

## Recommended Elements for Vaccination Policies

- **PROGRAMS = VACCINES ADMINISTERED BY EMPLOYER**
- **PLANS = VACCINES OPTIONS ADOPTED BY EMPLOYER**

**Use as part of design of policies - Essential Business Assumption (“Essential Critical Infrastructure Workforce”) is recognized for “Beverage Production Facilities” and “Beverage Distribution”**

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1. Establish Monitoring Working Group – Internal task force that works on all details of policies using a Post-Vaccine Focus as the touchstone for the adoption of various measures –
  - a. Navigating operations according to workforce availability
  - b. Assessing exceptions to vaccine dosing (see 5 below)
  - c. Applying and redesigning policy measures
  - d. Recognizing public health recommendations
  - e. Using territory responsibility matching business site with government authority
  - f. Indexing all State law prohibitions or limitations on policy’s administration
2. Working Group undertakes “Essential job analysis” – Document reasons for inability to work remotely and need to work in close proximity on an individual job role basis
3. Working Group tracks and reports on eligibility, availability and vaccine inoculation measurements using tools from local DPH alerts and national tracking sources  
Example: <https://time.com/collection/coronavirus-vaccines-updates/>
4. Consider combination of practices – Mandated / Incentivized / Encouraged approaches depending on Working Group’s assessment of which job groups and business sites meet the essentiality/risk analysis and which will have successful results
5. Designate Working Group or another company representative group to receive and address all accommodation requests related to vaccination policy (religious, disability, pregnancy) to ensure consistent approach
6. Adopt Mental Health Focus to enhance acceptance level of policies
7. Undertake Education / Advisory Effort – Explain vaccine usefulness, availability, safety practices with aim of increasing trust in employer communications
8. Incentives: Employer covers Vaccine Sign-up > No requirement to use PTO > Adverse event from vaccine will trigger paid leave – Consider wellness program incentive rules under HIPAA, ADA and GINA when designing any incentive element of vaccine policy
9. Explore option of onsite vaccine administration by healthcare provider -- advantage for managing all elements of program – Consider ERISA group health plan compliance obligations associated with employer-provided medical care, including COBRA and HIPAA privacy and security requirements

10. Use third-party provider if not done as onsite program – (area hospital, local pharmacy, public health clinic) – provides certainty of vaccine administration
11. Ensure pre-screening questionnaires implemented by third-party providers comply with ADA and GINA requirements consistent with EEOC guidance
12. Identify persons responsible for collecting proof of vaccination and ensure proof of vaccination information is maintained confidentially and on a need-to-know basis
13. Conduct IIPP evaluation of vaccination policies to bolster adherence to and complementing IIPP / Conduct Risk assessments regularly and periodically on third parties coming onsite and workforce who are unvaccinated engaging with the public for business purposes
14. Maintain safety adherence as directed by CDC, DPH, and as required by other applicable workplace safety laws
15. Evaluate Post-vaccination concerns for as long as year-end 2021 – childcare options, enhanced benefits, bonus opportunities

## COVID-19 Resources and Contact Information

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The Troutman Pepper Vaccine Task Force maintains a COVID-19 Vaccine Frequently Asked Questions site to help those navigating how to address workplace challenges posed by COVID-19. If you have questions specific to your adapted business operations or COVID-19 vaccination policies, please feel free to contact us or visit the Troutman Pepper COVID-19 Resource Center.

- **FAQ Site** - <https://www.troutman.com/insights/covid-19-vaccine-frequently-asked-questions.html>
- **COVID-19 Resource Center** - <https://covid19.troutman.com/>



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