

COVID-19 VACCINE AND TESTING MANDATE: EMPLOYER OBLIGATIONS

Affected employers **with at least 100 workers** (firmwide or companywide) must comply with the Occupational Safety and Health Administration's (OSHA) COVID-19 vaccination emergency temporary standard (ETS). This infographic outlines some of the most important obligations employers should be aware of.

Per the rule, **employers must do one of the following:**

IMPLEMENT AND ENFORCE A MANDATORY COVID-19 VACCINATION POLICY.

or

CREATE A POLICY ALLOWING COVERED EMPLOYEES TO CHOOSE TO GET A VACCINATION OR WEAR A MASK IN THE WORKPLACE AND UNDERGO WEEKLY COVID-19 TESTING.

Additionally...



Employers must ensure employees who are not fully vaccinated are tested weekly or within seven days before returning to work.



Employers must require employees to promptly provide notice when they are diagnosed with COVID-19 or receive a positive COVID-19 test, and they must immediately remove any employee from the workplace if they are diagnosed with COVID-19 or receive a positive COVID-19 test.



Employers must provide employees reasonable time (including up to four hours of paid time) to get vaccinated and, if necessary, reasonable time and paid sick leave to recover from any vaccination side effects.



Employers must determine the vaccination status of each employee, obtain acceptable proof of vaccination and keep a roster of each employee's vaccination status.



Employers also must make certain records available to an employee or their representative for examination and copying.



Employers must provide employees with information about the requirements of the ETS and workplace policies and procedures to establish it, as well as information about the vaccines, protections against retaliation and discrimination, and laws regarding criminal penalties for knowingly supplying false statements or documentation.



Employers must report work-related COVID-19 fatalities to OSHA within eight hours of learning about them; work-related COVID-19 in-patient hospitalizations must be reported within 24 hours of the employer's learning of the hospitalization.

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Affected employers will be required to comply with most provisions of the ETS by **Dec. 6, 2021**, and with its testing requirements by **Jan. 4, 2022**.

Visit [osha.gov/coronavirus](https://www.osha.gov/coronavirus) for more information, or contact legal counsel with any questions related to the vaccination mandate's specific obligations.

