

Is the Pandemic Over for Businesses?

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Pennsylvania's COVID-19 related restrictions and emergency regulations, including mask requirements and social distancing, have been lifted, signaling a very important point in the state's recovery and efforts to get back to normal.

Despite the fact that the state has generally rescinded its mandates, businesses and higher education institutions are still free to impose their own restrictions. Here are five things businesses, higher education institutions and workers should know about COVID-19 pandemic-related measures that may remain in place:

Employers can require employees to be vaccinated. There are many cases going through the court system now, but so far, courts have said the Equal Employment Opportunity Commission's guidance that [employers can require an employee to be vaccinated to return to work](#) is legal. There are exceptions to this, such as a closely held religious belief that would prevent an employee from wanting to receive the vaccine. In those cases an employer would be required to make an accommodation - such as teleworking - if feasible instead of dismissing the employee. Employers would also have to accommodate those who have a medical condition that prevents them from being vaccinated. However, an employer would not have to accommodate religious or medical exemptions if it would impose an undue burden on the employer's operations.

Businesses can continue masking requirements and social distancing. While the state is no longer imposing restrictions, Pennsylvania businesses can still decide to require their employees and customers to wear masks and socially distance. Some businesses - such as medical offices and restaurants - are able to create a higher comfort level for their patrons and employees by continuing to require masks, and they are allowed to do so. However, if an employer has a labor union, it must negotiate any attempt to impose a masking requirement that wasn't already in place before the pandemic or negotiated during the course of the pandemic.

Federal guidelines still require masking on public transportation. State regulations for masking being lifted do not supersede the Centers for Disease Control and Prevention's order for masking on all public transportation conveyances such as airplanes, trains and busses. The order also includes mandated masking at airports, bus terminals and train stations.

Businesses can limit customers to only those who have been vaccinated. Some concert venues and promoters especially have been requiring vaccination of those who want to attend a concert, but many of those requirements [already have been lifted](#) as states ended their masking mandates. But so far, it is legally allowed.

Colleges and universities in Pennsylvania can require vaccinations for students to return to campus.

While eight states have given the green light for colleges to require vaccinations for students, a dozen will not allow schools to require it. The remaining states - including Pennsylvania - only have instructed colleges to allow for religious and medical exemptions if the school requires vaccination but a student wants to return to campus without it. Nearly 30 colleges - all private schools - [have student vaccination requirements in Pennsylvania](#). At the beginning of the month, Pennsylvania Gov. Tom Wolf [vetoed a bill](#) that would have killed proof of vaccination as a requirement to attend any Pennsylvania college in person.

If you have any questions about what pandemic-related regulations still remain in effect on your business, please [contact me](#) or any member of our [COVID-19 Response Service Team](#).

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