







# OSHA Best Practices for COVID-19 Policy

## How to Plan for OSHA Emergency Temporary Standard (ETS)

### Overview of Order (Federal) and Timeline

- Applies to companies with 100 or more employees – includes full-time, part-time, seasonal/temporary, students, work from home, etc.
  - If you exceed 100 employees at any point during the ETS, you fall under the rules from that day through the end of the ETS
  - Does *not* include 1099 contractors or employees of a staffing agency
  - Vaccinated employees must submit proof of vaccination to include name, type of vaccine, date(s), and site of vaccine
  - Unvaccinated employees must submit weekly tests and wear facemasks.
  - Unvaccinated employees that work from home or occasionally visit office only need to be tested before going to office
  - Employer is *not* required to pay for testing
- |                                                                                      |                                                                                                       |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|    | <b>NOV 5, 2021</b><br>OSHA Publishes ETS                                                              |
|    | <b>NOV 12, 2021</b><br>5th Circuit Court of Appeals in Louisiana orders a stay                        |
|    | <b>NOV 30, 2021</b><br>OSHA Extends comment period from Jan 4, 2022 to Jan 19, 2022                   |
|   | <b>DEC 5, 2021</b><br>ORIGINAL Deadline to have a Vaccine/Testing Policy in Place                     |
|  | <b>DEC 10, 2021</b><br>Deadline for replies to 6th Circuit Court of Appeals in Ohio                   |
|  | <b>JAN 4, 2022</b><br>ORIGINAL Deadline to have employees fully vaccinated OR administer weekly tests |

### OSHA ETS Checklist

- Conduct a survey of employees to determine who is currently vaccinated
- Discuss with relevant stakeholders whether a vaccine mandate or weekly testing of unvaccinated employees makes more sense for your workforce
- Make sure your screening and safety policies are up-to-date with current guidance from the CDC, OSHA, and state law requirements
- Understand the process for medical and religious exemptions outlined in EEOC guidance
- Consider the disruption and cost of an OSHA audit on your overall business