



# CAWP SAFETY BULLETIN

Issue #08-21 | November 5, 2021

## **Summary of OSHA's COVID-19 Vaccination and Testing ETS**

OSHA published the COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS) today. The [ETS in Federal Register](#) is attached and more information can be found on the [OSHA website](#).

Here is some practical information that will help you understand the ETS's impact on your organization:

- **Does the ETS apply to Construction** – Yes, for large employers (100 or more employees).
- **Does it apply to your Company:** If your company has or had at least 100 employees at any point during the ETS (Nov 5, 2021 – estimated end date of May 4, 2022), then the ETS applies. It would apply for the duration of the ETS even if the number of employees fluctuates above and below 100. The total number of employees would also include employees not subject to requirements (see example below).

- For example: If an employer has 125 employees, and 115 of them work exclusively outdoors, that employer would be covered.
- **Workplaces NOT covered:** Workplaces covered by the Safer Federal Workforce Task Force COVID-19 Workplace Safety (for direct Federal contractors) and Healthcare ETS employers.
- **Employees of covered employers NOT subject to the requirements include those:**
  - Who work alone - do not report to a workplace where other individuals are present,
  - While they are working from home, or
  - Who work exclusively outdoors.
- **Exclusively Outdoors: In order to qualify, the following criteria must be met:**
  - The employee must work outdoors on all days (i.e., an employee who works indoors on some days and outdoors on other days would not be exempt from requirements of ETS).
  - The employee must not routinely occupy vehicles with other employees as part of work duties (i.e., do not drive to worksites together in a company vehicle).
  - The employee works outdoors for the duration of every workday except for *de minimis* use of indoor spaces where other individuals may be present – such as a multi-stall bathroom or an administrative office – as long as the time spent indoors is brief.
  - The employee's work must truly occur "outdoors," which does not include buildings under construction where substantial portions of the structure are in place, such as walls and ceiling elements that would impede the natural flow of fresh air at worksite.
- **Compliance Dates:**
  - ETS is effective immediately; to comply, employers must ensure provisions are addressed by the following dates:
    - December 6, 2021 – all requirements except other than testing for employees who have not completed their entire primary vaccination dose(s).
    - January 4, 2022 – Testing for employees who have not received all doses required for a primary vaccination.
- **What does the ETS require of covered employers:**
  - Policy - Develop, implement, and enforce employer policy. See options for [Policy Templates](#)
  - Vaccination Status: Must determine vaccination status of each employee, obtain acceptable proof of vaccination, maintain records and roster of each employee's vaccination status. Records and roster are considered employee medical records.
  - Support for Employee Vaccination: Provide employees reasonable time (up to 4 hours) of paid time including travel time at regular rate of pay to receive each dose, and reasonable paid sick

leave to recover.

- COVID-19 Testing for Employees who are not fully Vaccinated: Employers are to ensure that each employee who is not fully vaccinated is tested for COVID-19 at least weekly (if in the workplace at least once a week) or within 7 days before returning to work (if away from the workplace for a week or longer). See [FAQ](#) for additional information.
- Employee Notification to Employer of a positive COVID-19 Test and Removal: Regardless of COVID-19 vaccination status, the employer must require each employee to promptly notify the employer if they receive a positive COVID-19 test or are diagnosed with COVID-19 by a licensed healthcare provider and immediately remove employee from the workplace. See [FAQ](#) for criteria for return to work.
- Face Coverings: Each employee who is not fully vaccinated is to wear a face covering when indoors or when occupying a vehicle with another person for work purposes, except in limited circumstances. See [FAQ](#) for further details.
- Information provided to Employees: Employers are to provide information to employees on the [requirements of the ETS](#) and workplace policies, [CDC Vaccine info](#), protections against retaliation and discrimination, and laws on supplying false statements and documentation.
- OSHA Reporting: The employer must report to OSHA, each work-related COVID-19 fatality and in-patient hospitalization - see [OSHA flyer](#) for specifics.
- Availability of Records: Employers are to make available vaccine documentation and test results and aggregate numbers of these details to employees and their representatives.

### Frequently Asked Questions

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*This Safety Bulletin may be downloaded at [www.cawp.org](http://www.cawp.org) under [Services/Safety](#). If you have questions, contact Jason Koss at the Association office at (412) 343-8000 or [jasonk@cawp.org](mailto:jasonk@cawp.org).*

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#### UPCOMING EVENTS

**January 14, 2022**  
CAWP/H2AP Annual

#### RECENT BULLETINS

**November 2**  
[CAWP Safety Bulletin #7-21](#)

#### PROUD CHAPTER OF



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Monte Carlo

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Bahamas

FULL CALENDAR

3-Part AGC Webinar Series:  
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**October 29**

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#7-21 – Asphalt Technician  
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