

COVID-19 Vaccine Requirement FAQs

OSHA Requirements

<https://www.osha.gov/coronavirus/safework>

<https://www.osha.gov/coronavirus/ets2>

<https://www.osha.gov/sites/default/files/publications/OSHA4161.pdf>

On November 5, OSHA announced an “Emergency Temporary Standard” (ETS) requiring most private employers to establish, implement, and enforce a written mandatory vaccination or test policy. OSHA states it will continue to monitor trends and update this ETS as appropriate. This ETS preempts state and local laws.

Who does this include?

Private employers with 100+ employees

Who is exempt?

Healthcare providers who fall under CMS requirements

Workplaces of employers who have fewer than 100 employees in total

Employees who work from home or who work in a workplace where there are no other individuals present

Employees who work exclusively outdoors

What is required?

1. Employers must develop, implement, and enforce a mandatory COVID-19 vaccination policy and/or establish, implement, and enforce a policy allowing employees who are not fully vaccinated to elect to undergo weekly COVID-19 testing and wear a face covering at the workplace
2. Employers must determine vaccination status, obtain acceptable proof of vaccination, maintain records of each, and maintain a roster of each employee’s vaccination
3. Employers must allow reasonable time and accommodations from work for employees to receive vaccine
4. Employers must ensure those that are not vaccinated wear face coverings when indoors
5. Employers must provide information to employees at understandable literacy level regarding the ETS, the CDC document “key things to know about COVID-19 vaccines”, and information about protections against retaliation and discrimination, information about laws that provide for criminal penalties for knowingly supplying false statements or documentation

How will these requirements be enforced?

OSHA Inspection. Citations will occur along with financial penalties (up to \$13,653 per violation) and additional citations or penalties as determined by OSHA for willful or egregious failures to comply.

Exemptions, how do those work?

Medical and religious exemptions to the vaccine must be allowed in accordance with federal law.

For medical exemption-documentation must be signed and dated by a licensed practitioner.

If you have not received the vaccine, with or without an exemption, you will be required to have weekly testing.

Testing... if I fall under these regulations, can I just test instead of getting the vaccine?

If you are not vaccinated you must test in the workplace at least once a week or within 7 days before returning to work (if away from the workplace for a week or longer). Employers are not required to pay any costs associated with testing, however nothing prohibits employers from voluntarily assuming costs.

What is the timeline for this?

-By December 5, 2021 employers must comply with all requirements (all unvaccinated employees must wear facemasks at work) (30 days after date of publication in federal register)

-By January 4, 2022 unvaccinated employees must provide weekly proof of negative COVID-19 test results (60 days after date of publication in federal register)