

Employment Law *Trending Now*

The CDC Publishes Covid-19 Vaccine Toolkit for Employers

As the coronavirus (“COVID-19”) vaccine starts becoming more readily available nationwide, employers likely have a number of employment-related questions about the vaccine, such as whether they should encourage or even require their workforce to get vaccinated and how to address questions and concerns regarding the vaccine. Thankfully, just last week, the U.S. Centers for Disease Control and Prevention (“CDC”) published an extensive communication toolkit to assist employers of essential workers in raising awareness about the benefits of the COVID-19 vaccine. The CDC’s toolkit can be found [HERE](#).

While the toolkit is geared towards essential workers (such as police officers, firefighters and those working in education, childcare centers and grocery stores), it contains material that can be helpful to employers of non-essential workers as well.

In particular, the toolkit contains templates of letters and slide-decks of information that employers can send to managers and staff regarding the importance of the vaccine, answers to frequently asked questions for both employers and employees, posters and flyers, as well as social media content regarding the vaccine.

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The following are a few key takeaways for employers from the CDC's toolkit.

1. *Employers Should Encourage Employees to Get Vaccinated and Consider Administering the Vaccine On-Site*

The CDC recommends that employers consider offering free, on-site COVID-19 vaccinations to all employees, including contractors and temporary employees, at their business locations. Vaccinations should be offered to all employees, even those who have already had COVID-19. Employers are advised to contact the health department in their jurisdiction for guidance regarding implementing a vaccination program.

If establishing a vaccination program is not feasible, the CDC recommends that, at the very least, employers encourage employees to seek the vaccine in their communities, as well as provide employees with information as to where they can obtain the vaccine. The CDC provides the following tips for employers to encourage employees to get the vaccine:

- a. Be flexible with human resources policies and establish policies that allow employees to use paid leave to get vaccinated;
- b. Disseminate the CDC's promotional information regarding the vaccine in the workplace and via social media;
- c. Distribute articles in the workplace and via the employer's intranet regarding the importance of the vaccine, as well as information about where employees can obtain it.

2. *Employers Must Provide Employees with Certain Information before Administering the Vaccine*

By law, employers who elect to provide the vaccine to their workforce must provide employees with certain information prior to administering a vaccination drive.

In particular, employers must provide employees with information regarding possible side effects to the vaccine. Employers should also provide employees with a vaccination record card, which contains the name and manufacturer of the vaccine received, the date the vaccine was administered, where the vaccine was received and when the employee needs to return for a second dose of the vaccine, if necessary.

3. Depending on Applicable Law, Employers May Require Employees to Obtain the Vaccine

The CDC encourages employers interested in requiring employees to get vaccinated to review state and other applicable laws to determine whether it is legal to do so.

Similarly, in the course of implementing a vaccination program, employers should be mindful of all applicable state and federal laws regarding medical and/or religious exemptions including, without limitation, the Americans with Disabilities Act (“ADA”) and Title VII of the Civil Rights Act of 1964 (“Title VII”). These and other laws may require employers to exempt certain employees from the mandatory vaccination program, including those with disabilities or those who hold sincerely held religious beliefs, practices or observances which prevent them from taking the vaccine.

Although an employer may require that an employee provide proof that the employee has been vaccinated, employers **cannot** require employees to provide any medical information as part of the proof that they have received the vaccine.

4. Employers Should Continue to Implement COVID-19 Prevention Measures Even After Employees Have Been Vaccinated

Because it takes time for the COVID-19 vaccine to take full effect after it is administered, and not all employees will receive the vaccine at the same time (or ever), the CDC recommends that employers continue to implement COVID-19 prevention measures, even after employees have been vaccinated. These prevention measures include requiring employees to wear masks and practice social distancing. The CDC also recommends that, where feasible, employers continue to evaluate telework options.

If you have any questions about this Alert, if you would like assistance with creating and implementing a COVID-19 vaccination program, or preparing and disseminating information relating to the COVID-19 vaccine to your employees, please contact the authors listed below or the [Aronberg Goldgehn attorney](#) with whom you work.

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