

EMPLOYERS ARE PERMITTED TO REQUIRE COVID-19 VACCINATIONS

Employers can require employees to receive the COVID-19 vaccine, with certain exceptions. On December 16, 2020, the EEOC issued guidance and updated the [Technical Assistance Questions and Answers](#) to address mandatory COVID-19 vaccines for employees.

Concisely, the EEOC wrote that employers can compel employees to receive the COVID-19 vaccine. The EEOC continued that the administration of the vaccine is not considered a medical examination, though the pre-screening questions may be. Further, not only can employers require COVID-19 vaccinations, but employers can also require that employees submit proof of inoculation. Alternatively, employees may opt out for reasons of a disability or sincerely held religious belief, practice or observance. If an employee opts out, the employer should offer the employee a reasonable accommodation that allows the employee to work in person. If a reasonable accommodation cannot be utilized the employer may exclude the employee from the workplace. An employer CANNOT automatically terminate an employee who opts out and cannot be accommodated. Employers should determine if the employee can perform their essential job functions remotely before taking any adverse job action.

Employers should discuss mandatory vaccines and personnel policies related to COVID-19 with experienced legal professionals to ensure compliance with all federal and state laws, regulations and Executive Orders. [CLDDS](#) attorneys stand ready to provide guidance on COVID-19 issues and other challenges facing employers during these unprecedented times. For more information regarding labor and employment matters, compulsory vaccination policies, and how to implement nondiscriminatory practices please contact [William R. Burns, Esq](#) at Carluccio, Leone, Dimon, Doyle and Sacks, LLC.

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