The Occupational Safety and Health Administration (OSHA) has issued an emergency temporary standard (ETS) that requires all businesses with 100 or more employees to ensure workers are either tested for COVID-19 once a week or fully vaccinated.

Presented by Scott Benefit Services

Brief Timeline of the ETS

The White House issued the ETS in November 2021. A week later, the order was blocked in federal court, effectively suspending enforcement of the rule.

On Dec. 17, 2021, the ETS was reinstated in federal court, allowing its enforcement to go forward. Employers now have until Jan. 10, 2022, to comply with most ETS obligations. Feb. 9, 2022, is the current deadline for employers to implement testing requirements.

This checklist is a jumping-off point to help employers prepare for the rule. Not all items will apply to all employers in every circumstance.

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| COVID-19 Vaccine and Testing Policy Development | **Yes** | **No** | **N/A** |
| Has your organization determined whether OSHA’s ETS will apply to your workplace? |  |  |  |
| Has your organization begun taking steps to draft or update a COVID-19 vaccine/testing policy that complies with the OSHA ETS? |  |  |  |
| Does your policy specify details for weekly testing of unvaccinated employees? |  |  |  |
| Has your organization considered how unvaccinated employees will be tested each week? |  |  |  |
| Has your organization considered 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? |  |  |  |
| Has your organization considered a date on which vaccination will be required? |  |  |  |
| Has your organization considered how employees can verify they have received a vaccination? |  |  |  |

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| Does your policy detail the disciplinary measures that will be used if an employee fails to comply by the designated deadline? |  |  |  |
| Does your policy clearly explain how employees can request a medical or religious exemption from COIVD-19 vaccination? |  |  |  |
| Has your organization considered which employee groups are not covered by the ETS (e.g., fully remote employees and those who work exclusively outdoors)? |  |  |  |

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| 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? |  |  |  |
| Does your organization have a plan in place for confidentially tracking employee COVID-19 test results in accordance with all applicable laws? |  |  |  |
| Has your organization planned out logistics for testing unvaccinated employees at least weekly or within seven days before returning to work? |  |  |  |
| Does your organization have a policy in place that specifies when unvaccinated workers must wear face masks in accordance with the ETS? |  |  |  |
| Does your organization have a tested system in place to review medical or religious exemption requests and, if necessary, make accommodations for employees? |  |  |  |
| Does your organization have a plan in place to address employee noncompliance? |  |  |  |
| Has your workplace planned for potential staffing shortages due to employees taking time off to get vaccinated or, if necessary, recover from potential side effects? |  |  |  |
| Does your organization have a plan in place to quickly share updates with employees as more information becomes available? |  |  |  |
| Does your organization have a method in place for employees to promptly report when they’ve received a positive COVID-19 test or were diagnosed with COVID-19? |  |  |  |
| Does your organization plan to use multiple communication channels to reach all employees? |  |  |  |
| Does your organization have a policy in place for immediately removing employees who have tested positive for COVID-19, including contingencies for fulfilling their job duties in their absence? |  |  |  |
| Does your organization have a policy in place for reporting work-related COVID-19 deaths and hospitalizations to OSHA within the timeframes specified in the ETS? |  |  |  |
| Is your organization prepared to make certain records available for examination and copying to an employee (and anyone having written authorized consent of that employee) or an employee representative, as outlined in the ETS? |  |  |  |

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| **Employee Communication Topics** | **Yes** | **No** | **N/A** |
| ***Does your organization have a plan to communicate the following topics to employees in a language that’s appropriate and easy to understand?*** | | | |
| The benefits of getting vaccinated and vaccination efficacy |  |  |  |
| To whom do the vaccine and testing policies apply |  |  |  |
| Whether weekly COVID-19 testing is an option |  |  |  |
| Information about the requirements of the ETS and workplace policies established to implement the ETS |  |  |  |
| As applicable, information on weekly COVID-19 testing |  |  |  |
| Where employees can receive a vaccine |  |  |  |
| Information on taking paid time off of work to get vaccinated and recover from side effects |  |  |  |
| The date by which employees need to be vaccinated |  |  |  |
| How employees can verify their vaccine statuses |  |  |  |
| How employees should request an exemption |  |  |  |
| What consequences employees will face if they refuse to comply with workplace vaccination, testing and mask-wearing policies |  |  |  |
| The consequences for submitting false information about a vaccination status or COVID-19 diagnosis |  |  |  |
| That employees are protected from retaliation and discrimination |  |  |  |