
Mandatory Covid-19 Vaccinations & CAPP Coverage for Vaccination Sites

The Equal Employment Opportunity Commission (EEOC) stated that COVID-19 is a “direct threat” to the workplace per the Americans with Disabilities Act (ADA). As such, employers may implement medical inquiries such as temperature checks and COVID-19-related screening questions. Employers may require mandatory COVID-19 vaccinations; however, there are several things to consider before doing so. The EEOC provided specific guidance about mandatory COVID-19 vaccines in a FAQ published in December (<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>).

Vaccine Exemptions

Employers who implement mandatory vaccination plans must comply with federal and state employment laws, which means respecting vaccine exemptions for medical, disability, or religious reasons. These exemptions are protected by the ADA and Title VII of the Civil Rights Act 1964; however, employers may require employees seeking an exemption to provide reasonable supporting documents. Employers must offer reasonable accommodations to these employees unless those accommodations would pose an undue hardship or pose a direct threat to other employees' health and safety.

Other Considerations

Employees requiring mandatory vaccinations should cover the vaccination cost if not covered by health insurance and pay non-exempt employees for the time needed to get the vaccine. Should an employee have an adverse reaction to the vaccine, a workers' compensation claim may be filed.

CAPP Coverage for County Public Health Departments

CTSI has received several inquiries from our member counties about administering COVID-19 vaccines at County Public Health Departments.

One of the questions being asked is about coverage for medical volunteers such as EMT's and nurses at vaccination sites. If the EMT's are volunteering for the county, they are considered an agent of the county and CAPP General Liability coverage applies. This would cover such things as an injury occurring while they are administering the shot/vaccine etc. If an individual who received the vaccine had an adverse reaction, that would be treated as any other medical emergency. The EMT's typically will have medical malpractice from their sponsoring doc also.

Administering the vaccine is covered under CAPP General Liability for qualified professionals, which would include a nurse and EMT or any other professional that is qualified to administer a vaccine, except for a doctor or a nurse practitioner. Our CAPP policy excludes coverage for doctors and nurse practitioners due to the ability to administer various medical procedures; they would need their own medical malpractice coverage. CAPP does not provide medical malpractice insurance.

If a county holds a clinic with covered staff at another location, that location could be named as an additional insured if needed. If there is another facility involved, CAPP would be considered secondary, the owner would be primary, and if named an additional insured on CAPP, then CAPP would provide extra coverage if the owner did not have certain types of coverage.

What This Means for Counties

Counties can require employees to get a COVID-19 vaccine but should follow EEOC guidance and ADA regulations when implementing a policy. Also, CAPP does provide coverage for county-sponsored vaccine administration sites and medical volunteers. For more information on COVID-19 coverage, contact Meredith Burcham at (303) 861 0507. [ctsi](https://www.ctsi.org)