

Tool: Model Law Office Workplace Vaccine Passport Policy

Although courts have yet to weigh in on the issue, guidelines from the US Equal Employment Opportunity Commission and other regulatory agencies indicate that employers may implement vaccine passports if they perform a workplace assessment and determine that limiting entry to the vaccinated is a necessary health and safety measure to prevent an imminent risk. Employers must also ensure that their passport policies comply with anti-discrimination and privacy protection requirements. Here's a Model Policy that you can adapt for use at your own medical office, depending on the workplace-specific circumstances involved.

WORKPLACE VACCINE PASSPORT POLICY

1. POLICY STATEMENT

The scientific evidence clearly shows that the COVID-19 vaccinations currently available in the U.S. are safe and effective. They are also provided free of charge. XYZ Law Offices strongly urges all employees to receive the COVID-19 vaccination if they are able to do so. XYZ Law Offices will provide education, information support and assistance [*including paid time off from work*] as necessary to enable employees to get the vaccination.

2. MANDATORY VERIFICATION OF VACCINATION STATUS

COVID-19 coronavirus is highly contagious and ensuring that persons who are actually infected, symptomatic or at undue risk of being infected do not enter the facility is essential to the health and safety of all in the workplace. Based on an assessment of the health and safety risks of its specific facilities and worksites and current public health guidelines, XYZ Law Offices has determined that it is necessary to implement a COVID-19 vaccine passport system until the health and safety situation improves. Accordingly:

Until further notice, no person may enter an XYZ Law Offices work site or facility without a COVID-19 vaccine passport.

3. DEFINITIONS

For purposes of this Policy:

“COVID-19 symptoms” include [*monitor and revise this list as CDC guidelines change*]:

- **Fever or chills;**
- **Cough;**
- **Shortness of breath or difficulty breathing;**
- **Fatigue;**
- **Muscle or body aches;**
- **Headache;**
- **New loss of taste or smell;**

- **Sore throat;**
- **Congestion or runny nose;**
- **Nausea or vomiting;**
- **Diarrhea.**

“Vaccine passport” means a form of acceptable verification showing that a person has received both doses of an approved COVID-19 vaccine. Such forms may include (without limitation):

- An official digital or hard copy passport of vaccination issued by a federal, state or municipal governmental agency;
- A signed letter from a physician indicating that the person has received the vaccination;
- A certificate of vaccination from a vaccine provider; and
- A personal written attestation of vaccination.

4. SCOPE

This Policy applies to XYZ Law Offices employees and others seeking entrance to XYZ facilities, including but not limited to contract workers, couriers, and visitors. These requirements will not be waived and those seeking to avoid them may do so by not seeking to enter the facility. However, XYZ will make accommodations to the point of undue hardship in accordance with the requirements of applicable anti-discrimination laws, as set forth in Section 6 below.

5. VACCINE PASSPORT PROCEDURE

5.1 Initial Presentation of Passport

Employees must provide their vaccination passport to the HR department for photocopying. The HR department will maintain a list of all employees who have furnished an appropriate passport (the “passport list”) and provide that list to security personnel stationed at facility entrances.

5.2 Entry Procedure

Rather than having to display their passports each day, employees will only have to provide their name and ID to security upon entering the premises for verification that they are on the passport list. Employees on the passport list will be allowed to enter the facility without undergoing medical screening unless they exhibit COVID-19 symptoms.

5.3 Admittance Criteria

Employees who are not listed on the passport list or who exhibit COVID-19 symptoms will not be allowed to enter the facility, subject to Section 7 below.

6. PRIVACY PROTECTIONS

XYZ Law Offices will neither ask for nor allow HR or security screening personnel to ask for any medical information other than verification that an individual has received two doses of an

accepted COVID-19 vaccination as listed in the vaccination passport. XYZ Law Offices will retain the photocopy of the vaccine passports that employees provide in a confidential personnel file. The vaccination list will also be kept confidential. None of such records will be used or disclosed except in accordance with this Policy and the XYZ Law Offices Employee Privacy Policy. All such records will also be kept secure in accordance with the XYZ Data Security Policy.

7. EMPLOYEES' ACCOMMODATION RIGHTS

Reasonable accommodations, possibly including exemptions, to the point of undue hardship will be made for employees who notify XYZ Law Offices and verify that they cannot receive the COVID-19 vaccine due to disabilities, pregnancy, age, national origin or other characteristics protected from discrimination under applicable anti-discrimination laws. Refusal to receive the COVID-19 vaccine due to personal preference is not a protected characteristic, particularly when that personal preference is based on misinformation or misunderstandings of scientific information. Accommodations will be based on an individualized assessment of the employees' circumstances and whether allowing them to enter without being vaccinated would pose a direct threat to others in the workplace.

XYZ Law Offices will also honor the terms of applicable collective bargaining agreements and external circumstances that may make it difficult or impossible for employees to get vaccinated.

8. TEMPORARY POLICY

This is a temporary policy that will expire when the health and safety purpose justifying its implementation no longer applies. XYZ Law Offices also reserves the right to revise this Policy as public health guidelines, pandemic situation and scientific information changes and evolves.