



Checklist COVID-19

EMPLOYER CHECKLIST

Mandatory COVID-19 Vaccinations or Testing: How Does OSHA ETS Affect Your Organization?

On November 5, 2021, OSHA released its Emergency Temporary Standard (ETS) that details how most U.S. **employers with 100 or more employees must adopt a COVID-19 vaccination policy or offer a weekly testing option**. While legal challenges initially suspended activities related to implementation and enforcement of the ETS, on December 17, 2021, the 6th Circuit Court of Appeals dissolved the implementation and enforcement stay issued by the 5th Circuit. While an appeal is pending before the U.S. Supreme Court, employers should take steps to come into compliance with the revised effective dates.

USI Insurance Services has summarized important aspects of the ETS for employers in an [FAQ](#), and recommends employers review their preparedness using the checklist below:

By January 10, 2022:

- Determine whether you will adopt a vaccination only policy, or a vaccination plus testing policy.
- Establish a vaccination policy.*
- Determine vaccination status of each employee, obtain acceptable proof of vaccination, maintain records and a roster of vaccination status.
- Provide support for employee vaccination.
- Require employees to promptly provide notice of positive COVID-19 test or COVID-19 diagnosis.
- Remove any employee from the workplace who received positive COVID-19 test or COVID-19 diagnosis.
- Ensure employees who are not fully vaccinated wear face coverings when indoors or when occupying a vehicle with another person for work purposes.
- Provide each employee information about the ETS; workplace policies and procedures; vaccination efficacy, safety and benefits; protections against retaliation and discrimination; and laws that provide for criminal penalties for knowingly supplying false documentation.
- Report work-related COVID-19 fatalities to OSHA within 8 hours and work-related COVID-19 in-patient hospitalizations within 24 hours.

By February 9, 2022

- Ensure employees who are not fully vaccinated and who have indoor contact with others as part of their jobs are tested for COVID-19 at least weekly or within 7 days before returning to work if away from the workplace for a week or longer.

*OSHA made available a [sample mandatory vaccination policy](#) and a [sample vaccination or testing/facing coverage policy](#).