



AN EMPLOYEE VACCINE ROLLOUT PLAN YOU CAN BE CONFIDENT IN

Your Most Pressing Vaccine Questions, Answered.



The rollout of COVID-19 vaccines in the United States raises complex questions for employers—including both practical and legal considerations. While vaccine availability to the general public is still months away, **executives must put strategies in place now to mitigate risks** and help their employees receive the vaccine in a **scalable, safe and legally compliant way**.

We are here to help with that. Our industry-leading lawyers are standing by to equip you with up-to-the-minute information and practical steps for navigating the complex workplace issues surrounding the vaccine. We are working closely with clients across industry sectors to answer their most pressing questions, such as those listed below. **If we can be of assistance to you as you make your plans, don't hesitate to let us know.**

EMPLOYER FAQs

Mandating the Vaccine

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Can employers legally require employees to get the vaccine in order to return to the office or resume in-person work activities?

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Can employers mandate proof of vaccination as a condition of hiring or contract work?

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What exceptions must employers make to a mandatory vaccine policy?

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Can clients require vaccines before allowing vendors and service providers onsite?

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Do the answers to any of these questions vary by geography?

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Can employers incentivize employees to participate in a voluntary vaccine policy? Are there limitations on such incentives?

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How should employers communicate with employees, customers, patients and the public regarding vaccines?

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How should employers respond to customers who ask whether employees have been vaccinated? Can customers insist on working only with employees who have been vaccinated?

Vaccine Access and Positioning Your Workforce

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How can employers assess employee interest in receiving the vaccine? How should employers prioritize vaccine distribution, and how should they communicate these decisions?

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If there is limited supply of the vaccine, what are best practices for prioritizing certain employees?

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What information can employers collect to assist with the vaccination effort (for example, information about potential allergic reactions)? What are the relevant requirements of the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act and other privacy protections?

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Are there different guidelines if an employer is acting through its human resources division as opposed to its self-funded health plan?

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How is responsibility allocated for individuals who are not officially employees, such as volunteers, students or advisors?

Administrative Issues

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What does reimbursement cover? What other financial costs should employers consider?

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Should employers implement a tracking plan to document employee opt-ins, opt-outs, first and second doses, etc.?

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What additional policies should employers consider to account for employee time off to obtain the vaccine, or to address potential side effects?

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Should employers require proof of vaccination, and what might such proof look like?

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What information will employers collect? How will that information be stored, transferred and used?

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What privacy laws might apply to information collected on vaccination?

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Do employers need to provide a consent or disclosure form to employees receiving the vaccine? What should those forms include?

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What can employers do now to engage and inform employees on issues of consent?

State-Specific Issues

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How do states differ in their plans or strategies for vaccinations? How should employers address a workforce dispersed across state lines?

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What is the order in which vaccines will be distributed? What is the timing by state?

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How might different industries be affected? For example, what is the plan for essential employees in health fields that were not prioritized for 1A distribution, or for non-health essential services, universities, hospitals and health systems not selected to administer the vaccine?

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Who decides which employees are “essential”? Within the “essential” category, which industries or companies will be prioritized?

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Do employers need to establish a process to “register” or receive official designation in order to reserve their company’s place in line? If so, how should employers do that?

Vaccine-Specific Issues



How do the two approved vaccines differ (*i.e.*, Pfizer versus Moderna)?



Are there practical considerations for determining which vaccine is best for a particular workforce? Will employers have an opportunity to choose?



Do COVID-19 antibodies factor into decisions regarding the vaccine? Are people who previously had COVID-19 eligible to receive the vaccine?



Does the availability of the vaccine affect contact tracing protocols?

Get your organization ready. Contact us today to help answer these, and more questions.

[MWE.COM/VACCINERESPONSE](https://mwe.com/vaccineresponse)



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