



STRENGTHENING THE VOICES OF CASA STATEWIDE

FAQ: Human Resources Issues and the COVID-19 Vaccine

Is it legal to require employees to get a COVID-19 vaccine?

It is legal to require a vaccine, but employers must make accommodations for those who have a medical disability or those with a sincerely held religious belief. The Americans with Disabilities Act (ADA) and the Civil Rights Act (religion) may be invoked by employees who do not wish to get the vaccine.

Can my program pay for extended sick leave related to COVID-19, even though the Family Care Act provision expired 12/31/2020?

If a local program sick leave policy allows for extra sick time due to COVID-19 or other situations such as maternity leave, then VOCA will allow for those established guidelines. *Note: VOCA will not pay both sick leave for the ill employee and for a temporary employee to cover during the absence.*

Are most American employers making the COVID-19 vaccine mandatory?

Many employers will highly encourage the vaccine, but the majority of employers in the US will not make the COVID-19 vaccine mandatory (according to [SHRM](#).) Vaccines are most often made mandatory in health care-related businesses such as hospitals where employees are at a higher risk of being exposed and they also have a high risk of exposing vulnerable individuals.

If they choose to make the vaccine mandatory, what accommodations could employers make for someone who claims they cannot get the vaccine?

As long as it doesn't create an undue hardship to the company, employers can make an accommodation due to medical disability and/or religious belief. The accommodation could be to continue to work remotely, or to adjust hours so they are not working with the majority of the employees. With accommodations in place, you can exclude these employees from a requirement.

How should employers handle individuals who claim the vaccine is unsafe?

Lack of safety is not one of the protected reasons for exclusion from vaccine requirements.



May employers terminate staff members who refuse to be vaccinated?

Yes, since an employer can legally require the vaccine, unless the employee is protected under ADA and/or Civil Rights Act.

Should policies and procedures regarding vaccination be implemented around the COVID-19 vaccine?

Rather than implementing specific policies and procedures, employers could encourage employees to get vaccinated through education/communication, reimbursement of any out-of-pocket expenses for the costs, or paid time off to get vaccinated.