

THOUGHT LEADERSHIP

News

## Requiring COVID Vaccinations -- part 2

Newsbrief

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Last week, we discussed whether you can require your employees to get vaccinated against COVID. The short answer in Texas is yes, although there are exceptions. The most notable are those employees who claim a mental or physical disability that would prohibit vaccination and those employees who state that a sincerely held religious belief prohibits vaccination. Note that there have been some extreme cases on what a sincerely held religious belief includes. For example, at least one court found that veganism could constitute a sincerely held religious belief. In these instances, we recommend you do not require vaccination.

But instead of requiring vaccinations, what if you instead encouraged your employees to become vaccinated. What would that look like? Since you are simply requesting participation, you have many ways to encourage vaccination. Those include waiving or paying for any co-pays or deductibles. Costs for the vaccine appear to be minimal for employees with health insurance, so that might not be enough. So in addition, you could also pay a portion of an employee's health insurance premium. Other employee wellness benefits could also be used, such as paying for or subsidizing a gym membership or providing free fitness products. But you don't have to limit yourself to "health" benefits. You can provide gift cards or additional PTO or vacation days to employees who become vaccinated. Or reserved parking places. Or cold hard cash.

In other words, you can incentivize your employees to become vaccinated without appearing heavy-handed. Of course, providing incentives could send the wrong signal to your workforce, especially among those employees who are concerned about the vaccination's side effects or are suspicious of them. That being said, you should determine what is best for your workplace, and how best to accomplish that.

Be safe and stay the course. And of course, let us know if we can help.

Thanks, Jack, Elizabeth and Jim