

COVID-19 Vaccinations -

What Employers Can and Can't Do

As the supply of COVID-19 vaccines increases, the U.S. Centers for Disease Control and Prevention (CDC) recommends that employers implement supportive policies to increase the number of people vaccinated. According to the CDC, "Although COVID-19 vaccine supply is currently limited, it's not too early to share clear, complete and accurate messages, promote confidence in the decision to get vaccinated, and engage your employees in plans to address potential barriers to vaccination." One of the ways employers can help increase vaccinations rates among employees is by offering incentives such as paid time off for employees to receive their vaccinations.

CAN EMPLOYERS REQUIRE VACCINATIONS?

Colorado has not mandated that employees get vaccinated for COVID-19 for in-person work; however, employers can make vaccinations mandatory. For more information on mandatory COVID-19 vaccinations, see Technical Update vol 25 no 4. – Mandatory COVID-19 Vaccinations & CAPP Coverage (www.ctsi.org/technical-update-vol-25-no-4-mandatory-covid-19-vaccinations-capp-coverage), and for COVID-19 Vaccine FAQs visit <https://covid19.colorado.gov/vaccine-faq>. If an employer makes COVID-19 vaccination mandatory, they should pay non-exempt employees for the time it takes them to get the vaccine if not during work hours or allow them paid time off for a work time appointment. The employer should also cover any costs for the vaccine that are not covered by insurance.

CAN EMPLOYEES OPT-OUT?

Employees may opt-out of receiving a vaccine through an exemption in the Americans with Disabilities Act (ADA). Visit www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act for additional information from the U.S. Equal Opportunity Commission about how the ADA impacts how employers can implement COVID-19 protections.

WHAT THIS MEANS FOR COUNTIES

Colorado counties should encourage employees to receive COVID-19 vaccinations; however, there are numerous considerations counties should take into account before making COVID-19 vaccinations mandatory. Counties that do make vaccination mandatory should pay non-exempt employees for the time to receive the vaccine and cover any related costs. Federal and state laws and guidance regarding COVID-19 are still being developed as the pandemic continues to play out. Counties should consult their local health departments and county attorneys before issuing employee-specific COVID-19 regulations. Contact CTSI at 303 861 0507.

