

Biden Pushes Employers To Ponder Worksite COVID Shots

Scott Mirsky provided commentary for an article titled: “**Biden Pushes Employers To Ponder Worksite COVID Shots**,” by Vin Gurrieri, published on **Law360.com** on July 6, 2021.

The article discussed the legal risks associated with President Joe Biden’s recent call encouraging employers to offer onsite COVID-19 vaccinations.

Scott Mirsky, a principal at Paley Rothman, said the language used by the EEOC in that section of its guidance “makes me pause to think that if you’re doing it in-house you are limited in your vaccine incentive,” suggesting that employers in that situation keep any incentives as small as possible.

“It’s not crystal clear; I think the EEOC could clarify that a little bit more ... but I would go back to the nominal incentive if you’re going to have voluntary vaccines on-site until there is clarification from the EEOC,” Mirsky said. “When you start doing it on-site, it seems like the EEOC is more concerned that you’re going to have an ADA-type issue. It seems like the rules are more lax when people are getting their vaccines off-site.”

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“If you do have a vaccine clinic — and let’s just say it’s only offered on a given day — you could have all your employees have the normal reaction from the vaccine all at the same time,” Mirsky said. “If you had 100 workers all vaccinated and they all had their second dose on the same day, then you might have 100 workers not coming to work the next day.”

Instead, Mirsky said it may behoove employers that go the route of on-site vaccinations to stagger the days workers receive the shot or do it over a multiweek period, as having everyone get shots on the same day could result in a shortage of available employees.

If you have questions regarding how to handle employment situations during the COVID-19 emergency, please contact the employment attorneys at Paley Rothman.

The full article, “**Biden Pushes Employers To Ponder Worksite COVID Shots**,” can be found on **Law360.com** (subscription may be required).

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