

EEOC OKs Employer-Provided COVID-19 Vaccine Incentives

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The U.S. Equal Employment Opportunity Commission recently updated its COVID-19 technical assistance that gives employers the thumbs up to provide incentives for employees who receive the COVID-19 vaccine.

According to the EEOC, an employer may offer incentives, including cash, to employees who provide documentation substantiating that they have had the vaccine, as long as the incentives are not so large as to be coercive. The technical assistance does not define how large an incentive must be in order to be coercive. However, the technical assistance seems to generally confirm some types of the initiatives already put in place by many employers to incentivize employees to get the COVID-19 vaccine.

The technical assistance also included other key updates. The EEOC states that federal equal employment opportunity laws do not prevent an employer from requiring all employees entering the workplace to be vaccinated for COVID-19 as long as reasonable accommodations are made for a disability under the Americans with Disabilities Act and for sincerely held religious beliefs under Title VII. Employers also may provide employees and their family members with information to educate them about the vaccine and its benefits.

Employers should also consult state and local laws which may be more restrictive than the EEOC's interpretation of federal laws. Employers needing assistance with COVID-19 issues should consult a member of Barley Snyder's Employment Law Practice Group or the Crisis Management Service Team.

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The views expressed in this alert are those of the individual author and do not necessarily reflect the views of the firm or the firm's clients. The response to the COVID-19 pandemic is particularly challenging, evolving and, in many cases, can be controversial. Any views expressed in this alert are not intended to advocate for or endorse a particular governmental response to the pandemic.

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