

OSHA COVID-19 Vaccine Implementation Checklist



COVID-19 Vaccination Record Card
Please keep this record card, which includes medical information about the vaccines you have received.

Last Name _____ First Name _____
Date of birth _____ Patient number _____

Vaccine	Product Name/Manufacturer Lot Number	Date	Healthcare or Clinic Site
1* Dose COVID-19	_____	mm / dd / yy	_____
2* Dose COVID-19	_____	mm / dd / yy	_____
3* Dose COVID-19	_____	mm / dd / yy	_____
4* Dose COVID-19	_____	mm / dd / yy	_____

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Determine if the ETS Applies to Your Company

The ETS applies to all companies with more than 100 employees.

- The employee count should be completed at the employer level (firm or corporate-wide), not by individual facility. All employees at all facilities count toward the 100, and once that threshold is met, all facilities/sites/offices must comply.
 - For example, if a single corporation has 50 small locations with a total of at least 100 in its combined locations, that employer is covered, even if some of the locations have no more than one or two employees assigned to work there.
- Part-time employees count towards the total.
- Employees who work from home full-time count toward the total.
- Independent contractors do not count toward the total.
- Employees at sites outside of the U.S. do not count toward the total.

Determine Which Individual Employees Must Comply with the ETS

Employers may mandate that all employees be vaccinated (with religious and medical exemptions), however employers are not required to mandate vaccines or testing for the following:

- Employees who work from home full-time.
- Employees who work exclusively outdoors.

In the case that these employees are unvaccinated and do enter the office, they must provide a negative COVID-19 test within 7 days prior.

Develop a Plan and Notify Employees

- Develop a mandatory COVID-19 vaccination policy or a policy allowing employees to elect to either get vaccinated or undergo weekly COVID-19 testing and wear a face covering in the workplace.
- Provide each employee with information, in a language and at a literacy level the employee understands, about:
 - the requirements of the ETS and workplace policies and procedures established to implement the ETS;
 - vaccine efficacy, safety and the benefits of being vaccinated (by providing the CDC document "[Key Things to Know About COVID-19 Vaccines](#)");
 - protections against retaliation and discrimination;
 - and laws that provide for criminal penalties for knowingly supplying false statements or documentation.

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Employee Vaccination Status Checklist			
Fully Vaccinated	Vaccination In Progress	Unvaccinated and declining to get vaccinated	Medical/Religious Exemption
<ul style="list-style-type: none"> <input type="checkbox"/> Obtain acceptable proof of vaccination from vaccinated employees. <input type="checkbox"/> Maintain records of each employee's vaccination status by photocopy, digital photograph, scanned image, PDF, or state-issued QR-code. 	<ul style="list-style-type: none"> <input type="checkbox"/> Provide up to four hours of paid leave to receive each primary vaccination dose, and reasonable time and paid sick leave to recover from any side effects experienced following each primary vaccination dose. <input type="checkbox"/> Employees receiving the single-dose Janssen (Johnson & Johnson) must receive the single dose by Tuesday, January 4, 2022. <input type="checkbox"/> Employees receiving the Pfizer-BioNTech vaccine series must receive: <ul style="list-style-type: none"> ○ First dose on or before Tuesday, December 14, 2021. ○ Second dose 21 days later. <input type="checkbox"/> Employees receiving the Moderna vaccine series must receive: <ul style="list-style-type: none"> ○ First dose on or before Tuesday, December 7, 2021. ○ Second dose 28 days later. 	<ul style="list-style-type: none"> <input type="checkbox"/> For employees who are in the workplace at least once per week, weekly negative COVID-19 tests. <input type="checkbox"/> For an employee who works remotely – negative COVID-19 test within 7 days of entering office. <input type="checkbox"/> All unvaccinated employees must wear a mask when indoors or when occupying a vehicle with another person for work purposes. 	<ul style="list-style-type: none"> • Employers must offer an exemption on the grounds of a medical contraindication or a disability pursuant to the Americans with Disabilities Act (ADA). For more information see the EEOC guidance (Section K). • Employers must offer exemption on the grounds of sincerely held religious beliefs unless this exemption causes undue hardship on the employer. For more information see the EEOC guidance (Section L). <input type="checkbox"/> Enforce mask mandates for non-vaccinated employees who receive a medical or religious exemption unless waived by their reasonable accommodation.

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Employer Reporting Requirements

- Require employees to promptly provide notice when they receive a positive COVID-19 test or are diagnosed with COVID-19.
- Immediately remove from the workplace any employee, regardless of vaccination status, who received a positive COVID-19 test or is diagnosed with COVID-19 by a licensed health-care provider and keep the employee out of the workplace until [return-to-work criteria](#) are met.
- [Report](#) work-related (i.e., due to exposure in the workplace) COVID-19 fatalities to OSHA within 8 hours of learning about them.
- [Report](#) work-related COVID-19 in-patient hospitalizations within 24 hours of the employer learning about the hospitalization.

Employer Record Keeping Requirements

- Maintain a roster of each employee's vaccination status.
 - The roster must list all employees and whether they are fully vaccinated, partially vaccinated, not fully vaccinated because of medical/religious exemption, or not vaccinated.
- Maintain vaccination and/or weekly testing records as confidential medical records and preserve them while the ETS is in effect
 - Records may be kept as photocopy, digital photograph, scanned image, PDF, or state-issued QR-code. For QR codes, the employer must retain a copy of the vaccination information retrieved when the QR code is scanned, not just the QR code itself.
- Make vaccination and/or weekly testing records available for examination and copying to an employee (and to anyone having written authorized consent of that employee) or an employee representative.

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Appendix A – Further Information

Vaccine Policy Requirements

- Requirements for COVID-19 vaccination;
 - Applicable exclusions from the written policy (e.g., medical contraindications, medical necessity requiring delay in vaccination, or reasonable accommodations for workers with disabilities or sincerely held religious beliefs);
- Information on determining an employee's vaccination status and how this information will be collected;
- Paid time and sick leave for vaccination purposes;
- Notification of positive COVID-19 tests and removal of COVID-19 positive employees from the workplace;
- Information to be provided to employees (e.g., how the employer is making that information available to employees);
- Disciplinary action for employees who do not abide by the policy;
- The policy's effective date;
- Who the policy applies to;
- Deadlines (e.g., for submitting vaccination information, for getting vaccinated); and
- Procedures for compliance and enforcement.

Information to Provide to Employees

- Information on employer policies, including the details of the employer's vaccination policy.
- Information on the process that will be used to determine employee vaccination status.
- Information about the time and pay/leave they are entitled to for vaccinations and any side effects experienced following vaccinations.
- Information about the procedures employees must follow to provide notice of a positive COVID-19 test or diagnosis of COVID-19 by a licensed health-care provider.
- Information about the procedures to be used for requesting records.
- Additional information to unvaccinated employees, including information about the employer's policies and procedures for COVID-19 testing and face coverings.

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Proof of Vaccination

- Proof of vaccination must contain:
 - Employee's name
 - Type of vaccine administered
 - Date(s) of administration
 - Name of the health-care professional(s) or clinic site(s) administering the vaccine(s)
- Forms of proof include:
 - Record of immunization from a healthcare provider or pharmacy.
 - A copy of the U.S. CDC 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.
 - 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).
 - If such records are unavailable, a signed and dated statement by the employee attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost or are otherwise unable to produce proof required by the standard; and including the following language: “I declare (or certify, verify, or state) 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.”

Face Coverings

A “face covering” means a covering that:

- completely covers the nose and mouth;
- is 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);
- is 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;
- fits snugly over the nose, mouth and chin with no large gaps on the outside of the face; and
- is a solid piece of material without slits, exhalation valves, visible holes, punctures or other openings..

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This definition includes 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 this definition 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. Face coverings can be manufactured or homemade, and they can incorporate a variety of designs, structures and materials. Face coverings provide variable levels of protection based on their design and construction.

Testing Requirements

The ETS does **not** require employers to pay for any costs associated with testing. However, employer payment for testing may be required by other laws, regulations or collective bargaining agreements or other collectively negotiated agreements.

- Employees may use any COVID-19 test cleared, approved or authorized (including emergency-use authorization or EUA) by the FDA. It may be a molecular diagnostic test or antigen test.
- Tests must be administered in accordance with the instructions, but tests may NOT be both self-administered and self-read.
- Valid tests include over-the-counter (OTC) employee self-tests observed by employers or authorized telehealth proctors; point-of-care (POC) or OTC tests performed by employers with a CLIA certificate of waiver; and other FDA cleared, approved or authorized antigen tests that are analyzed in a CLIA certified laboratory setting.

Penalties

- Whoever knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained, if convicted, will be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months or by both.
- Knowingly and willfully:
 - Falsifying, concealing or covering up by any trick, scheme or device a material fact;
 - Making any materially false, fictitious or fraudulent statement or representation; or
 - Making or using any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years.
- A separate penalty can be applied for each individual violation, meaning each false record, etc., is an individual violation.

OSHA COVID-19 Vaccine ETS Implementation Checklist**Appendix B – Key Compliance Dates****30 Days After Publication (Sunday, December 5, 2021)***

- Establish vaccination policy
- Determine vaccination status of each employee
- Obtain acceptable proof of vaccination
- Develop roster of vaccination status
- Provide each employee necessary information about the ETS
- Comply with notification requirements
- Comply with recordkeeping requirements

60 Days After Publication (Tuesday, January 4, 2022)*

- Ensure unvaccinated/partially vaccinated employees who are in the workplace at least once per week are testing at least weekly
- Ensure employees who are away from the workplace for a week or longer test within 7 days before returning to the workplace

**Contingent on litigation and court rulings*