

CHECKLIST | PREPARING FOR OSHA'S COVID-19 VACCINATION ETS - EMPLOYER CHECKLIST

Presented by TIG Advisors

Recently, President Joe Biden signed executive orders requiring federal workers and contractors to get vaccinated against COVID-19. Now, the Occupational Safety and Health Administration (OSHA) has been directed to issue an emergency temporary standard (ETS) imposing similar requirements for private employers. According to the White House, the rule will require all businesses with 100 or more employees to ensure workers are either tested for COVID-19 once a week or fully vaccinated.

At this time, the OSHA ETS is still in development. This checklist is a jumping-off point for your organization as you prepare for the upcoming rule. Not all items will apply to all employers in every circumstance.

This checklist will be updated as more details on the OSHA ETS are released.

COVID-19 Vaccine and Testing Policy Development	Yes	No	N/A
Has your organization determined whether OSHA's upcoming ETS will apply to your workplace?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization begun taking steps to draft or update a COVID-19 vaccine/testing policy—particularly one that complies with the upcoming OSHA ETS?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization considered whether your policy will allow employees to receive weekly COVID-19 testing in lieu of vaccination?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization considered how your policy will include a provision for employees to take paid time off to receive the vaccine, and, if necessary, take paid time off work due to potential side effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization considered how your policy will outline a date on which vaccination will be required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization considered how your policy will outline how employees can certify they have received a vaccination?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization considered how your policy will enforce disciplinary actions for not complying by the designated deadline?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization considered how your policy, as specified in the ETS, will provide specific provisions for employees to request a medical or religious exemption to receiving the vaccine?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your organization considered how your policy, as specified in the ETS, will allow some employees to be exempt from a mandate (e.g., some full-time remote employees may be exempt)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

This checklist is merely a guideline. It is neither meant to be exhaustive nor meant to be construed as legal advice. It does not address all potential compliance issues with federal, state or local standards. Consult your licensed representative at TIG Advisors or legal counsel to address possible compliance requirements. © 2021 Zywave, Inc. All rights reserved.

Operations	Yes	No	N/A
Does your organization have a plan in place for confidentially documenting employee vaccination records in accordance with all applicable laws?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If applicable, does your organization have a plan in place for confidentially tracking employee COVID-19 test results in accordance with all applicable laws?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If applicable, has your organization planned out logistics for testing employees weekly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization have a tested system in place to review medical or religious exemption requests, and, if necessary, make accommodations for employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization have a plan in place to address noncompliance from employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has your workplace planned for potential staffing shortages due to employees taking time off to receive the vaccine or, if necessary, recover from potential side effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization have a plan in place to quickly share updates with employees as more information becomes available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does your organization plan to use multiple communication channels to reach all employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Employee Communication Topics	Yes	No	N/A
<i>Does your organization have a plan to communicate the following topics to employees?</i>			
To whom do the vaccine and testing policies apply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Whether weekly COVID-19 testing is an option	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If applicable, information on weekly COVID-19 testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Where employees can receive a vaccine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Information on taking paid time off of work to receive the vaccine and recover from side effects	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The date by which employees need to be vaccinated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How employees can verify their vaccine status	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How employees should request an exemption	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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What consequences employees will face if they refuse to comply	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Large employers can use this checklist to begin preparing to comply with the upcoming OSHA ETS. Contact us today for more resources.