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COVID-19 Guidance for Employers on Vaccinations

The EEOC issued guidance in late December that made clear that employers can require their employees to get the COVID-19 vaccine, so long as they comply with the requirement to accommodate employees with disabilities under the Americans with Disabilities Act and religious accommodations under Title VII. This means that if an employee cannot get a vaccine due to their disability, the employer will need to go through the interactive process with the employee to determine if the inability to get the vaccine can be accommodated. This accommodation may include allowing the employee to work from home, offering the employee another open position, and doing a risk assessment of having the employee in the workplace unvaccinated. A similar process should be followed for the request for a religious exemption. Of note, courts have found that being anti-vaccine, without more, is not enough to qualify an employee for a religious exemption.

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