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| **Notice**  SOCMA has prepared this publication and it is disseminated for educational and informational purposes only. It should not take the place of appropriate technical or legal advice related to company specific circumstances. Companies have an independent obligation to ascertain that their actions and practices are sound. Although every effort has been made to provide accurate and up-to-date information, SOCMA does not assume any liability of any kind whatsoever for the use of or reliance upon the information contained in this publication. |
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| **Instructions**  The below email template contains the framework for the information that must be provided to satisfy your notification requirements under the ETS.  Text in black is universal and does not need to be customized further.  Text *italicized and in red* will need to be customized to your company and its specific policies and procedures.  Please attach a copy of your mandatory vaccine policy OR a vaccine, testing and face covering policy to this email communication.  Do not hesitate to reach out to SOCMA’s Government Relations team if you have additional questions or concerns: Robert Helminiak at [**rhelminiak@socma.org**](https://protect-us.mimecast.com/s/_iz6CW60ApH59MOiKda8-?domain=socma.org) or Genevieve Strand at [gstrand@socma.org](mailto:gstrand@socma.org). |

Dear employees,

As you are likely aware, on September 9, the White House issued an Executive Order (EO) requiring companies with 100 or more employees to mandate vaccinations (with health and religious exemptions) or take weekly COVID-19 tests and wear masks. The Occupational Safety and Health Administration (OSHA) has published an Emergency Temporary Standard (ETS) to implement this EO.

This email is intended to review how *company name* is implementing the ETS and to provide you with the necessary information for you to follow these policies and procedures.

**How *Company Name* is Implementing the ETS**

To implement this ETS, *company name* has developed a *mandatory vaccine policy OR a vaccine, testing and face covering policy*. Attached please find a copy of this policy. To review our implementation of the ETS and our *mandatory vaccine policy OR a vaccine, testing and face covering policy, we will be hosting a live/online training session at date/time. This training is mandatory for all employees.*

**Deadline to Provide Vaccination Records -- *Date***

The ETS requires *company name* to determine the vaccination status of each of our employees. All employees must provide vaccination status, including whether they are:

* Fully vaccinated
* Partially vaccinated.
* Unvaccinated because of medical or religious reasons.
* Unvaccinated

All vaccinated employees must provide an acceptable proof of vaccination to *name of employee or department* no later than *date*. Acceptable proof of vaccination status:

* 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, state, or tribal immunization information system.
* A copy of any other official documentation that contains the type of vaccine and the date(s) administered, the name of the health care professional(s) or clinic site(s) administering the vaccine(s).
* In the case of a lost or damaged proof of vaccination status, a signed and dated statement by the employee.

Employees are entitled to request a copy of the vaccine records that *company name* is maintaining in order to comply with this ETS. To request a copy of their records, employees should *(describe the procedures to be used for requesting records)*.

**Weekly COVID Testing – Effective** ***Date***

***(Remove this section if your company is mandating vaccination and is not offering the option for weekly employee testing)***

Beginning date, company name will require a negative COVID-19 test each week. *Describe your testing protocols or attach a copy for employees to review.*

*From the ETS:*

* *Employers must ensure that each employee who is not fully vaccinated and reports at least once every seven days to a workplace where other individuals (e.g., coworkers, customers) are present:*
* *Is tested for COVID–19 at least once every seven days;*
* *and provides 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 ensure these unvaccinated employees are tested at least once every seven calendar days, regardless of their work schedule.*

**COVID-19 Vaccine Efficacy, Safety & Benefits**

According to the Center for Disease Control (CDC). For more information, please review the following CDC publication: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>.

**Paid Leave and Time to Recover**

The ETS requires *company name* to provide employees up to 4 hours of paid time, including travel time, at your regular rate of pay to receive each of primary vaccine dose. The ETS also requires *company name* to provide reasonable time and paid sick leave to recover from side effects experienced following any primary vaccination series dose. *Describe company’s policy for “reasonable time and paid sick leave”.*

**Protection from Employer Retaliation**

Employees are protected by laws (such as Section 11(c) of the OSH Act and Section 1904.35(b)(1)(iv)) from retaliation for engaging in activities protected by OSHA statute or regulation.

You are protected from:

* Discipline
* Reducing your pay or hours
* Reassignment to a less desirable position
* Denying overtime or promotion
* Intimidation or harassment
* Any other action that would stop you from raising concerns about possible violation or engaging in other protected activity

**Criminal Penalties - Knowingly Supplying False Statements or Documentation**

If you make false statements or submit false documents or records, you face criminal penalties, including fines or jail time.

18 U.S.C. 1001 provides for fines of up to $250,000 or imprisonment of up to 5 years for any person who ‘‘in any matter within jurisdiction’’ of the executive branch of the U.S. Government ‘‘knowingly and willfully’’ engages in any of the following:

* Falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
* Makes any materially false, fictitious, or fraudulent statement or representation; or
* Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

Section 17(g) of the OSH Act provides for fines up to $10,000, and imprisonment for not more than six months, or both, for anyone who:

* ‘‘knowingly makes any false statement, representation, or certification’’ in any application, record, report, plan, or other document ‘‘filed or required to be maintained pursuant to this chapter.’’

**Questions or Further Information**

For any questions, please contact *name/title/contact information*.