
Vaccine Mandates – An Update for Employers

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Yesterday, the Federal Drug Administration (“FDA”) gave full approval to the Pfizer vaccine for all adults. Though all three vaccines received emergency approval before administration started earlier this year, this is the first to receive the FDA’s full endorsement.

Full approval makes it easier for employers to choose to mandate that staff be vaccinated. The EEOC, CDC, and State agencies had already said it, but now it is even clearer: A vaccine mandate (that complies with all accommodation provisions) is legal.

Also on the federal front, OSHA issued guidelines for all workplaces last week that reflect the most recent CDC update. There are a few provisions that employers should note.

First, OSHA and the CDC suggest that all employers require the vaccine. They advise employers to implement regular mandatory testing for those who are exempt from the requirement. They say that all employees should wear masks in public areas where there is a local high COVID rate, and that social distancing and PPP protocols should continue.

For employers who do require the vaccine, the federal agencies advise employers to facilitate getting their workforce vaccinated with paid time off to get the vaccine and sick leave for any adverse side-effects (these are both ALREADY REQUIREMENTS IN NEW YORK).

The new guidance also imposes very specific requirements on healthcare employers. It should be noted that, on the State front, New York has already issued regulations requiring that, amongst other things, certain healthcare workers be vaccinated. If you need more information, or we can help you get your compliance in order, please contact us.

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