

EEOC Vaccine Guidance Includes Exceptions, Healthcare Risk Management, Aug. 1, 2021, featuring Christopher Tellner

The Equal Employment Opportunity Commission (EEOC) guidance includes two important exceptions, notes Christopher Tellner, JD, partner with Kaufman Dolowich & Voluck in Blue Bell, PA. Employers remain limited by the provisions of Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA).

Title VII requires employers to provide exemptions from any vaccine requirement to employees with sincerely held religious beliefs preventing them from taking the vaccine, Tellner says. Further, the ADA requires employers to provide exemptions from any vaccine requirement to employees with a disability that prevents them from taking the vaccine.

“A personal or political opposition to receiving a vaccination is not sufficient to protect an employee from repercussions should they refuse the vaccine,” Tellner says. “Employees with either a religious belief or disability exemption can still be required to receive the vaccine or be excluded from the workplace if their presence presents a direct threat to the workplace, and if no reasonable accommodation could mitigate that threat to a reasonable degree.”

Tellner notes the EEOC set forth four elements to consider in determining the existence of a direct threat:

- the amount of time the risk will exist;
- the potential harm posed by the risk;
- the probability that any potential harm will occur;
- the imminent nature of the potential harm.

Read full article: <https://www.reliasmedia.com/articles/148332-eeoc-vaccine-guidance-includes-exceptions>