

**Sample Vaccination or Testing and Face Covering Policy for All Employees**

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# Sample Vaccination or Testing and Face Covering Policy for All Employees

This template policy is for CAA employers who are not subject to a federal vaccine mandate, but nonetheless want to implement  [CFR 1910.501(d)(1))](https://www.ecfr.gov/current/title-29/subtitle-B/chapter-XVII/part-1910/subpart-U/section-1910.501) a COVID-19 vaccination policy that provides a test-out option to employees (i.e., allow employees to submit weekly negative COVID-19 tests and wear a face covering in the workplace, instead of complying with a mandatory vaccination policy). CAAs may use this template to develop a policy that provides employees the choice of getting a COVID-19 vaccine or undergoing regular COVID-19 testing and using a face covering. This template also allows CAAs to mandate vaccines for certain groups of employees, while allowing other employees to choose between vaccinations and getting tested/wearing a mask.

While provisions included in this policy are modeled on the requirements of the OSHA Emergency Temporary Standard issued in 2021, which created a federal vaccine mandate for large private employers, those requirements are no longer in effect. CAAs may modify those provisions to the extent allowed by other applicable federal mandates and state and local laws.

CAAs using this template will need to customize areas highlighted in brackets and modify (change, add, or remove) sections of this document to accurately represent their policy choices. While the text of this template is sample language CAAs may use when developing their policies, it is not comprehensive and not all of that text will be applicable to all workplaces. CAAs will need to add to or revise the text to ensure the final policy matches the specific procedures that will be implemented in their workplaces and consult with local counsel before issuing a final policy. CAAs should also delete explanatory footnotes and comments prior to implementing the policy.

**[Employer name]**

**Vaccination or Testing and Face Covering Policy**

Adopted by the Board of Directors and effective as of [Date]

1. **Purpose and Scope**

Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. COVID-19 vaccines are readily available, highly effective at preventing hospitalization, and even more effective at preventing death. [Employer Name] encourages all employees to receive a COVID-19 vaccination to protect themselves and other employees. However, should an employee choose not to be vaccinated, this policy’s sections on testing and face coverings will apply.

This policy applies to all [Employer Name] employees, including part-time employees, seasonal employees, and employees hired on or after the effective date of the policy. This policy does not apply to employees contracted from staffing agencies, volunteers, or independent contractors.

Employees may request an exception from vaccination requirements (if applicable) if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees also may be legally entitled to a reasonable accommodation if they cannot be vaccinated and/or wear a face covering (as otherwise required by this policy) because of a disability, or if the provisions in this policy for vaccination, and/or testing for COVID-19, and/or wearing a face covering conflict with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by [insert relevant instructions]. All such requests will be handled in accordance with applicable laws and regulations and pursuant to [insert reference(s) to the employer’s applicable policies and procedures].[[1]](#footnote-2)

Employees not in compliance with this policy will be subject to discipline under [Employer Name]’s disciplinary policies.

1. **Vaccination Mandates, Options, and Exceptions[[2]](#footnote-3)**

Mandatory Vaccination

The following employees are required to have or obtain a COVID-19 vaccination as a term and condition of employment at [Employer Name], due to their specific job duties [insert applicable reason for requiring vaccines for certain groups of employees (e.g., public facing positions, working with vulnerable populations)]. ***Employees subject to this vaccination mandate must comply with the vaccination procedures of this policy, and may not elect the testing and masking procedures in lieu of vaccination.*** Other than the sections entitled “COVID-19 Testing” and “Face Coverings”, all other sections of this policy apply to the employees specified below.

[Identify specific groups of employees or job categories, if any, that are subject to a mandatory vaccination requirement. For example, this could include employees who are subject to the Head Start mandate.]

Vaccination or Testing and Face Covering Option

Employees other than those specified under “Mandatory Vaccination” above may elect to follow either the vaccination procedures or the testing and face covering procedures of this policy.

Exceptions

The employees specified below do not need to comply with either the mandatory vaccination or testing and face covering procedures, unless the circumstances of their employment change such that they no longer fall into one of the following categories:

1. Who do not report to a workplace where other individuals (such as coworkers or clients) are present;
2. Who work exclusively outdoors; or
3. While working from home.
4. **Vaccination Procedures**

An employee who chooses to or is required to be vaccinated against COVID-19 must be fully vaccinated no later than***[insert DATE]***. An employee will be considered fully vaccinated two weeks after receiving the requisite number of doses of a COVID-19 vaccine. An employee will be considered partially vaccinated if they have received only one dose of a two-dose vaccine.

Any employee not fully vaccinated by ***[insert DATE]***, will be subject to the face covering requirements of this policy until they are fully vaccinated. Any employee not fully vaccinated by ***[insert DATE]****,* will be subject to the testing and face covering procedures of this policy.

An employee who has received the second dose of a two-dose vaccine (or the first dose of a single-dose vaccine) by [insert DATE], will be deemed to meet these vaccination procedures, but must wear a face covering during the two-week period following the final dose.

An employee who has contracted COVID-19 in the past but has not been vaccinated is not considered to be partially or fully vaccinated.

1. **Vaccination Status and Acceptable Forms of Proof of Vaccination**

All employees must provide [Employer name] documentation of their vaccination status by ***[insert DATE]***. Employees shall also provide [Employer name] with documentation of any change in their vaccination status (e.g., when they become fully vaccinated after being partially vaccinated).

Any employee who fails to inform [Employer name] of their vaccination status by the required deadline will be considered unvaccinated for purposes of this policy.

Employees must provide truthful and accurate information about their COVID-19 vaccination status, and, if applicable, their testing results.

All vaccinated employees are required to provide proof of COVID-19 vaccination, regardless of where they received vaccination. Proof of vaccination status can be submitted via [insert how employees can submit vaccination information, e.g., the employer’s vaccination portal or in-person at the HR office].

Acceptable proof of vaccination status is:

1. The record of immunization from a health care provider or pharmacy;
2. A copy of the COVID-19 Vaccination Record Card;
3. A copy of medical records documenting the vaccination;
4. A copy of immunization records from a public health, state, or tribal immunization information system; or
5. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).

Proof of vaccination generally should include the employee’s name, the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances, [Employer name] will still accept the state immunization record as acceptable proof of vaccination.

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite good faith attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:

“I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties.”

An employee who attests to their vaccination status in this way should, to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine.

Any employee who knowingly supplies false statements or documentation for purposes of complying with this policy may be subject to [Employer name’s] disciplinary policies.

1. **Supporting COVID-19 Vaccination[[3]](#footnote-4)**

An employee may take up to [four hours] of paid time, at the employee’s regular rate of pay, per dose, to travel to the vaccination site, receive a vaccination, and return to work. This would mean a maximum of [eight hours] of paid time for employees receiving two doses. If an employee spends less time getting the vaccine, only the necessary amount of paid time will be granted. Employees who take longer than [four hours] to get the vaccine must notify [their supervisor or human resources representative] and document the reason for the additional time (e.g., they may need to travel long distances to get the vaccine). Any additional time requested will be granted, if reasonable, but will not be paid; in that situation, the employee can elect to use accrued leave, e.g., sick leave, to cover the additional time.

Employees may utilize up to [two workdays] of [paid sick leave][[4]](#footnote-5) immediately following each dose if they have side effects from the COVID-19 vaccination that prevent them from working. Employees who have no sick leave will be granted up to [two days] of additional [paid sick leave][[5]](#footnote-6) immediately following each dose, if necessary to recover from vaccine side effects.

Employee will follow [Employer name]’s PTO/sick leave policies and procedures to request and obtain necessary approvals for time off under this section.

1. **Notification of COVID-19 and Removal from the Workplace**

Employees who are sick or experience COVID-19 symptoms while at home or at work should communicate those to [Employer Name] pursuant to [reference Employer policy here].

Employees must promptly notify [designated human resources representative] when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider.

In the event an Employee must be removed from the workplace due to COVID-19, leave may be administered according to [Employer Name]’s leave policies [e.g., PTO/sick leave, Family Medical Leave Act, other policies].[[6]](#footnote-7)

Removal from the Workplace

[Employer name] will immediately remove an employee from the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate).

An employee who has been removed from the workplace because of a positive COVID-19 test may be eligible to work remotely or in isolation. These eligibility determinations shall be made in accordance with [Employer Name’s] remote work policies and procedures.[[7]](#footnote-8)

Return to Work Criteria

For any employee removed because they are COVID-19 positive, [Employer name] will keep them removed from the workplace until they meet one of the following criteria:

1. The employee receives a negative result on a COVID-19 nucleic acid amplification test (NAAT)[[8]](#footnote-9) following a positive result on a COVID-19 antigen test;
2. Meets the return to work criteria in CDC’s “Isolation Guidance”; or
3. Submits a written recommendation to return to work from a licensed healthcare provider.

Under CDC’s “[Isolation Guidance](https://www.cdc.gov/coronavirus/2019-ncov/hcp/duration-isolation.html),” asymptomatic employees may return to work once 5 days have passed since the positive test, and symptomatic employees may return to work after all the following are true:

1. At least 5 days have passed since symptoms first appeared, and
2. At least 24 hours have passed with no fever without fever-reducing medication, and
3. Other symptoms of COVID-19 are improving (loss of taste and smell may persist for weeks or months and need not delay the end of isolation).

Both asymptomatic and symptomatic employees returning to the office less than 10 days after symptom onset should continue to wear a mask at all times in public until 10 days have passed since symptom onset.

If an employee has severe COVID-19 or an immune disease, [Employer name] will follow the guidance of a licensed healthcare provider regarding return to work.

To return to work, an employee removed because they had a positive COVID-19 test shall submit documentation meeting the criteria of this policy to [designate a human resources representative].

1. **COVID-19 Testing**

Beginning [***insert DATE***], all employees who are not fully vaccinated will be required to comply with this policy for testing.

Employees who report to the workplace at least once every seven days:

1. Must be tested for COVID-19 at least once every seven days; and
2. Must provide documentation of the most recent COVID-19 test result to [designate a human resources representative] no later than the seventh day following the date on which the employee last provided a test result.[[9]](#footnote-10)

Any employee who does not report to the workplace during a period of seven or more consecutive days (e.g., if they were teleworking for two weeks prior to reporting to the workplace):

1. Must be tested for COVID-19 within seven days prior to returning to the workplace; and
2. Must provide documentation of that test result to [designate a human resources representative] upon return to the workplace.

If an employee does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result.

An employee subject to these testing requirements may not self-administer and self-read their test unless observed by a representative of [Employer name] or an authorized telehealth proctor.

An antibody test does not satisfy the requirements of this section.

Employees who have received a positive COVID-19 test, or have been diagnosed with COVID-19 by a licensed healthcare provider, are not required to undergo COVID-19 testing for 90 days[[10]](#footnote-11) following the date of their positive test or diagnosis.

Testing will be conducted [specify how testing will be conducted, e.g., provided by the employer at the workplace, employees independently scheduling tests at point-of-care locations, etc.].[[11]](#footnote-12)

The costs associated with required COVID-19 testing shall be covered by [determine whether costs will be covered by employee[[12]](#footnote-13) or employer[[13]](#footnote-14)]

1. **Face Coverings**

Beginning ***[insert DATE]***, [Employer name] requires all employees who are not fully vaccinated to wear a face covering. Face coverings must:

1. Completely cover the nose and mouth;
2. Be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source);
3. Be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers;
4. Fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and
5. Be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings.

Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker’s mouth or facial expressions to understand speech or sign language respectively.

Employees who are not fully vaccinated must wear face coverings over the nose and mouth when indoors and when occupying a vehicle with another person for work purposes.

Employees who are not fully vaccinated shall obtain face coverings that comply with the above requirements by [Describe how employees will obtain face coverings (e.g., purchased by employer or self-provided)], and shall wear them at all times while in the workplace, with limited exceptions.

The following are exceptions to [Employer name]’s requirements for face coverings:

1. When an employee is alone in a room with floor to ceiling walls and a closed door.
2. For a limited time, while an employee is eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements.
3. When an employee is wearing a respirator or facemask.
4. Where [Employer name] has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the employee’s mouth for reasons related to their job duties, when the work requires the use of the employee’s uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).
5. **Confidentiality and Privacy**

All medical information collected from individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

1. **Records Requests**

By the end of the next business day after a request, [Employer name] shall make available for examination and copying an individual employee’s vaccination and testing records to that employee or to anyone having the written authorized consent of that employee. By the end of the next business day after a request of an employee or employee representative, [Employer name] shall make available to a requesting employee or employee representative the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace.[[14]](#footnote-15) Employee requests for these records should be directed to [name of designated official].

1. **Questions**

Please direct any questions regarding this policy to [e.g., Human Resources Department].

For additional information about COVID-19 vaccines, employees should consult the CDC's "Key Things to Know About COVID-19 Vaccines," at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>.

1. Employers must consider requests for accommodation under the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964, and should have policies and procedures in place that govern requests for medical and religious accommodation and describe the interactive process for responding to those requests. For further information, see [What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws](https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws) and [Vaccinations – Title VII and Religious Objections to COVID-19 Vaccine Mandates](https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#L). See section 7 (Review accommodations process) of CAPLAW’s [*Step-by-Step Compliance Guide*](https://resources.caplaw.org/uncategorized/federal-vaccine-mandates-compliance-guide-step-7). See also CAPLAW’s [Template Medical Exemption Request Form](https://resources.caplaw.org/resources/medical-exemption-request-covid-19-vaccine/) and [Template Religious Exemption Request Form](https://resources.caplaw.org/resources/religious-exemption-request-covid-19-vaccine/). [↑](#footnote-ref-2)
2. This policy gives CAAs the option to implement partial mandatory vaccination policies (i.e., to require vaccinations for certain employees, while allowing other employees to opt to get tested weekly and wear a face covering instead of getting vaccinated). This may make sense for a CAA that has staff in different types of roles and work environments—those performing intermittent telework from home, those working in enclosed private offices, and those working in-person with clients. In this type of situation, the CAA may choose to require vaccination of only some subset of its employees (e.g., those working face-to-face with clients), and to treat vaccination as optional for others (e.g., those who work in private offices or who perform intermittent telework). [↑](#footnote-ref-3)
3. Employers are not obligated to provide paid leave to employees, but they may elect to do so for employees receiving and recovering from vaccine doses. Paying for the cost of providing this leave is an allowable cost both of CSBG and Head Start funding, provided that the use of those funds is reasonable and consistent with the CAA’s written policies and procedures, and allocable to the funding sources pursuant to the Uniform Guidance, 45 C.F.R. Part 75. The language provided here is an example of a paid leave policy for supporting COVID-19 vaccinations, which may be included here or written in another policy. [↑](#footnote-ref-4)
4. If an employer chooses to provide paid leave to employees to get vaccinated, it may create a new bank of paid leave or require that employees use accrued paid leave under existing policies. Existing policies may combine sick and vacation leave or provide separate banks of leave, so remember to identify which leave bank will be deducted for leave taken due to vaccination and recovering from side effects. [↑](#footnote-ref-5)
5. See footnote 4. [↑](#footnote-ref-6)
6. Employers are not required to pay for the time the employee is unable to enter the workplace due to a positive COVID-19 test or diagnosis if the employee is unable to work during that time. State laws may provide for additional sick leave (paid or unpaid). [↑](#footnote-ref-7)
7. See, for example, CAPLAW’s [Sample Remote Work Policy](https://resources.caplaw.org/resources/sample-remote-work-policy/). [↑](#footnote-ref-8)
8. NAAT tests include PCR tests. [↑](#footnote-ref-9)
9. Given the circumstances that exist at the time, there may be delays in receiving test results from laboratories that are beyond employee and employer control. In the event that such a delay occurs, the employer may consider permitting the employee to continue working. If so, the employer should ensure that it adopts a consistent approach and policy to making those decisions. [↑](#footnote-ref-10)
10. This time period is not a requirement. An employer may decide to alter the number of days included here, or delete this paragraph entirely. [↑](#footnote-ref-11)
11. Employers should specify how testing will be conducted (e.g., testing provided by the employer at the workplace, employees independently scheduling tests at point-of-care locations, etc.). [↑](#footnote-ref-12)
12. CAAs must also consider the wage and hour implications of requiring employees to pay for regular COVID-19 testing, if doing so would result in the employee earning less than minimum wage. [↑](#footnote-ref-13)
13. Unless required by federal or state law, each employer may determine whether to pay for these costs, or whether the employees must bear them. Note that employers typically must bear the cost of providing a reasonable accommodation under the ADA or Title VII. Some state equal employment laws may also require employers to pay for necessary job modifications. Thus, CAAs may be required to pay for the testing if it is provided as an accommodation under applicable federal or state law. In addition, some states may require an employer to pay for a medical test it requires an employee to take. [↑](#footnote-ref-14)
14. There is no federal requirement that a CAA make available its aggregate vaccination data to individual employees. [↑](#footnote-ref-15)