serve as a guide to understanding. These materials are not to be construed as the rendering of legal or management advice. If the reader has a specific need or problem, the services of a competent professional should be sought to address the particular situation.

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Introduction

With COVID-19 vaccines rolling out, employers are faced with decisions about managing them in the workplace. As with most employment law issues, these decisions are complex and require in-depth analysis. It is also important to remember that this information is specific to COVID-19 vaccines. Other vaccines, like for the flu, fall under different guidelines.

Federal, State, and Local Guidance and Restrictions

Employers should know and understand all requirements and guidance from federal, state, and local entities on issues relating to vaccinations and the workplace. This information will help employers determine what they may and may not do regarding vaccines and their employees.

Besides state health departments, federal entities include the Equal Employment Opportunity Commission (EEOC), the Occupational Safety and Health Administration (OSHA), the Centers for Medicare & Medicaid Services (CMS) and the Centers for Disease Control and Prevention (CDC), and the Biden administration through executive order and guidance from the Safer Federal Workforce Task Force. Each entity has different authority, and it is essential to understand the guidance from each.

Medical, Disability and Religious, Reasonable Accommodations Obligations

Under all vaccine mandates (whether required by federal, state, or local mandate or not), employers must assess employee requests for reasonable accommodation for medical, disability, and religious reasons. Employers should engage in the interactive process with each employee requesting an accommodation to determine whether they are entitled to that accommodation under the law. When an employee requests an accommodation, employers should have them complete the forms detailing the basis of their request (see [Requests for Exemption/Accommodation Related to COVID-19 Vaccine Forms](#) below). Employers should then conduct an individualized assessment to determine each employee's entitlement to an accommodation. Employers should consult The EEOC issued [guidance](#) to assist in this analysis, and seek legal guidance from an attorney as necessary.

Mandating Vaccines in the Workplace – OSHA Requirements

OSHA released its Vaccination and Testing [Emergency Temporary Standard \(ETS\)](#)¹ Thursday, November 4, 2021, requiring employers with 100 or more employees organization-wide, regardless of full or part-time status or location, to be fully vaccinated or start weekly COVID-19 testing by January 4, 2022. The remainder of the provisions in the ETS become effective December 5, 2021.

If an employer falls below 100 employees while the ETS is in effect, they still must comply. Likewise, if an employer reaches 100 employees while the ETS is in effect, they must begin to comply.

¹ Due to a court ordered stay, arising from litigation pending in the U.S. Court of Appeals for the Fifth Circuit, OSHA has suspended activities related to the implementation and enforcement of the ETS “pending future developments in litigation.”

OSHA's definition of employer does not include states and their political subdivisions, so this ETS does not apply to them unless they are covered under a state that has its own OSHA State Plan. Those states, which can be found [here](#), have 30 days to either comply with the federal standard or enact their own standard that is at least as robust as the federal standard.

OSHA's Vaccination and Testing ETS does not apply to workplaces covered by the federal contractor mandate or the OSHA Healthcare ETS. Note that employers could have some workplaces covered by the federal contractor mandate and some not; if the OSHA Vaccination and Testing ETS otherwise applies to the employer, it could apply to those workplaces not covered by the federal mandate.

The ETS does not apply to workers working fully remotely or exclusively outdoors. The ETS also does not apply to workplaces covered under the federal contractor mandate or OSHA's Healthcare ETS.

Jointly employed employees of a staffing agency placed at a host employer location are counted only by the staffing agency for purposes of the 100-employee threshold for coverage under this ETS.

Employers must develop and communicate a policy requiring either mandatory vaccination or a weekly testing and face mask wearing option (including medical, disability and religious exemptions) and educate employees on the ETS and its requirements in a language they can understand. This communication must include information about OSHA's antiretaliation provisions and criminal penalties for knowingly supplying false information. Employers must also provide employees with the document, "Key Things to Know About COVID-19 Vaccines," available [here](#).

In deciding whether to implement a testing option, employers should consider the following. First, although the ETS does not require employers to pay for testing costs, OSHA recognizes that employers may be required to pay for that cost under other laws or requirements based on state law, such as collective bargaining agreements and reasonable accommodation obligations under the ADA and Title VII. Second, employers may have to pay employees for the time associated with testing under existing federal (and possibly state) wage and hour law. Employers should further consider the administrative burden of implementing a weekly testing program both internally and externally- this includes the resources for required recordkeeping and the possibility of shortages of tests.

In addition to developing and communicating a policy, employers must also obtain proof of all employees' vaccination status and maintain it in a roster. If an employer has already ascertained vaccination status prior to the publication of the ETS and retained records of that ascertainment, they can rely on that documentation and need not require additional proof, although they still must maintain the roster. Employers should plan for how they will confidentially obtain and store this information.

The ETS defines proof as:

- the record of immunization from a health care provider or pharmacy;
- a copy of the U.S. CDC COVID-19 Vaccination Record Card (CDC Form MLS-319813_r);
- 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 health care professional(s) or clinic site(s) administering the vaccine(s).

Any documentation should generally include the employee's name, 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). The ETS requires these records to be retained only for the duration of the ETS and not for the duration of the employee's employment plus thirty years, as required by OSHA's medical records standard.

Employees can also attest to vaccination status if they have tried to obtain proof of vaccination from the vaccine administrator or state health department and have been unsuccessful in doing so. This attestation is subject to criminal penalties for knowingly providing false information.

Each employee who is not fully vaccinated must:

- be tested for COVID-19 at least once every seven days; and
- provide documentation of the most recent COVID-19 test result to the employer no later than the 7th day following the date on which the employee last provided a test result.

Employers must retain this testing documentation as confidential medical records for the duration of the ETS. Employees who are partially vaccinated are also required to be tested weekly until they are fully vaccinated.

To qualify as an acceptable COVID-19 test, it must be: cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the FDA to detect current infection with the SARS-CoV-2 virus (*e.g.*, a viral test); administered in accordance with the authorized instructions; and 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, and tests where specimen collection and processing is either done or observed by an employer.

Additionally, the ETS requires employers to provide up to four hours of paid time off to obtain each shot and reasonable time and paid sick leave to recover from vaccination.

Employees who are not fully vaccinated must also wear acceptable face coverings (multilayer cloth masks) snugly over their nose and mouth when indoors and when occupying a vehicle with another person for work purposes except:

- (i) When an employee is alone in a room with floor to ceiling walls and a closed door.
- (ii) For a limited time while the employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.
- (iii) When an employee is wearing a respirator or facemask (surgical mask).

(iv) Where the employer can show that the use of face coverings is infeasible or creates a greater hazard that would excuse compliance with this paragraph (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).

The ETS states that employers must require each employee to promptly notify the employer when the employee receives a positive COVID-19 test or is diagnosed with COVID-19 by a licensed healthcare provider. This notification must occur regardless of employee vaccination status. The notification procedure can be based on the employer's current protocols for employees to notify the employer if they are not able to come to work or need to leave work because of illness or injury. However the employer chooses to implement its notification procedures, it must ensure that an employee notification of a positive COVID-19 test or diagnoses results in the employee's immediate removal from the workplace.

Employers have additional reporting and recordkeeping requirements under the standard. They must report work-related fatalities from COVID-19 within 8 hours of learning about them and in-patient hospitalizations within 24 hours. Employers must also make available to any requesting employee: their own vaccination and test results and the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace. Employers must also make records available to OSHA.

If employers fail to comply with the ETS, they face fines up to \$13,653 for serious violations or \$136,532 for willful or repeat violations. Although states and employers are expected to challenge the ETS in court, employers are obligated to comply with the ETS unless those legal challenges are successful.

The ETS expires six months after issue.

Mandating Vaccines in the Workplace – Federal Contractor Requirements

President Biden Issued an Executive Order “EO” on September 9, 2021, requiring all federal contractor employees to get vaccinated against COVID-19 by January 4, 2021.² The specifics of the EO are set forth by the Safer Federal Workforce Task Force ([Task Force Guidance](#) or [Guidance](#)). The federal contractor vaccine mandate applies broadly to require federal contractor employees on covered contracts, those who perform duties in connection with a covered contract, and those working at the same workplace as covered employees to be vaccinated unless subject to a medical or religious exemption. The mandate includes employees who perform duties necessary to the performance of the covered contract, even though they may not be directly engaged in performing tasks covered by the contract, including employees performing human resource, billing, and legal review in connection with a federal contract. Nearly every type of employer that touches a government contract is included, with very few exceptions. This mandate does not apply to grants, contracts, or

² <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/>

subcontracts below the “simplified acquisition threshold” (currently \$250,000), contracts with Indian Tribes, or employees who perform work outside of US outlying areas.

Covered workplaces include all federal workplaces where an agency conducts official business or that are in an agency’s custody or control, and any location controlled by a covered contractor where a covered employee is likely to be present during the period of performance for a covered contract, including outdoor spaces. The homes of remote workers are not considered to be covered workplaces, and thus social distancing and masking requirements do not apply (though the vaccine mandate does apply to fully remote workers).

In addition to requiring employees be vaccinated, covered contractors must ensure general workplace safety protocols are in place and communicated to all covered contract employees, and all other individuals likely to be present at covered contractor workplaces. Safety protocols include masking and social distancing, and specifics are based on the level of transmission in the area. The levels are published on the CDC COVID-19 Data Tracker County View [website](#).

In areas of high transmission, as set forth by the CDC, all employees and visitors, regardless of vaccination status must wear masks while in a covered contractor workplace. And unvaccinated individuals must also maintain a distance of at least six feet from others at all times, including in offices, conference rooms, and other communal work spaces. In areas of low transmission, fully vaccinated employees do not need to wear masks. Covered contractors must assign responsibility for compliance to a designated person or persons. This individual must check the CDC COVID-19 Data Tracker County View [website](#) for community transmission information in all areas with a covered contractor workplace at least weekly to determine transmission level rates and proper workplace safety protocols. Exceptions to the mask requirement should be made in a few instances, including when wearing a mask conflicts with a communicated medical condition or religious belief, in instances where the mask may get wet, during high-intensity activities where wearing a mask would make it difficult to breathe, or when wearing a mask would create a risk to workplace health, safety, or job duties as determined by a workplace risk assessment. Exceptions to the mask requirement must be approved in writing by a duly authorized representative of the covered contractor.

Covered contracting employers must obtain proof of vaccination. Acceptable proof of vaccination includes:

- 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 or State immunization information system
- a copy of other official documentation verifying vaccination that includes vaccination name, date(s) of administration, and the name of health care professional or clinic site administering

Digital copies of such records are acceptable. Employers have a little leeway in obtaining the necessary documentation in the case of an employee who claims to be fully vaccinated and is able to demonstrate good faith in their effort to locate required documentation. In such

cases the agency may hold any disciplinary action in abeyance for a short period, pending employee's submission.

While covered contractors are subject to the physical and religious exemptions, in some cases, an agency may determine that the nature of a covered contractor employee's responsibilities at a federal workplace requires vaccination, and can bar a contractor from entering. Contract obligations are not waived in these instances.

When a covered contractor employee refuses to be vaccinated and is not eligible for an exemption, the covered contractor should apply discipline consistent with company policies, but may offer a limited period of counseling and education first, followed by additional disciplinary measures as necessary. Immediate termination is not required. Termination should occur "only after continued noncompliance." Employers should require non-compliant employees to follow all workplace safety protocols during this time period.

When covered contractors fail to comply with the safety requirements set forth in their contract, they may face whatever damages the contract outlines, including contractual damages and potential termination of the contract.

This deadline was updated with the November 4, 2021, OSHA ETS standard originally set for December 9, 2021 to streamline implementation. This is the deadline to receive the last dose of the vaccine, to be fully vaccinated by January 18, 2022.

Mandating Vaccines in the Workplace - CMS Interim Final Rule

The Centers for Medicare & Medicaid Services (CMS) has issued its [Interim Final Rule](#) and [FAQs](#), which establishes COVID-19 vaccination requirements for staff at the following Medicare & Medicaid providers and suppliers:

- Ambulatory Surgical Centers (ASCs)
- Hospices
- Psychiatric residential treatment facilities (PRTFs)
- Programs of All-Inclusive Care for the Elderly (PACE)
- Hospitals (acute care hospitals, psychiatric hospitals, hospital swing beds, long term care hospitals, children's hospitals, transplant centers, cancer hospitals, and rehabilitation hospitals/inpatient rehabilitation facilities)
- Long Term Care (LTC) Facilities, including Skilled Nursing Facilities (SNFs) and Nursing Facilities (NFs), generally referred to as nursing homes
- Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs–IID)
- Home Health Agencies (HHAs)
- Comprehensive Outpatient Rehabilitation Facilities (CORFs)
- Critical Access Hospitals (CAHs)

- Clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and speech-language pathology services
- Community Mental Health Centers (CMHCs)
- Home Infusion Therapy (HIT) suppliers
- Rural Health Clinics (RHCs)/Federally Qualified Health Centers (FQHCs)
- End-Stage Renal Disease (ESRD) Facilities

The Rule applies to all facility employees; licensed practitioners; students, trainees, and volunteers; and individuals who provide care, treatment, or other services for the facility and/or its patients, under contract or another arrangement at covered facilities, regardless of clinical responsibility or patient contact. Essentially, anyone who either comes into contact with patients or staff is covered. Only individuals who provide services 100% remotely, such as fully remote telehealth or office services, are not subject to the vaccination requirements.

The Rule allows for both religious and medical exemptions, as required by federal anti-discrimination laws. Employers are referred to EEOC guidance (<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>) for religious accommodation requests. For medical requests, the Rule mandates that facilities must ensure that all documentation confirming recognized clinical contraindications to COVID-19 vaccinations for staff seeking a medical exemption are signed and dated by a licensed practitioner, who is not the individual requesting the exemption and is acting within their respective scope of practice based on applicable state and local laws. This documentation must contain all information specifying which of the authorized COVID-19 vaccines are clinically contraindicated for the staff member to receive and the recognized clinical reasons for the contraindications.

The Rule requires health care providers to establish a process or policy to fulfill the staff vaccination requirements over two phases. For Phase 1, no later than December 5, 2021, prior to staff providing any care, treatment, or other services for the facility and/or its patients, all staff must have received, at a minimum, the first dose of a primary series or a single dose COVID-19 vaccine or requested a medical or religious accommodation. For Phase 2, no later than January 4, 2022, all staff must complete the primary vaccination series (except for those who have been granted exemptions from the COVID-19 vaccine or those staff for whom COVID-19 vaccination must be temporarily delayed, as recommended by CDC).

Examples of acceptable forms of proof of vaccination include:

- CDC COVID-19 vaccination record card (or a legible photo of the card)
- Documentation of vaccination from a health care provider or electronic health record, or
- State immunization information system record
- If vaccinated outside of the U.S., a reasonable equivalent of any of the previous examples

Note that, unlike the OSHA Vaccination and Testing ETS, an employee attestation is not included as an acceptable form of proof of vaccination.

In addition to the vaccine mandate itself, covered facilities are required to implement record-keeping policies and procedures that will ensure data is tracked appropriately and all documentation is kept confidential as required by various laws, including the ADA. CMS offers this link <https://www.cdc.gov/nhsn/hps/weekly-covid-vac/index.html> to the resource from the CDC's National Healthcare Safety Network as a staff vaccination tracking tool, available to all employers regardless of industry.

The Rule requires all covered facilities to develop and implement policies and procedures to ensure that all staff is fully vaccinated for COVID-19 as follows:

- The policies and procedures must include, at a minimum, the following components:
 - A process for ensuring all staff as defined above have received, at a minimum, a single-dose COVID-19 vaccine or the first dose of the primary vaccination series for a multi-dose COVID-19 vaccine prior to staff providing any care, treatment, or other services for the facility and/or its clients;
 - A process for ensuring that all staff are fully vaccinated for COVID-19, except for those staff who have been granted exemptions to the vaccination requirements of this section, or those staff for whom COVID-19 vaccination must be temporarily delayed, as recommended by the CDC, due to clinical precautions and considerations;
 - A process for ensuring the implementation of additional precautions intended to mitigate the transmission and spread of COVID-19 for all staff who are not fully vaccinated for COVID-19;
 - A process for tracking and securely documenting the COVID-19 vaccination status of all staff specified in paragraph (f)(1) of this section;
 - A process for tracking and securely documenting the COVID-19 vaccination status of any staff who have obtained any booster doses as recommended by the CDC;
 - A process by which staff may request an exemption from the staff COVID-19 vaccination requirements based on an applicable Federal law;
 - A process for tracking and securely documenting information provided by those staff who have requested, and for whom the facility has granted, an exemption from the staff COVID-19 vaccination requirements;
 - A process for ensuring that all documentation, which confirms recognized clinical contraindications to COVID-19 vaccines and which supports staff requests for medical exemptions from vaccination, has been signed and dated by a licensed practitioner, who is not the individual requesting the exemption, and who is acting within their respective scope of practice as defined by, and in accordance with, all applicable State and local laws, and for further ensuring that such documentation contains:

- All information specifying which of the authorized COVID–19 vaccines are clinically contraindicated for the staff member to receive and the recognized clinical reasons for the contraindications; and
 - A statement by the authenticating practitioner recommending that the staff member be exempted from the facility’s COVID–19 vaccination requirements for staff based on the recognized clinical contraindications;
- A process for ensuring the tracking and secure documentation of the vaccination status of staff for whom COVID–19 vaccination must be temporarily delayed, as recommended by the CDC, due to clinical precautions and considerations, including, but not limited to, individuals with acute illness secondary to COVID–19, and individuals who received monoclonal antibodies or convalescent plasma for COVID–19 treatment; and
 - Contingency plans for staff who are not fully vaccinated for COVID–19.

Facilities are to use their judgment for whether they will mandate non-employees such as maintenance contractors also to be vaccinated, with the guidance that a regularly returning crew should likely be required to be vaccinated, but a one-time visit to fix an issue that will have minimal or no contact with staff may not.

The Rule does not supersede the OSHA COVID-19 Healthcare ETS issued in June of this year, which requires, among other things, removal of health care staff from the workplace if COVID positive. Those requirements are still in place for employers also covered under this Rule. The OSHA Healthcare ETS also requires paid leave for time off to receive both vaccine doses, as well as a reasonable time to recover.

Although the CMS Rule does not specifically address paid leave for vaccines or recovery time for adverse reactions, employers must still follow all applicable federal and state wage and hour laws. An additional note on paid leave, neither the CMS Rule nor the OSHA Healthcare ETS requires covered entities to provide paid leave to covered staff who are non-employees, such as volunteers or students. Check with your tax advisor before implementing a paid leave policy for non-employees to understand the tax implications to both you and the applicable staff.

CMS will advise and train state surveyors on how to assess compliance with the new requirements among providers and suppliers. Providers and suppliers that are cited for noncompliance may be subject to enforcement remedies imposed by CMS depending on the type of facility and level of noncompliance and the remedies available under federal law (for example, civil money penalties, denial of payment for new admissions, or termination of the Medicare/Medicaid provider agreement).

Covered facilities are encouraged to reach out to their general counsel for guidance regarding non-employee issues that this Rule may create, such as requests for exemptions from volunteers or other non-employees, as this is outside the employment context.

The Interim Final Rule expires three (3) years after issuance unless finalized.

Mandating Vaccines in the Workplace for Employers Not Subject to Federal Mandates

Even if not subject to the OSHA, federal contractor, or CMS mandates, some employers may want to require all employees to be vaccinated before returning to the workplace. While it's possibly okay to require a vaccine, it can be problematic.

The EEOC issued [guidance](#) regarding the COVID-19 vaccine, indicating that while employers can mandate employees get the vaccine, employers must engage in the interactive process if an employee cannot get the vaccine due to religious or disability reasons.

Under the Americans with Disabilities Act (ADA), employers can have a work standard that includes "a requirement that an individual shall not pose a direct threat to the health or safety of individuals in the workplace." However, suppose the employer wants to discipline an employee who refuses the vaccine. In that case, the employer must be able to prove objectively that an unvaccinated employee would pose a direct threat to the workplace and employees due to a "significant risk of substantial harm to the health or safety of the individual or others." Employers must be able to enforce this in every instance. Employers should assess whether the administrative time and attention needed to evaluate each request for an accommodation is something they can manage.

Employers will be acting consistently with the ADA as long as any screening implemented is consistent with advice from the CDC and public health authorities for that type of workplace at that time. Therefore, employers should evaluate their workplace to see if mandating the vaccine would be appropriate. They should also look to the CDC and public health authorities for guidance on mandating vaccines.

In addition, the National Labor Relations Act (NLRA) provides protection for both union and non-union employees regarding protected concerted activity. This NLRA provision may protect employees' rights who engage in concerted activities with regard to a vaccination policy, including protesting or complaining to management about a mandatory vaccination policy or simply discussing the vaccine with co-workers. Employers with unions will need to check with the union or the collective bargaining agreement before mandating vaccines.

A few other considerations in mandating a vaccine:

- Determine whether they will require it for all positions or only certain positions.
- Pay: if you are going to require the vaccine, are you going to pay employees for the time they use to get it? If you are going to pay, consider overtime for non-exempt employees.
- Enforcement: will you truly be willing to fire or discipline employees who just don't get vaccinated? At what point would you have to close a department or the business if enough employees refuse? It is important to be consistent in how you manage refusals.

HR's Role in Workplace Vaccinations

HR can take a primary role in communication and education.

Communicate early and often with employees regarding the benefits, availability, and efficacy of the vaccine. Consider the following:

- Present the information in easy to understand formats, such as posters that include graphics, short newsletters, or traditional mailers.
- Tout any perks or incentives associated with getting vaccinated.
- Include links and references to applicable policies and handbook statements.
- Communicate real-world examples of the positive outcomes of vaccination.
- Share positive stories regarding co-workers' vaccination experiences (with permission).
For example:
 - An email or video regarding an executive being vaccinated; or
 - A peer's positive experiences with the vaccine, Have them discuss the process of scheduling the vaccination appointment and any side effects or other challenges.
- Explain that vaccines are free, even if the employer's health insurance does not cover it.
- Consider making it easier for employees to get vaccinated if possible:
 - Provide vaccinations on site to make them as convenient as possible.
 - Partner with a third party to provide vaccinations off site.
 - Provide paid time off for employees to get vaccinated on their own.
 - Offer vaccines to employees' family members.

Vaccination Policies

Employers not under the OSHA, federal contractor, or CMS mandate may still want to consider creating a vaccine policy. There are different options: policies can make vaccines mandatory or voluntary. Sample Policies can be found at the end of this document.

MANDATORY

Prior to a determination of whether vaccines will be mandatory, employers should:

- Ensure that such a mandate is job-related and consistent with business necessity.
- Conduct an individualized assessment of the workplace, including the potential risk of transmission and alternatives to the vaccination, to determine whether a vaccination mandate is necessary.
- Determine whether there are any state or local requirements or prohibitions with regard to employee vaccinations.

VOLUNTARY

This policy would encourage employees to receive the COVID-19 vaccination and educate them about the benefits and protections associated with the vaccine.

A policy that encourages vaccination by setting out facts based on science, law, and public health guidance will strengthen the position of an employer that is unable (or unwilling) to implement a vaccination mandate but still wishes to protect the health and safety of its employees. Rather than terminating or otherwise disciplining an employee who does not get vaccinated, an employer may require them under the policy to comply with other safety measures, e.g., wear a face covering, practice social distancing, or work remotely, if possible

Whether it is mandatory or voluntary, vaccine policies should:

- Provide a rationale for the policy. Explain the purpose of having a policy.
- Explain who is covered by the policy. Does it apply to all employees or just those who have public contact? If you will only cover certain employees, be sure you have legitimate business reasons for singling out some departments.
- Address proof of vaccination. For mandatory vaccination policies, make sure employees know who to send the proof to by title and include contact information. Train managers, so they know not to ask for any more information than the proof of vaccination, as more information may result in getting private health information. Explain to employees that proof of vaccination will be kept confidential.
- Adhere to privacy requirements. Your policy should adhere to any federal, state, or local privacy laws.
- Describe accommodation or exemption procedures. Address how the employer will engage in the interactive process. You can refer to other ADA or religious accommodation policies.
- Address pay; address how or if employees will be compensated for time spent getting vaccinated.
- Include consequences for non-compliance. You will need to be willing and able to uniformly enforce those consequences.
- Address leave and time off; determine whether employees may or must take paid time off and what happens if employees don't have available paid time.

Sample Policies

OSHA MANDATORY VACCINATION POLICY

COVID-19 Vaccination Policy

In compliance with the OSHA COVID-19 Emergency Temporary Standard (ETS) on Vaccination and Testing, published November 5, 2021, and [Employer's] commitment to protecting the health and well-being of our employees, their families, and members of our community against the coronavirus (COVID-19) we issue the following policy based on guidance, standards, rules and recommendations issued by the Occupational Safety and Workplace Administration (OSHA), federal Centers for Disease Control and Prevention (CDC), and other public health authorities. The COVID-19 vaccine has been determined to be a safe and effective measure for preventing COVID-19 infection. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

Policy

[Employer] requires all employees to obtain COVID-19 vaccinations. [Employer] believes this is an important measure to protect the health and safety of employees, customers, clients, family members, and those who visit the workplace from COVID-19 infection.

All employees who report to an indoor workplace where other individuals are present (such as coworkers or customers) are required to be fully vaccinated as a term and condition of employment at [Employer]. 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 the 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 employees are required to report their vaccination status and to provide proof of vaccination to Human Resources. Note that employees should not provide proof of vaccination that includes any genetic information (e.g., family medical history). Any documentation received by an employee will be kept confidential to the extent required by law.

Employees must provide truthful and accurate information about their COVID-19 vaccination status and, if applicable, their testing results. Employees not in compliance with this policy will be subject to discipline and potential criminal penalties.

All new employees are required to comply with the vaccination requirements outlined in this policy upon hire as a condition of employment. Potential candidates for employment will be notified of the requirements of this policy prior to the start of employment.

This policy is mandatory except for employees with a documented medical and/or religious reason for not receiving the COVID-19 vaccine. The process for seeking an exemption or reasonable accommodation based on a medical and/or religious reason is addressed below.

Requests for Exemptions as a Reasonable Accommodation

An employee or job applicant who has a qualifying medical condition that contraindicates a COVID-19 vaccination or, (ii) who objects to being vaccinated on the basis of a sincerely held religious belief, observance, or practice may request an exemption from this vaccination policy. All requests should be directed to Human Resources.

[Employer] will engage in an interactive process to determine if an exemption as a reasonable accommodation may be appropriate. This process will involve exchanging information about the reasons for the request (e.g., information regarding the disability) and identifying appropriate workplace accommodations (e.g., remote work, if possible).

An exemption as a reasonable accommodation may be provided so long as it does not cause an undue hardship for the organization or pose a direct threat to others' health and safety. This determination will be made on a case-by-case basis. Any medical information concerning an employee's or job applicant's limitations and/or reasonable accommodation needs will be kept in strict confidence in compliance with applicable federal, state, and local laws. Please refer to our reasonable accommodation procedure for further information. Employees and job applicants may request an exemption as a reasonable accommodation without fear of retaliation.

Overview and General Information

All [Employer]employees who are not fully vaccinated by December 5, 2021, must wear acceptable face coverings (masks) in the workplace as outlined in the face coverings policy below.

- All [Employer] employees must be fully vaccinated no later than January 18, 2022.

- To be fully vaccinated by January 18, 2022, an employee must:
 - Obtain the first dose of a two-dose vaccine no later than December 7, 2021, if the Moderna vaccine is received or December 14, 2021, if the Pfizer-BioNTech vaccine is received; and the second dose no later than January 4, 2022; or
 - Obtain one dose of a single dose vaccine no later than January 4, 2022.
- Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine.

Vaccination Status and Acceptable Forms of Proof of Vaccination

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 via [insert preferred method of receiving vaccination status].

Acceptable proof of vaccination status is:

- 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

If an employee needs assistance providing documentation, they should speak with Human Resources.

Compensation

If an employee elects to get vaccinated during working hours, the employee will be paid their hourly rate (and overtime, as applicable) for the time spent traveling to the vaccination site, time spent waiting and getting the COVID-19 vaccination shots, as well as for the waiting time after receiving the vaccine to monitor for an adverse reaction to the vaccine for up to four hours of time for each shot, for a total of 8 hours. If additional time is required, contact Human Resources.

Contact Human Resources for requesting duty time to obtain the COVID-19 vaccine or sick leave to recover from side effects.

[Describe how employees may schedule their vaccination appointments, e.g., through an on-site clinic, through their own medical provider, or with a mass-vaccination clinic. Also, mention who will be maintaining this policy, e.g., human resources or a designated coordinator, and provide any other general information employees need that is not addressed in the sections below.]

Non-compliance

An employee who does not provide proof that they have been fully vaccinated for COVID-19 by the deadlines set forth above will be considered non-compliant with this policy and will be subject to discipline, up to and including termination.

Testing

If an employee covered by this policy is not fully vaccinated (e.g., if they are granted an exception from the mandatory vaccination requirement because the vaccine is contraindicated for them), the employee will be required to comply with this policy for testing.

Employees who report to the workplace 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 [the 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 (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

- (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 [the supervisor] upon return to the workplace.

If an 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.

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.

[Although OSHA states in the Vaccination and Testing ETS that employers are not responsible for the cost of testing, employers are responsible for this cost under other laws and requirements, such as reasonable accommodation under the ADA and Title VII, collective bargaining agreements, and state law. Employers should be aware of and potentially add appropriate pay requirements here.]

Face Coverings

If an employee covered by this policy is not fully vaccinated, [Employer name] will require the employee to wear a face covering. 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.

Policies and procedures for face coverings will be implemented, along with the other provisions required by OSHA's COVID-19 Vaccination and Testing ETS, as part of a multi-layered infection control approach for unvaccinated workers.

The following are exceptions to [Employer name]'s requirements for face coverings:

- 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.
- Where [Employer name] 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).

Employee Notification of COVID-19 and Removal from the Workplace

[Employer] will require employees to promptly notify [their supervisor/HR] when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

Medical Removal from the Workplace

[Employer name] has also implemented a policy for keeping COVID-19 positive employees from the workplace in certain circumstances. [Employer name] 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). [Describe the employer's policies for removing employees from the workplace and any relevant procedures for working remotely or in isolation.]

Return to Work Criteria

For any employee removed because they are COVID-19 positive, [Employer name] 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"; or receives a recommendation to return to work from a licensed healthcare provider.

This policy is based on the most current OSHA requirements and guidance from the CDC available to [Employer]. We reserve the right to update and change this policy at any time.

OSHA MANDATORY VACCINATION POLICY – WITH TESTING

COVID-19 Vaccination Policy

In compliance with the OSHA COVID-19 Emergency Temporary Standard (ETS) on Vaccination and Testing, published November 5, 2021, and [Employer's] commitment to protecting the health and well-being of our employees, their families, and members of our

community against the coronavirus (COVID-19) we issue the following policy based on guidance, standards, rules and recommendations issued by the Occupational Safety and Workplace Administration (OSHA), federal Centers for Disease Control and Prevention (CDC), and other public health authorities. The COVID-19 vaccine has been determined to be a safe and effective measure for preventing COVID-19 infection. This policy complies with OSHA's Emergency Temporary Standard on Vaccination and Testing (29 CFR 1910.501).

Policy

[Employer] requires all employees to obtain COVID-19 vaccinations or undergo weekly testing and wear masks. [Employer] believes this is an important measure to protect the health and safety of employees, customers, clients, family members, and those who visit the workplace from COVID-19 infection.

All employees who report to an indoor workplace where other individuals are present (such as coworkers or customers) are required to be fully vaccinated as a term and condition of employment at [Employer Name]. 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 the 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 employees are required to report their vaccination status and to provide proof of vaccination to Human Resources. Note that employees should not provide proof of vaccination that includes any genetic information (e.g., family medical history). Any documentation received by an employee will be kept confidential to the extent required by law.

Employees must provide truthful and accurate information about their COVID-19 vaccination status and, if applicable, their testing results. Employees not in compliance with this policy will be subject to discipline and possible criminal penalties.

All new hires are required to comply with the vaccination or testing 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.

This policy is mandatory except for employees with a documented medical and/or religious reason for not receiving the COVID-19 vaccine. The process for seeking an exemption or reasonable accommodation based on a medical and/or religious reason is addressed below.

Requests for Exemptions as a Reasonable Accommodation

An employee or job applicant who has a qualifying medical condition that contraindicates a COVID-19 vaccination, or (ii) who objects to being vaccinated on the basis of a sincerely held religious belief, observance, or practice may request an exemption from this vaccination policy. All requests should be directed to Human Resources.

[Employer] will engage in an interactive process to determine if an exemption as a reasonable accommodation may be appropriate. This process will involve exchanging information about the reasons for the request (e.g., information regarding the disability) and identifying appropriate workplace accommodations (e.g., remote work, if possible).

An exemption as a reasonable accommodation may be provided so long as it does not cause an undue hardship for the organization or pose a direct threat to others' health and safety. This determination will be made on a case-by-case basis. Any medical information concerning an employee's or job applicant's limitations and/or reasonable accommodation needs will be kept in strict confidence in compliance with applicable federal, state, and local laws. Please refer to our reasonable accommodation procedure for further information. Employees and job applicants may request an exemption as a reasonable accommodation without fear of retaliation.

Procedures

Overview and General Information

All [Employer Name] employees must be fully vaccinated no later than January 18, 2022.

To be fully vaccinated by January 18, 2022, an employee must:

- Obtain the first dose of a two-dose vaccine no later than December 7, 2021, if the Moderna vaccine is received or December 14, 2021, if the Pfizer-BioNTech vaccine is received; and the second dose no later than January 4, 2022; or
- Obtain one dose of a single dose vaccine no later than January 4, 2022.

Employees will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine.

Vaccination Status and Acceptable Forms of Proof of Vaccination

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 via [insert preferred method of receiving vaccination status].

Acceptable proof of vaccination status is:

- 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

If an employee needs assistance providing documentation they should speak with Human Resources.

Compensation

If an employee elects to get vaccinated during working hours, the employee will be paid their hourly rate (and overtime, as applicable) for the time spent travelling to the vaccination site, time spent waiting and getting the COVID-19 vaccination shots, as well as for the waiting time after receiving the vaccine to monitor for an adverse reaction to the vaccine for up to four hours of time for each shot, for a total of 8 hours. If additional time is required, contact Human Resources. If an employee is vaccinated outside of their approved duty time, they will not be compensated.

Contact Human Resources for requesting duty time to obtain the COVID-19 vaccine or sick leave to recover from side effects.

Face coverings

If an employee covered by this policy is not fully vaccinated, [Employer name] will require the employee to wear a face covering. 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. Policies and procedures for face coverings will be implemented, along with the other provisions required by OSHA's COVID-19 Vaccination and Testing ETS, as part of a multi-layered infection control approach for unvaccinated workers.

The following are exceptions to [Employer name]'s requirements for face coverings:

- 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
- Where [Employer name] 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)

Non-compliance

An employee who does not provide proof that they have been fully vaccinated for COVID-19 by the deadlines set forth above will be considered non-compliant with this policy and will be subject to discipline, up to and including termination.

This provision does not apply to an employee who has been provided an exemption as a reasonable accommodation for a disability or a sincerely held religious belief. In the event that an employee is unable to receive a vaccine due to factors outside of their control (e.g., lack of vaccine supply), contact Human Resources.

Testing

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

Employees who report to the workplace 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 [the 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 (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

(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 [the supervisor] upon return to the workplace.

If an 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.

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.

This provision does not apply to an employee who has been provided an exemption as a reasonable accommodation for a disability or a sincerely held religious belief. In the event that an employee is unable to receive a vaccine due to factors outside of their control (e.g., lack of vaccine supply), contact Human Resources.

Employee Notification of COVID-19 and Removal from the Workplace

[Employer Name] will require employees to promptly notify [their supervisor/HR] when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

Medical Removal from the Workplace

[Employer name] has also implemented a policy for keeping COVID-19 positive employees from the workplace in certain circumstances. [Employer name] 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). [Describe the employer's policies for removing employees from the workplace and any relevant procedures for working remotely or in isolation.]

Return to Work Criteria

For any employee removed because they are COVID-19 positive, [Employer name] 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”; or receives a recommendation to return to work from a licensed healthcare provider.

This policy is based on the most current OSHA requirements and guidance from the CDC available to [Employer]. We reserve the right to update and change this policy at any time.

SAMPLE OSHA COVID-19 MANDATE ATTESTATION

I _____ am unable to produce acceptable proof of vaccination under paragraphs (e)(2)(i) through (v) of the OSHA COVID-19 Emergency Temporary Standards.

I attest that I am:

- fully vaccinated
- partially vaccinated

Type of vaccine _____

Date(s) of administration:

_____ by _____

_____ by _____

_____ by _____

I attest that I have lost my proof of vaccination, and am otherwise unable to produce proof of vaccination; and

I hereby declare that this statement about 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.

Printed name: _____ Date: _____

Signature: _____

FEDERAL CONTRACTOR MANDATORY VACCINATION POLICY

COVID-19 Vaccination Policy

In compliance with the Executive Order “EO” issued September 9, 2021, and [Employer’s/Contractor’s] commitment to protecting the health and well-being of our employees, their families, and members of our community against the coronavirus (COVID-19), we issue the following policy based on guidance, rules and recommendations from the EO, the Safer Federal Workforce Task Force, “Task Force Guidance” and the federal Centers

for Disease Control and Prevention (CDC). The COVID-19 vaccine has been determined to be a safe and effective measure for preventing COVID-19 infection

[Employer] requires all employees, contractors, and subcontractors to obtain a COVID-19 vaccination and maintain specific workplace safety protocols set forth below. [Employer] believes this is an important measure to protect the health and safety of employees, customers, clients, family members, and those who visit the workplace from COVID-19 infection.

All federal contractor employees on covered contracts, those who perform duties in connection with a covered contract, and those working at the same workplace as covered employees must be fully vaccinated against COVID-19 no later than January 18, 2022, as a term and condition of employment, unless subject to a medical or religious exemption. 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 the 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. Thus, to be fully vaccinated by January 18, 2022, an employee must:

- Obtain the first dose of a two-dose vaccine no later than December 7, 2021, if the Moderna vaccine is received or December 14, 2021, if the Pfizer-BioNTech vaccine is received; and the second dose no later than January 4, 2022; or
- Obtain one dose of a single dose vaccine no later than January 4, 2022.
- All employees are required to report their vaccination status and to provide proof of vaccination to [designated employee]. Note that employees should not provide proof of vaccination that includes any genetic information (e.g., family medical history). Any documentation received by an employee will be kept confidential to the extent required by law.

This policy is mandatory except for employees with a documented medical and/or religious reason for not receiving the COVID-19 vaccine.

Requests for Exemptions as a Reasonable Accommodation

An employee or job applicant who has a qualifying medical condition that contraindicates a COVID-19 vaccination or (ii) who objects to being vaccinated on the basis of a sincerely held religious belief, observance, or practice may request an exemption from this vaccination policy. All requests should be directed to Human Resources.

[Employer] will engage in an interactive process to determine if an exemption as a reasonable accommodation may be appropriate. This process will involve exchanging information about the reasons for the request (e.g., information regarding the disability) and identifying appropriate workplace accommodations (e.g., remote work, if possible).

An exemption as a reasonable accommodation may be provided so long as it does not cause an undue hardship for the organization or pose a direct threat to others' health and safety. This determination will be made on a case-by-case basis. Any medical information concerning an employee's or job applicant's limitations and/or reasonable accommodation needs will be kept in strict confidence in compliance with applicable federal, state, and local laws. Please refer to our reasonable accommodation procedure for further information.

Employees and job applicants may request an exemption as a reasonable accommodation without fear of retaliation.

Workplace Safety Protocols

Employees must adhere to general workplace safety protocols, which include wearing masks in all indoor and outdoor spaces and maintaining physical distancing of 6 feet in areas of high transmission while in the workplace, regardless of vaccination status. In areas of low transmission fully vaccinated employees do not need to wear masks or maintain physical distance.

Employees who are not yet fully vaccinated must wear masks indoors and certain outdoor settings and should maintain a distance of at least six feet from others at all times, including in offices, conference rooms, and all other communal and work spaces.

Requirements will be periodically updated based on local transmission rate, so it is an employee's responsibility to check posted notices.

Exceptions to the mask requirement will be made in a few limited circumstances, including when an individual is alone in an office with floor to ceiling walls and a closed door, or for a limited time when eating or drinking and maintaining physical distance. Also, exceptions may be made when wearing a mask conflicts with a communicated medical condition or religious belief, in instances where the mask may get wet, instances of high intensity activities where wearing a mask would make it difficult to breathe, or when wearing a mask would create a risk to workplace health, safety, or job duties as determined by a workplace risk assessment. Any exception to the mask requirement must be approved in writing by [Employer's designee].

Vaccination Status and Acceptable Forms of Proof of Vaccination

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 via [insert preferred method of receiving vaccination status]. Employees must certify under penalty of perjury that the documentation they are submitting is true and correct.

Acceptable proof of vaccination status is:

- 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.

Digital copies of such records are acceptable when the record clearly and legibly displays the necessary information. If an employee is unable to obtain their vaccination record, please contact [Employer designee] to discuss compliance.

Non-compliance

When an employee refuses to be vaccinated and is not eligible for an exemption, the employee will be subject to [Employer's] discipline process, up to and including termination.

CMS MANDATORY VACCINATION POLICY

COVID-19 Vaccination Policy

In compliance with the CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule, effective November 5, 2021, and [Employer's] commitment to protecting the health and well-being of our employees, their families, our patients, and members of our community against the coronavirus (COVID-19) we issue the following policy based on guidance, standards, rules and recommendations issued by the federal Centers for Disease Control and Prevention (CDC), Department of Health and Human Services Center for Medicare & Medicaid Services (CMS), the Occupational Safety and Workplace Administration (OSHA) and other public health authorities. The COVID-19 vaccine has been determined to be a safe and effective measure for preventing COVID-19 infection. This policy complies with CMS Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rules (42 CFR Parts 416, 418, 441, 460, 482, 483, 484, 485, 486, 491, and 494).

Policy

[Employer] requires all staff to be fully vaccinated for COVID-19. [Employer] believes this is an important measure to protect the health and safety of employees, customers, clients, patients, family members, and those who visit the workplace from COVID-19 infection.

All applicable staff must maintain and provide written proof that they have been fully vaccinated against COVID-19 to Human Resources. Note that employees should not provide proof of vaccination that includes any genetic information (e.g., family medical history). Any documentation received by an employee will be kept confidential to the extent required by law.

New hires must present proof of COVID-19 vaccination at the time of hire.

This policy is mandatory except for employees with a documented medical and/or religious reason for not receiving the COVID-19 vaccine.

Applicable Staff

All staff, regardless of clinical responsibility or patient contact, who provides any care, treatment, or other services for the facility and/or its patients. This includes all employees, licensed practitioners; students, trainees, and volunteers; and individuals who provide care, treatment, or other services for the facility and/or its patients, under contract or other arrangement at covered facilities, regardless of clinical responsibility or patient contact.

Timing

No later than December 5, 2021, prior to providing any care, treatment, or other services for the facility or its patients:

- All staff (as defined above) must receive the first dose of the primary series or a single dose COVID-19.

- For employees entitled to a reasonable accommodation under the law, these employees must request and be granted a lawful exemption.
- No later than January 4, 2021, all staff (as defined above) must be fully vaccinated, or at a minimum, have received the final dose of a primary vaccination series.

Acceptable forms of proof of vaccination include:

- CDC COVID-19 vaccination record card (or legible photo of the card)
- Documentation of vaccination from a health care provider or electronic health record
- Documentation of vaccination from a state immunization information system record
- If vaccinated outside of the U.S., a reasonable equivalent of any of the above

Requests for Exemptions as a Reasonable Accommodation for Employees

An employee or job applicant who has a qualifying disability, need for vaccination delay, or medical condition that contraindicates a COVID-19 vaccination, or (ii) who objects to being vaccinated on the basis of a sincerely held religious belief, observance, or practice may request an exemption from this vaccination policy. All requests should be directed to Human Resources.

[Employer] will engage in an interactive process to determine if an exemption as a reasonable accommodation may be appropriate. This process will involve exchanging information about the reasons for the request (e.g., information regarding the disability) and identifying appropriate workplace accommodations (e.g., remote work, if possible).

An exemption as a reasonable accommodation may be provided so long as it does not cause an undue hardship for the organization or pose a direct threat to others' health and safety. This determination will be made on a case-by-case basis. Any medical information concerning an employee's or job applicant's limitations and/or reasonable accommodation needs will be kept in strict confidence in compliance with applicable federal, state, and local laws.

Please refer to our reasonable accommodation procedure for further information. Note that all documentation confirming recognized clinical contraindications to COVID-19 vaccinations for staff seeking a medical exemption must be signed and dated by a licensed practitioner, who is not the individual requesting the exemption and is acting within their respective scope of practice based on applicable state and local laws. This documentation must contain all information specifying which of the authorized COVID-19 vaccines are clinically contraindicated for the staff member to receive and the recognized clinical reasons for the contraindications. Employees and job applicants may request an exemption as a reasonable accommodation without fear of retaliation.

Compensation

Employees will be paid their hourly rate (and overtime, as applicable) for the time spent waiting and getting the COVID-19 vaccination, as well as for the waiting time after receiving the vaccine to monitor for an adverse reaction to the vaccine as required by federal and state law. If an employee receives a vaccine at a location separate from work, the employee

will be also be compensated for the time traveling to and from the vaccination site as required by federal and state law.

Contact Human Resources for requesting duty time to obtain the COVID-19 vaccine or sick leave to recover from side effects.

Non-compliance

Any staff who does not provide proof that they have been fully vaccinated for COVID-19 (e.g., received two doses) will be considered non-compliant with this policy. Non-compliance will not be tolerated.

This provision does not apply to an employee who has been provided an exemption as a reasonable accommodation for a disability or a sincerely held religious belief. In the event that an employee is unable to receive a vaccine due to factors outside of their control (e.g., lack of vaccine supply), contact Human Resources.

Policy Subject to Change

This policy is based on the most current guidance and government mandates available to [Employer] as addressed above. We reserve the right to change this policy at any time.

REQUEST FOR MEDICAL EXEMPTION/ACCOMMODATION RELATED TO COVID-19 VACCINE (CMS COVERED FACILITIES)

COMPANY (“Company”) is committed to providing equal employment opportunities without regard to any protected status and a work environment that is free of unlawful harassment, discrimination, and retaliation. As such, the Company is committed to complying with all laws protecting individuals with disabilities or medical conditions. When requested, the Company will provide an exemption/reasonable accommodation for any known medical condition or disability of a qualified individual which prevents the employee from receiving a COVID-19 vaccine, provided the requested accommodation is reasonable and does not create an undue hardship for the Company and/or pose a direct threat to the health or safety of others in the workplace and/or to the requesting employee.

To request an Exemption/Accommodation related to the Company’s COVID-19 vaccination policy, please complete Part 1 of this form, have your healthcare provider complete Part 2 (the certification portion), and return them to Human Resources. This information will be used by Human Resources or other appropriate personnel to engage in an interactive process to determine whether an employee is eligible for such exemption/accommodation and, if so, to determine the reasonable accommodations which can be provided that would enable the employee to perform the essential functions of their position without posing a threat of harm to self or others. If an employee refuses to provide such information, the employee’s refusal may impact the Company’s ability to adequately understand the employee’s request or to effectively engage in the interactive process to identify possible accommodations.

Medical exemptions/accommodations for the COVID-19 vaccine will be considered if the employee provides a written certification by a licensed, treating medical provider [a

physician (MD or DO), nurse practitioner (NP), or physician's assistant (PA)] of one of the following:

- The applicable CDC contraindication for the COVID-19 vaccine, **or**
- The applicable contraindication found in the manufacturer's package insert for the COVID-19 vaccine, **or**
- A statement that the physical condition of the person or medical circumstances relating to the person are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization with the COVID-19 vaccine.

PART ONE: TO BE COMPLETED BY EMPLOYEE:

Name: _____

Date of Request: _____

Verification and Accuracy

I verify that the information I am submitting in support of my request for an accommodation is complete and accurate to the best of my knowledge, and I understand that any intentional misrepresentation contained in this request may result in disciplinary action.

I also understand that my request for an accommodation may not be granted if it is not reasonable, if it poses a direct threat to the health and/or safety of others in the workplace and/or to me, or if it creates an undue hardship on the Company.

Signature: _____

Date: _____

Print Name: _____

PART TWO TO BE COMPLETED BY EMPLOYEE'S MEDICAL PROVIDER

Company

Name: _____

Employee Name:

Attention Medical Provider:

COMPANY requires a COVID-19 vaccination as a condition of employment. The above-named employee is requesting an exemption from this vaccination requirement. A medical exemption from the COVID-19 vaccination may be allowed for certain recognized contraindications.

IMPORTANT NOTICE ABOUT GINA

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. `Genetic information` as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Please complete the form below. Should you have any questions, please contact

_____ at
_____. Thank you.

All documentation confirming recognized clinical contraindications to COVID-19 vaccinations for staff seeking a medical exemption must be signed and dated by a licensed practitioner, who is not the individual requesting the exemption and is acting within their respective scope of practice based on applicable state and local laws. This documentation must contain all information specifying which of the authorized COVID-19 vaccines are clinically contraindicated for the staff member to receive and the recognized clinical reasons for the contraindications.

The above person should not be immunized for COVID-19 for the following reasons (Please check all that apply.):

History of previous allergic reaction to indicate an immediate hypersensitivity reaction to a component of the vaccine.

- Which of the authorized COVID-19 vaccines are clinically contraindicated for the staff member:

- The recognized clinical reasons for the contraindications:

The physical condition of the person or medical circumstances relating to the person are such that immunization is not considered safe. Please indicate the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization with the COVID-19 vaccine.

Other – Please provide this information in a separate narrative that describes the exemption in detail.

I certify that _____ has the above contraindication and request a medical exemption from the COVID-19 vaccination.

Medical Provider Signature: _____

Date: _____

Print Name:

Address:

Phone Number: _____

PART THREE TO BE COMPLETED BY HUMAN RESOURCES

Date this Request Form Received in Human Resources: _____

Interactive Discussion Date(s) if applicable:

Exemption/Accommodation granted? Yes _____ No _____

Describe Exemption/Accommodation:

If Exemption/Accommodation granted, list required alternative safety precautions required:

If Exemption/Accommodation not granted, explain why not:

Name of Representative:

Signature of Representative:

Date: _____

**NON-OSHA, FEDERAL CONTRACTOR, OR CMS MANDATORY POLICY
(CAN BE MODIFIED TO MEET NEEDS)**

COVID-19 Vaccination Policy

[Employer] is committed to protecting the health and well-being of our employees, their families, and members of our community against the coronavirus (COVID-19). This policy is based on guidance and recommendations issued by the federal Centers for Disease

Control and Prevention (CDC) and other public health authorities. The COVID-19 vaccine has been determined to be a safe and effective measure for preventing COVID-19 infection.

Policy

[Employer] requires all employees to obtain and maintain up-to-date COVID-19 vaccinations when available. [Employer] believes this is an important measure to protect the health and safety of employees, customers, clients, family members, and those who visit the workplace from COVID-19 infection.

All employees must maintain and provide written proof that they have been fully vaccinated against COVID-19 upon becoming eligible for COVID-19 vaccination. Employees must provide proof of vaccination to Human Resources. Note that employees should not provide proof of vaccination that includes any genetic information (e.g., family medical history). Any documentation received by an employee will be kept confidential to the extent required by law.

New hires must present proof of COVID-19 vaccination if vaccines are available and the employee is eligible at the time of hire.

This policy is mandatory except for employees with a documented medical and/or religious reason for not receiving the COVID-19 vaccine. The process for seeking an exemption or reasonable accommodation based on a medical and/or religious reason is addressed below.

Requests for Exemptions as a Reasonable Accommodation [OPTION 1]

An employee or job applicant who has a qualifying medical condition that contraindicates a COVID-19 vaccination, or (ii) who objects to being vaccinated on the basis of a sincerely held religious belief, observance, or practice may request an exemption from this vaccination policy. All requests should be directed to Human Resources.

[Employer] will engage in an interactive process to determine if an exemption as a reasonable accommodation may be appropriate. This process will involve exchanging information about the reasons for the request (e.g., information regarding the disability) and identifying appropriate workplace accommodations (e.g., remote work, if possible).

An exemption as a reasonable accommodation may be provided so long as it does not cause an undue hardship for the organization or pose a direct threat to others' health and safety. This determination will be made on a case-by-case basis. Any medical information concerning an employee's or job applicant's limitations and/or reasonable accommodation needs will be kept in strict confidence in compliance with applicable federal, state, and local laws. Please refer to our reasonable accommodation procedure for further information. Employees and job applicants may request an exemption as a reasonable accommodation without fear of retaliation.

Requests for Exemptions [OPTION 2]

If there is a reason you cannot receive the vaccination, contact [TITLE].

An exemption as a reasonable accommodation may be provided so long as it does not cause an undue hardship for the organization or pose a direct threat to others' health and safety. This determination will be made on a case-by-case basis. Any medical information concerning an employee's or job applicant's limitations and/or reasonable accommodation needs will be kept in strict confidence in compliance with applicable federal, state, and local

laws. Please refer to our reasonable accommodation procedure for further information. Employees and job applicants may request an exemption as a reasonable accommodation without fear of retaliation.

[Add for non-exempt hourly employees]:

Compensation

Employees will be paid their hourly rate (and overtime, as applicable) for the time spent waiting and getting the COVID-19 vaccination, as well as for the waiting time after receiving the vaccine to monitor for an adverse reaction to the vaccine. If an employee receives a vaccine at a location separate from work, the employee will be also be compensated for the time traveling to and from the vaccination site.

Non-compliance

An employee who does not provide proof that they have been fully vaccinated for COVID-19 (e.g., received two doses) after becoming eligible under the state's vaccine distribution plan will be considered non-compliant with this policy. Non-compliance will not be tolerated.

This provision does not apply to an employee who has been provided an exemption as a reasonable accommodation for a disability or a sincerely held religious belief. In the event that an employee is unable to receive a vaccine due to factors outside of their control (e.g., lack of vaccine supply), contact Human Resources.

(Warning: This mandatory vaccination policy may not be used in Oregon, which prohibits an employer from requiring an employee to get vaccinated as a condition of employment unless that immunization is required by federal or state law, rule or regulation)

VOLUNTARY POLICY (CAN BE MODIFIED TO MEET NEEDS)

COVID-19 Vaccination Policy

[Employer] is committed to protecting the health and well-being of our employees, their families, and members of our community against the coronavirus (COVID-19). This policy is based on guidance and recommendations issued by the federal Centers for Disease Control and Prevention (CDC) and other public health authorities. The COVID-19 vaccine has been determined to be a safe and effective measure for preventing COVID-19 infection.

Policy

[Employer] strongly encourages all employees to obtain and maintain up-to-date COVID-19 vaccinations. [Employer] believes this is an important measure to protect the health and safety of employees, customers, clients, family members, and those who visit the workplace from COVID-19 infection.

Employees may provide proof to Human Resources that they have been fully vaccinated against COVID-19. Note that employees should not provide proof of vaccination that includes any genetic information (e.g., family medical history). Any documentation received by an employee will be kept confidential to the extent required by law.

[Add for non-exempt hourly employees:

Compensation

Employees will be paid their hourly rate (and overtime, as applicable) for the time spent waiting and getting the COVID-19 vaccination, as well as for the waiting time after receiving the vaccine to monitor for an adverse reaction to the vaccine. If an employee receives a vaccine at a location separate from work, the employee will also be compensated for traveling to and from the vaccination site.]

SELF-CERTIFICATION OF COVID-19 VACCINATION STATUS

Please complete this self-certification with accurate and truthful information regarding your COVID-19 vaccination status. If you fail to complete the self-certification form, decline to provide information regarding your COVID-19 vaccination status, or certify that you are not fully vaccinated, [insert employer's name] will consider you to be unvaccinated against COVID-19.

[insert employer's name] only requests information that is reflected on the CDC COVID-19 Vaccination Record Card (e.g., vaccine manufacturer, date of dose(s)). Do not provide additional information, including medical or family history information, including the reason(s) for receiving or failing to receive vaccinations against COVID-19.

[OPTIONAL: [insert employer's name] may also request proof of vaccination (e.g., a copy of your CDC COVID-19 Vaccination Record Card) to be submitted to [insert Human Resources or appropriate department or contact (e.g., manager)]. Again, please do not provide any additional medical or family history information.]

All information provided will be kept confidential to the extent required by applicable law.

To Be Completed by Worker:

By checking the box below, I declare that the following statements are true:

COVID-19 Vaccination Status:

Fully Vaccinated*

Vaccine Manufacturer (e.g., Pfizer): _____

Dates of Dose(s): _____

Boosters (If any)

Partially Vaccinated**

Vaccine Manufacturer (e.g., Pfizer): _____

Date of Dose: _____

Not Yet Fully Vaccinated, COVID-19 Vaccine Scheduled for: _____

Not Vaccinated

Decline to Respond

* The Centers for Disease Control and Prevention (CDC) considers an individual *fully vaccinated* if they are:

- Two weeks after their second dose in a two-dose series, such as the Pfizer or Moderna vaccines, or
- Two weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.

** *Partially vaccinated* means having had one dose of the two-dose series, such as the Pfizer or Moderna vaccines.

I understand I am required to provide accurate and truthful information in response to the questions above and that failure to do so may result in disciplinary action, up to and including termination. I hereby certify that I provided accurate and truthful information to the questions above. I am also aware that [insert employer's name] may request documentation proving my vaccination status (e.g., CDC COVID-19 Vaccination Record Card) and that failure to provide that documentation may result in disciplinary action, up to and including termination.

Employee Name: _____

Employee Date of Birth: _____

Signature: _____

Date: _____

Sample Exemption/Accommodation Forms

REQUEST FOR RELIGIOUS EXEMPTION/ACCOMMODATION RELATED TO COVID-19 VACCINE

COMPANY (“Company”) is committed to providing equal employment opportunities without regard to any protected status and a work environment that is free of unlawful harassment, discrimination, and retaliation. As such, the Company is committed to complying with all laws protecting employees’ religious beliefs and practices. When requested, the Company will provide an exemption/reasonable accommodation for employees’ religious beliefs and practices which prohibit the employee from receiving a COVID-19 vaccine, provided the requested accommodation is reasonable and does not

create an undue hardship for the Company or pose a direct threat to the health and/or safety of others in the workplace and/or to the requesting employee.

To request an Exemption/Accommodation related to the Company's COVID-19 vaccination policy, please complete this form and return it to Human Resources. This information will be used by Human Resources or other appropriate personnel to engage in an interactive process to determine eligibility for and to identify possible accommodations. If an employee refuses to provide such information, the employee's refusal may impact the Company's ability to adequately understand the employee's request or effectively engage in the interactive process to identify possible accommodations.

To Be Completed by Employee

Name: _____

Date of Request: _____

Please explain below why you are requesting an Exemption/Accommodation:

In some cases, the Company will need to obtain additional information and/or documentation about your religious practice(s) or belief(s). We may need to discuss the nature of your religious belief(s), practice(s), and accommodation with your religion's spiritual leader (if applicable) or religious scholars to address your request for an ³⁴

If requested, can you provide documentation to support your belief(s) and need for an accommodation? _____ Yes _____ No

If no, please explain why not:

Verification and Accuracy

⁴ Be careful here. Unlike medical accommodations, requesting documentation should not be the first step for religious accommodation requests. Guidance from the EEOC states: Because the definition of religion is broad and protects beliefs, observances, and practices with which the employer may be unfamiliar, the employer should ordinarily assume that an employee's request for religious accommodation is based on a sincerely held religious belief. If, however, an employee requests religious accommodation, and an employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief, observance, or practice, the employer would be justified in seeking additional supporting information. <https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination>

I verify that the information I am submitting in support of my request for an accommodation is complete and accurate to the best of my knowledge, and I understand that any intentional misrepresentation contained in this request may result in disciplinary action.

I also understand that my request for an accommodation may not be granted if it is not reasonable, if it poses a direct threat to the health and/or safety of others in the workplace and/or to me, or if it creates an undue hardship on the Company.

Signature:

Date: _____

Print Name: _____

HR Use only:

Date this Request Form Received in Human Resources: _____

Interactive Discussion Date(s) if applicable:

Exemption/Accommodation granted? Yes _____ No _____

Describe Exemption/Accommodation:

If Exemption/Accommodation granted, list required alternative safety precautions required:

If Exemption/Accommodation not granted, explain why not:

Name of Representative:

Signature of Representative:

Date: _____

REQUEST FOR MEDICAL EXEMPTION/ACCOMMODATION RELATED TO COVID-19 VACCINE (FOR NON CMS COVERED FACILITIES)⁵

COMPANY (“Company”) is committed to providing equal employment opportunities without regard to any protected status and a work environment that is free of unlawful harassment, discrimination, and retaliation. As such, the Company is committed to complying with all laws protecting individuals with disabilities or medical conditions. When requested, the Company will provide an exemption/reasonable accommodation for any known medical condition or disability of a qualified individual which prevents the employee from receiving a COVID-19 vaccine, provided the requested accommodation is reasonable and does not create an undue hardship for the Company and/or pose a direct threat to the health or safety of others in the workplace and/or to the requesting employee.

To request an Exemption/Accommodation related to the Company’s COVID-19 vaccination policy, please complete Part 1 of this form, have your healthcare provider complete Part 2 (the certification portion), and return them to Human Resources. This information will be used by Human Resources or other appropriate personnel to engage in an interactive process to determine whether an employee is eligible for such exemption/accommodation and, if so, to determine the reasonable accommodations which can be provided that would enable the employee to perform the essential functions of their position without posing a threat of harm to self or others. If an employee refuses to provide such information, the employee’s refusal may impact the Company’s ability to adequately understand the employee’s request or to effectively engage in the interactive process to identify possible accommodations.

Medical exemptions/accommodations for the COVID-19 vaccine will be considered if the employee provides a written certification by a licensed, treating medical provider [a physician (MD or DO), nurse practitioner (NP), or physician’s assistant (PA)], of one of the following:

- The applicable CDC contraindication for the COVID-19 vaccine, **or**
- The applicable contraindication found in the manufacturer’s package insert for the COVID-19 vaccine, **or**
- A statement that the physical condition of the person or medical circumstances relating to the person are such that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization with the COVID-19 vaccine.

PART ONE: TO BE COMPLETED BY EMPLOYEE:

Name: _____

Date of Request: _____

⁵ CMS Covered Facilities should use Request for Medical Exemption/Accommodation Form on page 26.

Verification and Accuracy

I verify that the information I am submitting in support of my request for an accommodation is complete and accurate to the best of my knowledge, and I understand that any intentional misrepresentation contained in this request may result in disciplinary action.

I also understand that my request for an accommodation may not be granted if it is not reasonable, if it poses a direct threat to the health and/or safety of others in the workplace and/or to me, or if it creates an undue hardship on the Company.

Signature: _____

Date: _____

Print Name: _____

PART TWO TO BE COMPLETED BY EMPLOYEE'S MEDICAL PROVIDER

Company Name: _____

Employee Name: _____

Attention Medical Provider:

COMPANY requires a COVID-19 vaccination as a condition of employment. The above-named employee is requesting an exemption from this vaccination requirement. A medical exemption from the COVID-19 vaccination may be allowed for certain recognized contraindications.

IMPORTANT NOTICE ABOUT GINA

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Please complete the form below. Should you have any questions, please contact

_____ at _____.

Thank you.

The above person should not be immunized for COVID-19 for the following reasons (Please check all that apply.):

- History of previous allergic reaction to indicate an immediate hypersensitivity reaction to a component of the vaccine.
- The physical condition of the person or medical circumstances relating to the person are such that immunization is not considered safe. Please indicate the specific nature and probable duration of the medical condition or circumstances that contraindicate immunization with the COVID-19 vaccine.
- Other – Please provide this information in a separate narrative that describes the exemption in detail.

I certify that _____ has the above contraindication and request a medical exemption from the COVID-19 vaccination.

Medical Provider Signature: _____

Date: _____

Print Name: _____

Address: _____

Phone Number: _____

PART THREE TO BE COMPLETED BY HUMAN RESOURCES

Date this Request Form Received in Human Resources: _____

Interactive Discussion Date(s) if applicable:

Exemption/Accommodation granted? Yes _____ No _____

Describe Exemption/Accommodation:

If Exemption/Accommodation granted, list required alternative safety precautions required:

If Exemption/Accommodation not granted, explain why not:

Name of Representative: _____

Signature of Representative: _____

Date: _____