

EEOC Issues Guidance on Covid-19 Vaccines

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With Covid-19 vaccines becoming available, many businesses are hoping that a return to normal is on the horizon. Some employers are even weighing whether to mandate vaccines for their employees. Until recently, there were still many questions about whether an employer could implement such a policy. However, on December 16, 2020, the Equal Employment Opportunity Commission ("EEOC") issued its first guidance regarding Covid-19 vaccines, answering these important questions. These are the important takeaways from the EEOC's recent guidance:

1. Employers can require that employees receive the COVID-19 vaccine as a condition of returning to, or remaining in, the workplace.
2. However, if employees who, due to medical disabilities or sincerely-held religious beliefs, decline or refuse to receive the vaccine, employers must attempt to accommodate these employees.
3. If an employer determines, based on objective evidence, that the presence of an unvaccinated employee presents a direct threat to the health and safety of others in the workplace and that threat cannot be reduced or eliminated through a reasonable accommodation, the employer can exclude the employee from the workplace.
4. If an employer excludes an unvaccinated employee from the workplace due to the perceived direct threat based on his or her presence in the workplace, the employer may not automatically terminate the employee, but instead must look into whether other accommodations can be provided. One example of such accommodations would be allowing the unvaccinated employee to work from home if possible.

While the EEOC's guidance has clarified many questions surrounding mandatory Covid-19 vaccinations, there are still other considerations employers must take into account. If you are considering requiring your employees to get vaccinated before returning to work contact Ross Hamilton at rhamilton@tuggleduggins.com or (336) 271-5279, Nathan Duggins at nduggins@tuggleduggins.com or (336) 271-5246, Denis Jacobson at djacobson@tuggleduggins.com or 336-271-5242, or Matt Hoyt at amhoyt@tuggleduggins.com or (336) 271-5203 to help ensure your policy complies with all applicable laws.

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