

This post is for general informational purposes only and should not be considered to constitute legal advice.

Employment Update: Sample Mandatory COVID-19 Vaccination Policy
Posted April 15, 2021

As promised, we have developed a sample mandatory COVID-19 vaccination policy and we are sharing it with you in this email. This policy is not legal advice and we recommend that before you implement any mandatory vaccination policy that you discuss it with your legal counsel of choice to make sure it is right for your company, and that you have implemented it correctly.

We do not have a recommended course of action, but we do recommend that companies make a top level decision about whether to make COVID-19 vaccinations mandatory. There are currently four positions companies can take: 1) mandatory; 2) strongly encouraging; 3) completely voluntary; or 4) silent and undecided. The majority of employers are strongly encouraging and we encourage you not to be in the silent 4th category. Your employees are looking for guidance from you and soon your customers will be too. If you decide to institute a mandatory requirement, which we believe more employers will feel compelled to do, then you should put into place a compliant policy. The attached policy is a place where you can start.

Please feel free to reach out to us with questions or concerns about determining and implementing your company vaccination policy.

Mandatory COVID-19 Vaccination Policy

Purpose

In accordance with [Company Name]'s duty to provide and maintain a workplace that is free of known hazards, we are adopting this policy to safeguard the health of our employees and their families, our customers and visitors, and the community at large from COVID-19. This policy complies with all applicable laws and is based on guidance from the Centers for Disease Control and Prevention, the California Department of Public Health, the [insert County] health department and all applicable state and local health orders.

Scope

This policy applies to all employees [temporary employees and contractors] who will interact with the public and/or co-workers. These employees are required to receive the COVID-19 vaccine, unless a reasonable accommodation is approved. If you have concerns about receiving a COVID-19 vaccine, please contact [insert person] to discuss.

Procedures

As of April 19, 2021, all individuals over the age of 16 are eligible to receive the COVID-19 vaccine in the United States.

The Company has been relying on voluntary compliance. Now that all employees are eligible to receive the vaccine, the Company has determined that it is in the best interest of all employees to require those who will interact with the public and/or co-workers to be vaccinated. As a result, all such employees must within "x" days of receiving this policy: (1) obtain the vaccination and provide proof of vaccination or (2) request an accommodation as detailed below. Proof of vaccination includes the date employees receive the dose(s) of the vaccine, and the type of vaccine received.

Employees may get any of the COVID-19 vaccines that are approved in California at the time of vaccination. As of the date of this policy, the available vaccines in California are Pfizer and Moderna.

Employees will be paid for time taken to receive vaccinations and the cost of the vaccine if it is not covered by Employee's insurance. Employees must work with their managers to schedule appropriate time to comply with this policy.

Employees not in compliance with this policy will be placed on unpaid leave until their employment status is determined by the HR department.

Reasonable Accommodation

Employees in need of an exemption from this policy due to a medical reason, or because of a sincerely held religious belief, must request an accommodation to begin the interactive accommodation process. The Company will engage in an interactive process to determine if a reasonable accommodation can be provided so long as it does not create an undue hardship for the Company and/or does not pose a direct threat to the health or safety of others in the workplace and/or to the employee.

To request an accommodation for one of the above reasons, please notify [insert title] in writing of your accommodation request. Once the Company is aware of the need for an accommodation, the Company will engage in an interactive process to identify possible

accommodations. If you believe that you have been treated in a manner not in accordance with this policy, please notify the HR Department immediately. You may request an accommodation without fear of retaliation
Please direct any questions regarding this policy to the HR department.

By signing below I acknowledge receipt of this Policy.

Signed Name

Date

Printed Name