

**NOTE: This sample draft developed by legal counsel, Littler, is intended to provide guidance. Please consult the appropriate parties to ensure that it works for your individual business.**

**SAMPLE MANDATORY COVID-19 VACCINE POLICY**

1. **Purpose**

To establish a COMPANY policy requiring vaccination against COVID-19 for all employees whose job responsibilities **[specify subsets of workforce to which this requirement will apply, and explain briefly why COVID-19 infection in this group is of particular risk to business continuity]**.

1. **Scope**

The policy applies to all regular employees of the COMPANY.

1. **Background**

The Centers for Disease Control and Prevention (CDC) advises that COVID-19 can cause serious, life-threatening complications, and there is no way to know how COVID-19 will affect an individual. Further, an individual who gets infected with COVID-19 could spread the virus to friends, family, co-workers and others around them. The State of California has also implemented public health orders mandating that employees in healthcare and congregate housing settings be vaccinated for COVID-19, unless exempted based on medical grounds or sincerely held religious beliefs.

1. **Policy**

* **Vaccination Requirement:** All individuals working at COMPANY included in the scope of this policy must be vaccinated against COVID-19 by September 30, 2021, unless they are exempt from this requirement for a reason stated in Section V below.
* **Costs:** The COVID-19 vaccine will be available at no cost to all COMPANY employees.
* **[COMPANY Vaccination Program: If COMPANY is going to establish a vaccination program, insert information regarding this program and any wellness or benefits information that may be relevant to this program.**
* **Contraindication Information:** In the course of administering the vaccination program, COMPANY will avoid collecting information about employee contraindications to the vaccine, to the extent practical. If COMPANY collects information about employees’ vaccine contraindications or any other health-related information, COMPANY will maintain this information as a confidential medical record separate from the personnel file. COMPANY will permit access to the records of contraindications and any other health-related information on a purely need-to-know basis. COMPANY will disclose this information to third parties only with the prior approval of [LEGAL DEPARTMENT]. COMPANY will not collect information about employees’ family medical history.**]**
* **Non-Exempt Employees:** Non-exempt employees will be compensated for time spent obtaining the vaccine if they receive the vaccine during their regular work hours at their worksite. Employees are encouraged to receive the vaccine during their paid working time. If vaccination time cannot coincide with working time, non-exempt employees may (but are not required to) apply any accrued paid vacation time to the time spent obtaining a vaccine. COMPANY’s timekeeping policies apply to the recording of vaccination time; the record must be accurate, and must include all time spent obtaining the vaccine. If you have questions about how to record time spent obtaining the vaccine, consult Human Resources.
* **COVID-19 Infection Control Procedures:**
* The COMPANY’s COVID-19 Infection Control Procedures, as described in **[insert name of COMPANY’s COVID-19 Safety policy**] remain in effect. All personnel, regardless of their vaccination status, will be required to follow these procedures whenever they are in the workplace or conducting COMPANY business at any third party location, until advised otherwise in writing by the COMPANY. This requirement includes: wearing face coverings and other personal protective equipment; strictly adhering to respiratory and hand hygiene and symptom screening practices; observing social distancing, occupancy, activity and quarantine restrictions; and complying with all other COVID-19 precautions as instructed by the COMPANY.
* An individual who does not observe the COMPANY’s COVID-19 Infection Control Procedures, regardless of vaccination status, will be subject to disciplinary action, up to and including termination of employment.
* **Proof of Vaccination:**
* Personnel who are vaccinated against COVID-19 are required to provide proof of vaccination to [DEPARTMENT]. Proof of vaccination may include a physician’s note, a pharmacy receipt, or copy of vaccination consent form showing that the individual has received all required doses of the vaccine. Personnel must provide only a record of their COVID-19 vaccination to COMPANY and not a record of other vaccinations or medical history. For example, personnel must not provide COMPANY with a form containing their full vaccination history with regard to illnesses other than COVID-19.
* **Vaccination Records:**
* [HUMAN RESOURCES DEPARTMENT] will maintain a record of COVID-19 vaccination as required by law for the purpose of monitoring compliance with this policy, the COMPANY’s overall COVID-19 safety programs, and any applicable laws and regulations governing vaccination programs. COMPANY will store the vaccination records separately from the general personnel file and protect the records from unauthorized disclosure.
* The COMPANY will store any vaccination information that it receives separately from the general personnel file and will limit access to that information on a need-to-know basis.
* COMPANY may use and disclose the vaccination record for its legitimate business purposes including, but not limited to: protecting the health and safety of customers, those in the workplace, and business partners; managing employee leave, benefits, and accommodations; ensuring compliance with company policies; managing litigation; complying with contractual obligations; and meeting legal and regulatory requirements. COMPANY may disclose the vaccination records in electronic or other format to third parties, including customers, for its legitimate business purposes.
* COMPANY will obtain the employee’s consent when required to do so by applicable state law before disclosing vaccination records to third parties.
* **Exemption Management:** All personnel must adhere to the COMPANY COVID-19 Vaccination requirement as a condition of employment unless exempted under Section V of this policy. [DEPARTMENT] will be responsible for determining whether temporary or permanent exemptions from vaccination requirements will be granted to individuals as set forth in Section V of this policy.
* **Enforcement:** [JOB TITLES] are responsible for the enforcement of this policy.

1. **Exemptions**

* **Grounds for Exemption:** Exemption from COVID-19 vaccination may be granted based on a medical contraindication or sincerely held religious beliefs.
* **Requests Based on Medical Contraindication:** Employees requesting exemption due to medical contraindication must submit a request for exemption and provide documentation to support the exemption, such as a certification from a health care provider, to [JOB TITLE] within ten (10) days of becoming otherwise eligible to receive the vaccine under Public Health Guidelines, but in all cases by September [10], 2021.

* **Requests Based on Religious Beliefs:** Employees requesting exemption based on sincerely held religious beliefs must provide a request for exemption to [JOB TITLE] within ten (10) days of becoming otherwise eligible to receive the vaccine under Public Health Guidelines, but by no later than September [10], 2021. The written request should clearly explain why receiving the COVID-19 vaccination would be contrary to the individual's religious beliefs.
* **Evaluation of Request:** Each request for exemption, regardless of the reason, will be evaluated individually by [DEPARTMENT] in accordance with the Company’s equal employment opportunities policies and applicable law.
* **Notification of Exemption:** If an exemption is granted, the employee will be notified in writing within 5 business days after presenting a request for exemption to [DEPARTMENT].
* **Continued Observation of Infection Control Procedures:** Employees who receive exemptions from COVID-19 vaccination will be required to continue observing the COMPANY’s COVID-19 Infection Control Procedures at all times until specifically advised by the COMPANY that they may stop doing so.
* **Temporary Medical Contraindication:** If an exemption is granted based on a medical contraindication that is expected to be temporary, the employee will be required either to be vaccinated when the condition resolves or to renew the request for exemption no less often than annually. If an exemption is granted on a basis that is expected to be permanent, the exemption request does not need to be renewed, unless alternative COVID-19 vaccines become available that would eliminate a medical contraindication or accommodate a religious objection.

**Responsibility of:**

**Author: Date**:

**Approval: Date:**