

## COVID-19 Vaccination: The Employer's Checklist

- **Establish a Vaccine Task Force.**
  - Select an internal point person(s) to lead and execute a vaccination strategy.
  - Track developments in the industry and state distribution plans.
  - Review vaccine-related communications before they are sent to the organization.
  - Coordinate with key stakeholders, human resources, and legal advisors to develop and adapt strategy over time.
  
- **Develop a Targeted Communication Plan.**
  - Focus communications on neutral, fact-based resources, including CDC communication toolkits.
  - Remind business leaders to avoid speculating about possible mandates, politicizing vaccination, asking employees or applicants if they intend to be vaccinated, or making commitments about broad exemptions to vaccination.
  - Identify a few key leaders willing to openly and candidly share their positive vaccination experience once vaccination is widely available to the employee population.
  - If the workforce is unionized, dialogue with union leaders about whether and how they will assist in encouraging employee acceptance of vaccination.
  - Remind vaccinated employees that they still must follow workplace safety protocols, such as masking and social distancing.
  
- **Remove Obstacles to Vaccination.**
  - Allow time off for employees to obtain vaccination.
  - Prepare for flexibility in sick leave policies in the event of adverse side effects.
  - Consult with benefit advisors about existing and potentially expanded coverages for associated costs, such as administrative fees, related physician visits, or treatment for adverse reactions.
  - Consider how and whether to fund associated costs for those not enrolled in employer-sponsored health insurance coverage, in consultation with legal counsel to avoid creation of a new health plan under the Affordable Care Act or similar regulations.
  - Once available from reputable providers, offer on-site vaccination clinics to employees. Carefully screen the provider to confirm they track vaccine brand and second dosage, offer sufficient post-injection safety monitoring, store and transport appropriately, maintain HIPAA compliance, and offer sufficient protections to your business in the event of liability arising from an on-site clinic. Decide whether terminated employees will be permitted back on-site for a second dose.
  - Consult legal counsel before offering bonuses or other rewards for vaccination.

- **Are You Ready to Mandate? Ask Yourself These Questions.**
  - Is vaccination widely and readily available to our employee population?
  - Do the particular safety needs of our workforce outweigh the costs and legal risks of a mandatory vaccination program?
  - Can our staffing levels absorb the impact of employees who resign or are terminated due to failure to comply with the mandate or denial of medical or religious exemption?
  - If employees granted exemption will be permitted to remote work, can we accommodate large groups of remote workers?
  - Do we have a plan to prevent inadvertently incentivizing employees to seek exemption just to continue remote work?
  - Are we prepared to enforce, and then litigate if necessary, a mandatory vaccination program?
  - Have others in our industry started to mandate, and if not have we thoroughly considered all of the benefits and downsides to acting as an early adopter?
  - If a unionized workforce, has the union agreed to a mandatory vaccination program for its workers?
  - Do we have a vetted program ready to implement?
    - What is our timeline from announcement, to submission of exemption requests, to proof of vaccination?
    - Which segments of our workforce will be required to vaccinate?
    - Which exemptions are we required to provide or willing to allow (e.g., medical, religious, philosophical) and how will employees confidentially request exemption?
    - Who will decide upon the legitimacy of exemption requests and based on what standards?
    - How will we accommodate employees who are granted exemption and avoid retaliation against them?
    - What are the consequences for employees who refuse vaccination without an exemption?
    - Will we require vendors and contract agencies to only send vaccinated workers to our locations?
    - How will we track compliance and receipt of both doses?