Training Session Handouts

Require Employee Vaccinations Without Facing Costly Lawsuits

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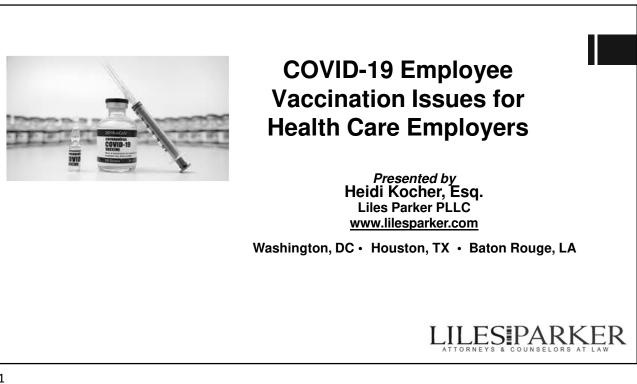


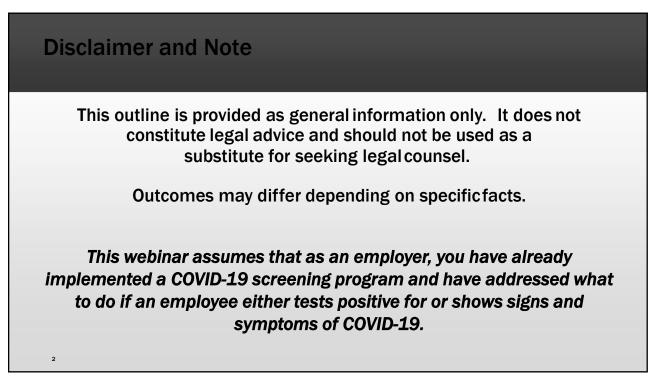
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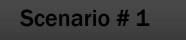
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Stella runs a physical therapy company, Personal Therapy For You, that employs 35 people, of whom 10 are full-time therapy and field personnel and 5 full-time office personnel (receptionist, biller/coder, etc..). The remaining 20 employees are part-time therapy personnel.

The county where Personal Therapy For You is located has been overwhelmed with COVID-19 cases. Stella wants to mandate that all employees receive the COVID vaccine. Can she do that?

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Employer Mandates and Policies

Generally speaking, an employer has the right to set the terms and conditions of the workplace. This includes setting out expected behaviors and procedures.

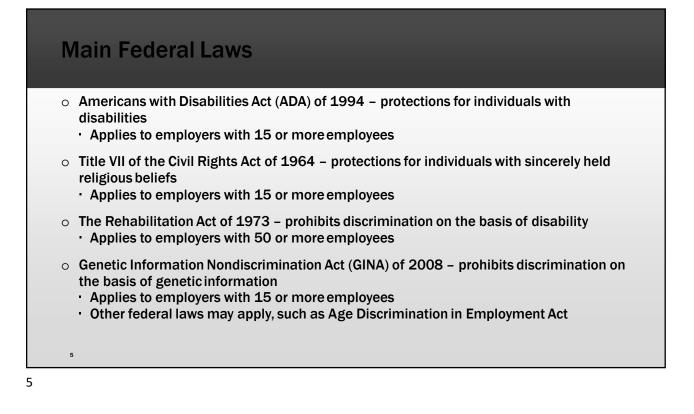
Most state laws and Federal law currently permit employers to do this.

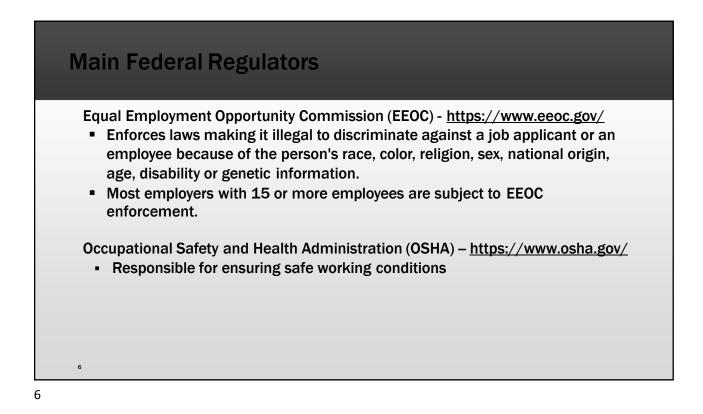
Therefore, generally speaking, an employer may require its employees to be vaccinated.

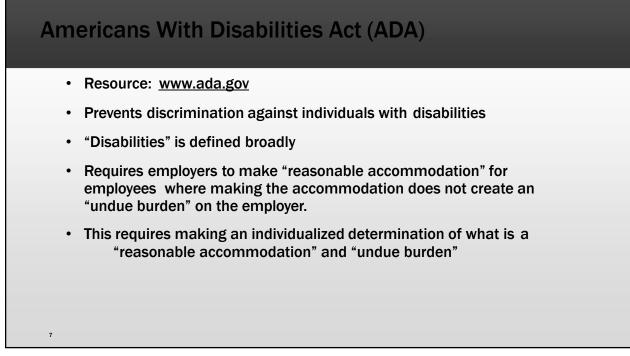
BUT there are boundaries and limits to what an employer can require of its employees.

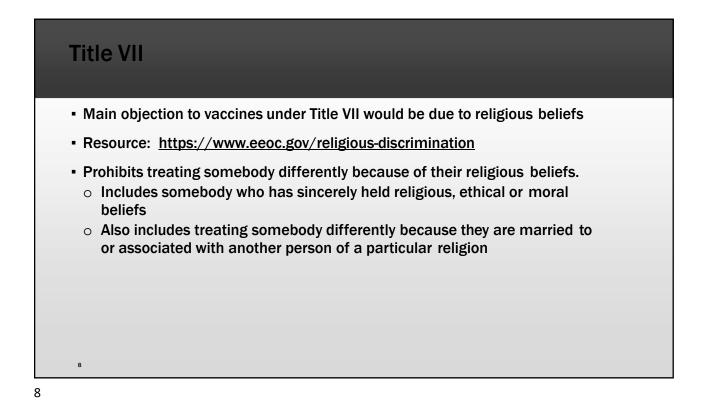
AND this is a rapidly changing area of the law – as of January 13th, 9 states introduced laws prohibiting discrimination or adverse employment actions on the basis of failure to receive a coronavirus vaccination.

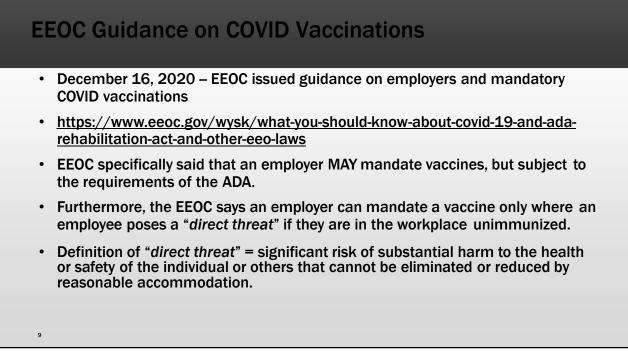
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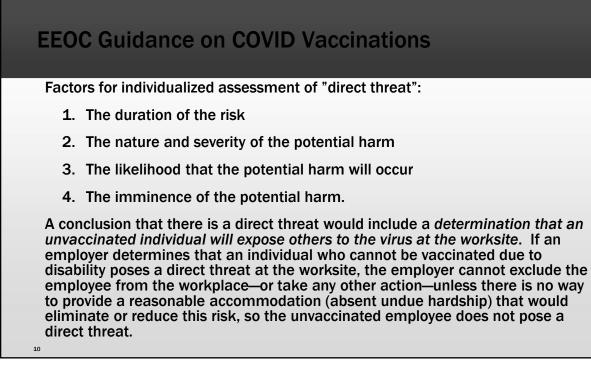


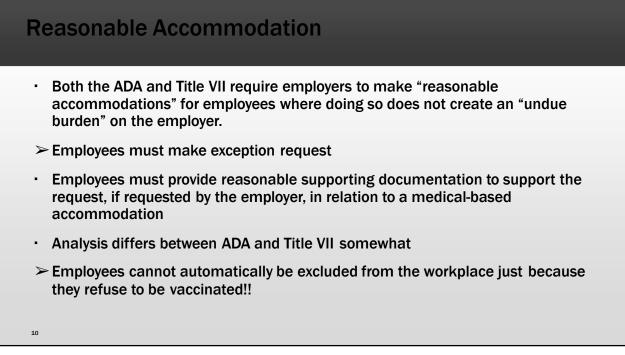


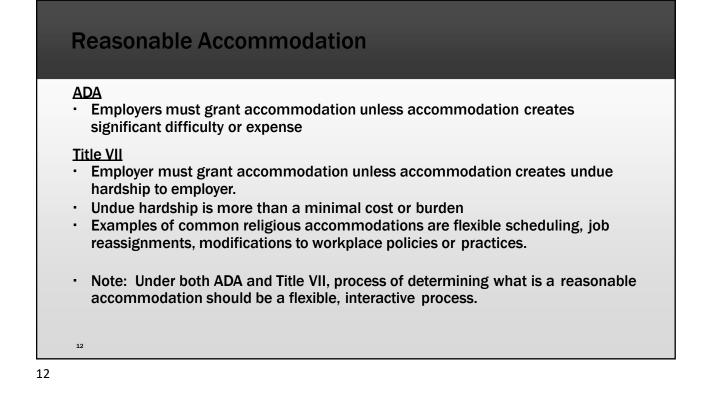


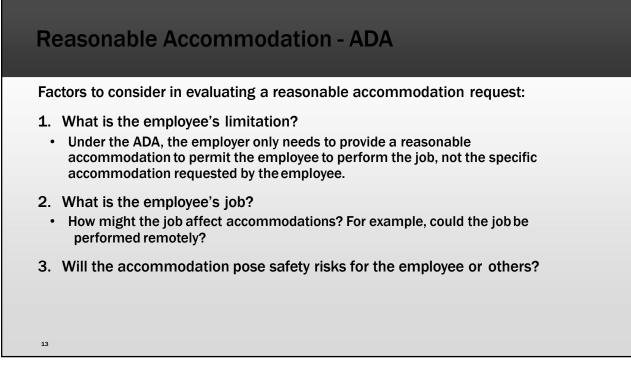


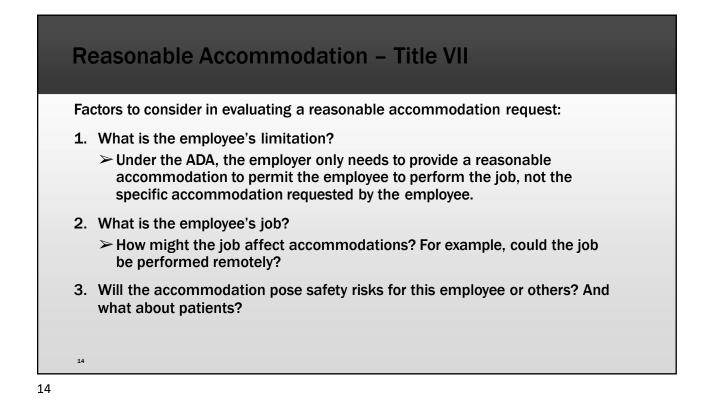


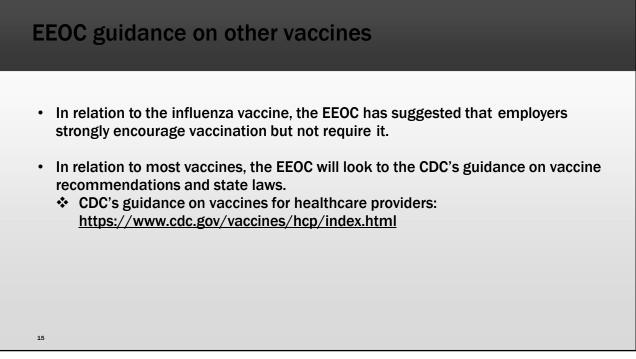


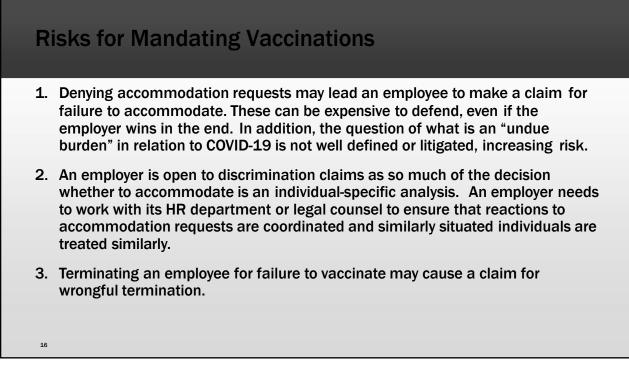


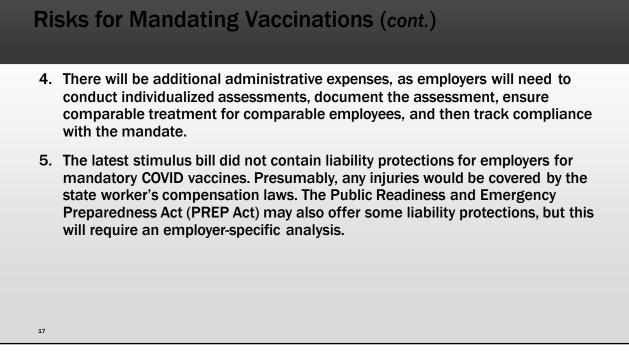




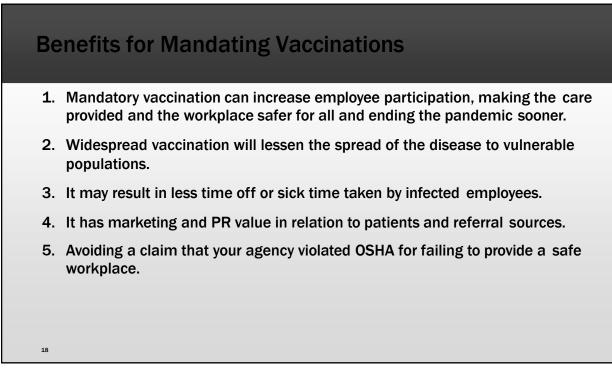












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	Evaluation of Scenario # 1
•	Personal Therapy For You can mandate vaccines for its employees. However, it has 35 employees, so the ADA and Title VII apply.
•	Therefore, if an employee requests an accommodation, the agency must analyze whether the job is such that the vaccine mandate is job-related and whether the employee's request is reasonable and whether the accommodation presents an undue burden for the agency.
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