

## The 101 on Workplace Vaccines

Are you thinking of moving your employees back into the workplace? Or maybe your employees are already in the workplace and you're concerned about ensuring their safety? Whatever your situation, now is the time to assess how you will handle vaccination when vaccines become available to the workforce. Here are a few thoughts to keep in mind.

**Can I require employees to obtain a vaccine?** The short answer is “generally, yes.”

Employers can require vaccination as a qualification for employment so long as they engage in a reasonable accommodation process for employees who are disabled, are susceptible to the vaccine, or have a religious objection. OSHA recommends employers make the vaccination available to employees, at low or no cost, as well as provide information about vaccines.



**What if an employee refuses to comply?**

If an employer establishes a qualification standard that an individual must not pose a direct threat to the health or safety of themselves or others in the workplace, an employee can be excluded from the workplace or even terminated if they refuse to get a vaccine and do not have a protected reason for accommodation. However, employers should consider whether that employee presents a direct threat to themselves or others by coming to the workplace unvaccinated.

**How should I accommodate an employee with a firmly held religious belief or disability?**

If an employee demonstrates a firmly held religious belief or a disability that would prevent the employee from receiving the vaccine, the employer must determine if it can reasonably accommodate the employee while also maintaining workplace safety. *It is always best to seek legal advice before deciding how to appropriately handle any situation involving workplace safety and employee rights.*

**If I decide to require the vaccine, what must I do?** An employer must establish a system for evaluating exemption requests based on a firmly held religious belief or a disability that would prevent the employee from receiving the vaccine. Additionally, employers will need to compensate employees for the time getting the vaccine, waiting to get the vaccine, as well as their travel time to and from the vaccination center.

**If I do not want to mandate a vaccine, can I offer incentives to encourage employees to receive the vaccine?**

Yes. But be careful to keep the incentive small. Under Oregon's equal pay laws, all employees must be paid the same for equal work. The ADA and Title VII of

the Civil Rights Act also require an employer to offer employees with disabilities and those seeking accommodation for their religious practices the same benefits as those offered to other employees.

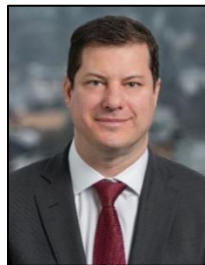


If an employer wants to offer an incentive but minimize potential liability, one option could be to offer bonuses to all employees once a certain threshold is met between both vaccinations and exemptions. Another option might be to offer the same incentive to employees who obtain an exemption and receive some education about how to minimize the spread of the virus. Because these incentives can have some technicalities, we recommend you consult with an employment lawyer before rolling them out.

**We're here to help.** As with everything related to COVID-19, facts, circumstances, and even regulations are changing quickly. If you need assistance, don't hesitate to contact us.



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