

[SAMPLE POLICY]

COVID-19 VACCINATION POLICY

Under existing state and federal laws, employers are under an affirmative duty to provide and maintain a hazard-free workplace especially with regard to the COVID-19 virus. In light of the impending availability of COVID-19 vaccinations for essential workers, like farmworkers, this policy is intended to safeguard the health and well-being of employees and their families in the community from infectious conditions that might be mitigated through an effective COVID-19 vaccination program.

This policy is based upon guidance from the CDC, the Equal and Employment Opportunity Commission (EEOC) on the **Americans with Disabilities Act (ADA)**, and legal research on cases involving required vaccinations. The policy will be revised based upon updates by the federal CDC, the State of California Public Health Department and local authorities. It is intended to apply to all employees of the employer based upon their job functions and business necessities.

The company maintains and declares that COVID-19 vaccinations should be an integral process to provide a safe and healthful work environment. The COVID-19 virus constitutes a direct threat to the safety and health to the employee and his/her fellow workers who may become exposed in the workplace.

The company has determined that all employees of the company should receive the COVID-19 vaccine, when it becomes available, based upon State and local mandated implementation dates, but the ultimate choice to be vaccinated or not is up to each employee. Employees must continue to wear an approved face covering (face mask) and follow all safety protocols, such as social distancing and additional daily handwashing, at all times, even if the employee has been vaccinated.

To establish which employees have received the COVID-19 vaccination, employees must present evidence of the immunization from the designated site. No personal medical information is to be produced as part of the verification of the vaccination. The company will maintain the names and addresses of identifying vaccination sites where employees may receive the vaccine.

The company will also reimburse employees for the cost of the vaccination; any work-related time spent obtaining the vaccine for non-exempt employees; and will reimburse employees for their mileage to and from the identified sites when employees utilize their own vehicles during the workday to get the vaccination.

If an employee decides not to get a COVID-19 vaccination due to a qualifying medical condition (e.g., allergic reaction to the vaccination) or on the basis of a sincerely held religious belief and practice, the company will engage in an interactive process with such employee consistent with the requirements of the **Federal Americans with Disabilities Act, Title VII of the Civil Rights Act**, and the **Department of Fair Employment and Housing**, to determine if a reasonable accommodation can be provided as an alternative to exclusion from the workplace.

For a such reasonable accommodation to apply, the laws also state that such accommodations(s) cannot create an undue hardship for the company and, further, do not pose a direct threat to the health and safety to other workers in the workplace and/or to the employee.

An employee requesting a disability or religious accommodation, must be prepared to present documentation to the employer from his/her medical provider to confirm the employee's specific limitation or disability and the need for accommodation. If the vaccine declination is due to a sincerely held belief and practice, the company may request supporting information from the employee or his/her religious institution.

Reasonable accommodations required by law due to this unique pandemic virus could include exclusion of the employee from fellow employees, transfer to another work location; requiring an accommodated worker to wear a clear plastic face mask, such as those used by doctors and other health providers; require employees to undergo a daily temperature check; and a requirement that the employee maintains a safe social distance from fellow workers of no less than six feet while in the workplace. Other conditions may apply based upon further guidance from Federal and State safety agencies. Employees who choose not to get vaccinated for other reasons, may be subject to similar circumstances.

This policy is established in accordance with currently acceptable guidelines and safety standards. However, it may be changed from time to time based upon external events.

All employees should understand that no one will be retaliated against for declining to be vaccinated and employees should also understand that they may request one of the above accommodations without fear of retaliation.

Thank you for your cooperation in making your work environment safe and healthful. If you have any questions, please contact the company's HR office. Please acknowledge your receipt of this Policy.

I hereby acknowledge receipt of this Policy on February ____, 2021.

By: _____ Date: _____