

# COVID vaccine mandate sample policy

## OSHA COVID-19 VACCINATION MANDATE



There is no firm timetable yet, but OSHA will soon be [rolling out](#) its emergency temporary standard (ETS) requiring employers with 100 or more employees to ensure their workforces receive a covid vaccination. It's also likely the ETS will be challenged in court. According to the general consensus, these challenges will ultimately fail, but court cases may delay the widespread rollout of the program.

You can still have a mandatory vax policy, even if you won't be covered by OSHA's mandate or don't want to wait for the ETS to become effective. The Equal Employment Opportunity Commission (EEOC) has said mandatory vaccinations don't violate Title VII, provided accommodations are made for employees with [religious objections](#) and those whose medical conditions prevent them from receiving shots.

### Elements of a mandatory vaccination policy

It's best to get as much of a head start as possible when creating a covid vaccination policy. This way your legal team can review it and you won't be rushed into anything. Here we've provided an outline of a policy that could be used as a starting point.

#### Statement of purpose

##### First, state your overall purpose:

[Name of Company] is committed to protecting employees, customers, clients, and vendors from covid-19. To meet this goal, and in consideration of guidance released by the U.S. Centers for Disease Control and Prevention

and a variety of public health authorities and professional organizations, [Name of Company] is implementing a mandatory vaccination policy for its workforce.

## The policy's requirements

### Now state the details of your policy:

1. **All employees are required to have or obtain a covid-19 vaccination** as a term and condition of employment at [Name of Company], unless an exemption is approved.

All employees must report their vaccine status and provide approved documentation as proof of vaccination:

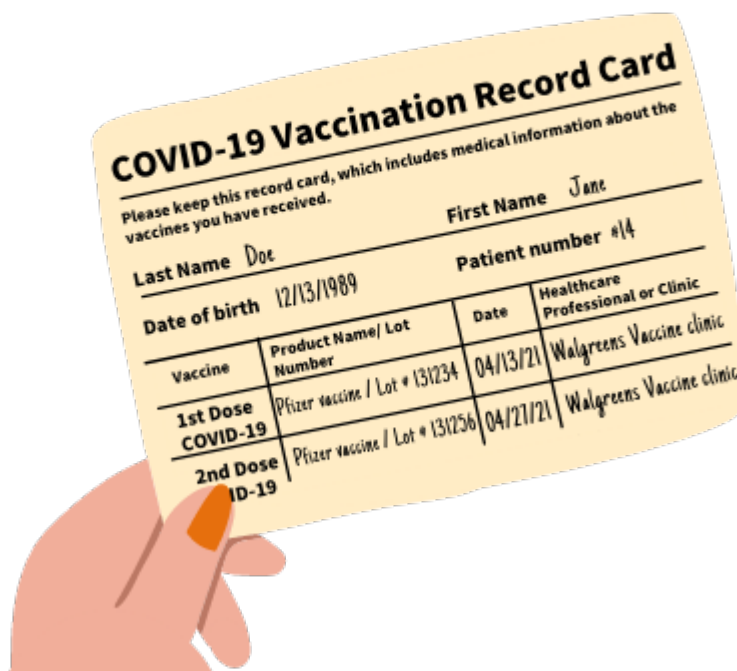
- All current employees must report their status no later than [Fill in the date].
- All employees who are not vaccinated have until [Fill in the date] to get fully vaccinated.
- All employees who do not get vaccinated, including employees who receive an exemption from this policy, must submit to weekly covid testing at their own expense. Employees who test positive must remain at home for 10 days. Such employees may work from home if their jobs permit. If their jobs do not permit working from home, such employees may use their accrued time off; otherwise, the time off will be unpaid.
- All new employees must provide proof of their vaccination status prior to the start of their employment.

This policy applies to employees regardless of whether they work on-site or remotely, unless the employee qualifies for an exemption.

Employees are considered fully vaccinated two weeks after they receive the requisite number of doses of a covid-19 vaccine. For Pfizer-BioNTech, Moderna or AstraZeneca/Oxford, this is two weeks after employees received the second dose in a two-dose series. For Johnson and Johnson /Janssen, this is two weeks after employees receive a single dose.

*Note:* You might want to update this to include booster shots.

2. **All employees, regardless of whether they have previously attested to their vaccination status, must provide documentation of their vaccination.** Employees' documentation must be on official forms and include the vaccination received, the number of doses received, the date each dose was administered, and the name of the health care professional or clinic administering the vaccine. **The following documentation is acceptable:**



- A copy of the record of immunization from a health care 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 organization or state immunization information.
- A copy of any other official documentation containing the required information.

Employees may provide digital copies of such records, including a digital photograph, scanned image, or PDF of such records. Digital copies must clearly and legibly display the above information.

Employees must certify under penalties of perjury that the documentation they are submitting is true and correct.

**3. Exemptions may be granted to employees who have certain medical conditions or on the basis of a strong religious or sincerely held belief.**

Determining whether an exception is legally required will include consideration of factors such as the basis for the claim; the nature of the employee's job responsibilities; and the reasonably foreseeable effects on the employer's operations, including protecting other employees and the public from covid-19.

Employees who are denied an exemption have 10 days from the date of the notice of the denial to receive the vaccine or submit to weekly testing at their own expense.

- 4. Employees may be granted a deferral to receive the vaccine** if they have certain medical conditions, they're on approved FMLA or supplemental leave, they've tested positive for the covid virus or are undergoing treatment for the virus, or they're pregnant or breastfeeding.
- 5. All records of vaccinations and approved exemptions will be maintained by Human Resources.** Such records will not be included in employees' personnel files.

6. **Violations of this policy may result in appropriate disciplinary measures, up to and including dismissal.** [Name of Company] will provide the procedural rights required in its progressive discipline policy to an employee and follow its normal disciplinary processes.

Employees will not be placed on administrative leave while pursuing an adverse action for refusal to be vaccinated, but will be required to follow safety protocols for employees who are not fully vaccinated when reporting to work.