



How to Stay in Compliance with COVID Vaccine & Testing Mandates

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Your Hosts



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Agenda

- Breaking down the OSHA guidance
- Frequently asked questions SUBMITTED BY YOU!
- How to track vaccines and testing in GoCo
- Live Q&A BRING YOUR QUESTIONS!

POLL 

How challenging do you expect it to be for your organization to track vaccines and testing?

SHRM SURVEY

**9 out of 10 SHRM members say it will be
somewhat or very challenging**

Breaking Down the OSHA Guidance

Disclaimer



We're not lawyers or making a political statement!

We've studied the OSHA guidance and will do our best to give you the shorthand, nonpartisan **summary** of the facts.

This summary is **not** a substitute for legal advice. If you're not sure about your specific circumstances, talk to a lawyer.

Please use the chat for constructive discussions. No politics, please!

What Happened?



Biden issued an Executive Order that mandated COVID vaccinations / testing for companies with **over 100 employees**.

What You Need to Do to be Compliant



Employees must either be:

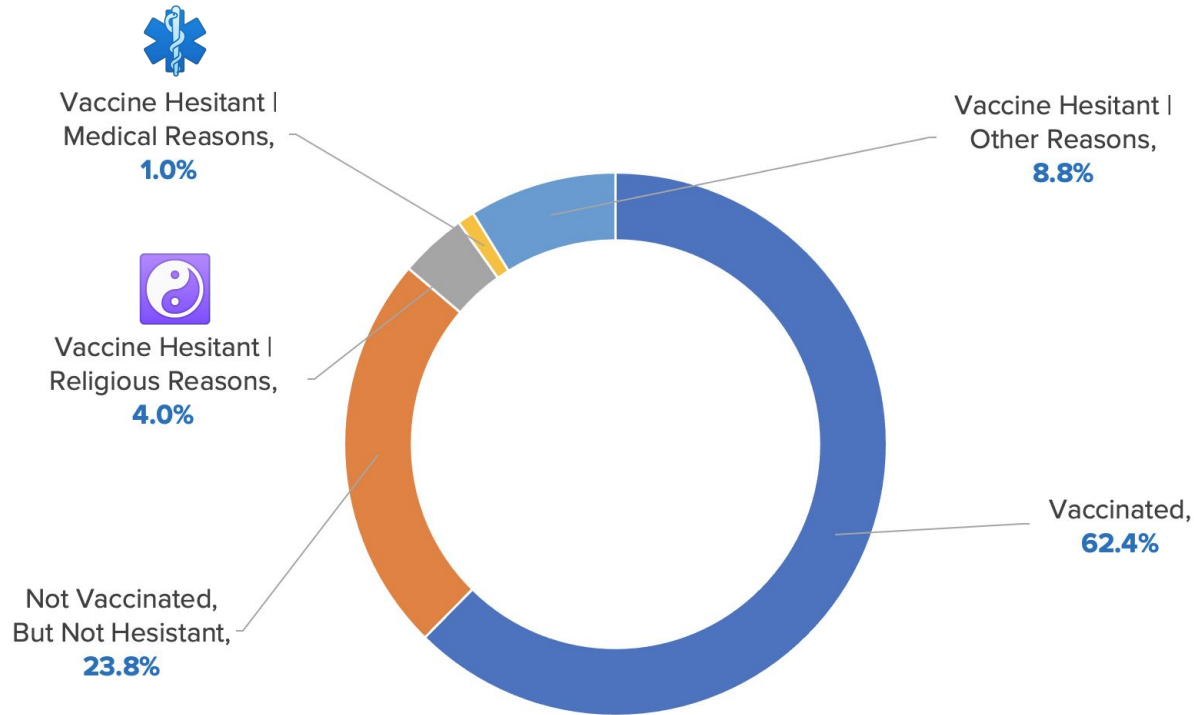
- Vaccinated
- Show a negative COVID test weekly + wear a mask

December 5: You need to know who's vaccinated

→ If an employee is not vaccinated, they need to start wearing a mask.

January 4: You need to start testing weekly

Vaccination % of Impacted Workforce



1.9%

Percentage of companies with over
100 employees

66.6%

Employees that work at companies
with over 100 employees

Enforcement



Enforced by



Occupational Safety and Health Administration

6 months

Then, will undergo a more rigorous
rulemaking process.

\$13,600

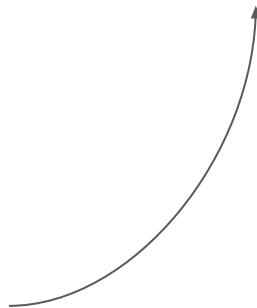
per violation

But...



It'll take companies time to prep for this, so you should continue to do so while the litigation continues.

Put a temporary halt on the executive order.



Rapid Fire

FAQs

How is the 100 employee threshold determined?

If you had 100 employees as of Nov 5, 2021 or reach 100 employees at anytime the standard is in effect, it applies to you!

- You have to count employees from **all your locations**.
- You have to count **part-time** employees.
- You have to count **temporary** and **seasonal** workers.
- You have to count employees that work 100% **from home**.
- You have to count employees that work **outdoors**.

Do remote, unvaccinated employees have to get tested?

No, but only if you are 100% remote and never go where other coworkers or customers are present.

If an unvaccinated, remote employee needs to come into the office, they'll need to get tested (within 7 days prior to the day they come in) and wear a mask.

Can I be exempted for medical or religious reasons?

Yes. Employees can request an exemption from getting a vaccine due to a valid medical reason.

They're also entitled to **reasonable accommodation** if they can't be vaccinated or wear a face covering because of a disability or if getting a vaccination/test/face covering conflict with a sincerely held religious belief.

Do I need to provide documentation of my vaccination?

Yes. You need to store documentation of an employee's vaccination (like a copy of their Vaccine Card).

If it's impossible for an employee to find their record, they need to provide a signed, dated attestation.

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**What is your biggest challenge
related to the new mandates?**

You Asked
We Have Answers

If a company has multiple EINs, can the employee count be by EIN or is it the parent company as a whole?

Generally yes. You'd count employees corporate-wide.
Franchises that are independently owned and operated would only count the employees at their location.

If the company is under the 100 employee threshold now, but goes over in the weeks or months ahead, how does that impact the implementation deadlines?

Once you reach 100 employees, the standard applies. And it'll continue applying even if you drop down below 100 employees again.

Does the employee count include employees that are on short-term disability or on a leave of absence?

Again, the determination is based on whether you have 100 employees at any point of when the ETS is in effect. An employee on short-term disability will be out of office for a limited duration.

Furthermore, they're still an employee since they're not terminated.

If you're so close to the threshold, it's not a bad idea to follow the ETS guidelines regardless.

Are the results from at-home testing kits acceptable under the new mandate?

- Needs to be authorized by the FDA.
- It needs to be administered correctly.
- And most importantly, it **can't** be both self-administered and self-read **unless** observed by the employer or authorized telehealth proctor.

Who is responsible for paying for the tests?

The employer is not required to pay under the ETS. However, other state laws, regulations, or collective bargaining agreements may apply.

Who determines if an employee is actually exempt? The employer, the state, etc.?

The employer.

Is it a HIPAA violation to ask employees their COVID or vaccination status?



First, HIPAA applies to covered entities (health plans, health care providers, etc.) and to some extent, their business associates.

Second, it doesn't regulate asking for information. It regulates how covered entities are permitted to use and disclose private health info.

So in short, you can ask for employees' vaccination status. Their vaccination status is, however, considered a medical record and must be stored and maintained appropriately. It must not be disclosed except as required by the ETS or federal law.

How do I track vaccination & test status?

The employer must retain either a physical or digital copy of the vaccine documentation.

The employer must maintain a record of each test result too.

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**Do you have a system in place for
tracking vaccines and testing?**

How to Track Vaccines and Testing in GoCo

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**Want to schedule a coffee date
with a GoCo pro to learn more?**

We'll send you a Starbucks  gift card!

*Watching a recorded session?
Head to goco.io/coffee to book your meeting.*

Q&A