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**THE COVID VACCINE: EMPLOYER RIGHTS
AND RESPONSIBILITIES**



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WEBINAR HOUSEKEEPING

- Everyone attending the webinar is muted. To ask a question, type your question in the Q/A text box on your GoToWebinar panel.
- We will ask as many questions as we can at the end of the presentation.
- This webinar is being recorded. The link to the recording will be included in a follow-up email being distributed tomorrow.
- Please check our website www.wearekms.com frequently for new webinars and events.

WE ARE **KMS**

Kansas Manufacturing Solutions exists to help small to mid-size manufacturers in Kansas compete and grow.

From trusted advisor to vocal advocate for manufacturing in Kansas, we are working to help you be successful by providing value proven solutions to increase your competitiveness in the domestic and global markets.

THE COVID VACCINE: EMPLOYER RIGHTS AND RESPONSIBILITIES



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Vaccine Requirements - What Can and Should Employers Do?

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Opening Statistics

- OSHA requires employers to provide a safe workplace.
- As of now, there is no law that requires employees to get a COVID-19 vaccination.
- Indeed.com job postings requiring vaccination as condition of employment doubled in one month between July and August (1,200 per million vs. 600).

Vaccination Mandates: Upward Trends

Vaccination Mandates: Trending Upward

- Associated Press Poll (Aug. 12-16): 50% of workers support mandates.
- Different approaches taken by large employers:
 - All Employees: Facebook, Google, Microsoft*, Tyson, United Airlines, U.S. Military
 - All Corporate Employees: CVS, Lyft, McDonalds, Walmart
 - All Salaried Employees: Disney, MGM
 - All New Hires: CVS, Delta, Disney, MGM, Walmart

**You don't have to require vaccines.
However, there is an OSHA
requirement to keep people safe
under the General Duty clause.**

**What are your tools to keep your
employees safe?**

Option 1: No Vaccination Mandate

- Regular testing
- Mask requirements - all employees or only unvaccinated
- Social distance
- Remote work
- Shift changes
- Work in an office alone / away from people
- But in manufacturing there is usually a population that is in production requiring close proximity.

Option 2: Require Vaccination or Regular Testing

- How easy do you make it to get tested?
- What kind of test requirement? Recommend PCR test requirement.
- Do you pay them to get tested?
- Make it as convenient to get tested as possible.
- Do you combine with other mitigation requirements?
- Masks - for unvaccinated people? For vaccinated people? For all people when in high transmission areas where social distancing is not possible.

Option 3: Require Vaccination to the Maximum Extent Permitted by Law

- Be prepared for exceptions - medical or sincerely held religious beliefs. That's the tricky part!
- Reasonable accommodation / interactive process based on above. Not when someone says just because they won't get vaccinated.
- No obligation to offer accommodations or exceptions except for medical or sincerely held religious beliefs.

Question: What if your best supervisor comes to you and says, I'm not getting a COVID test or vaccine?

If you have a universal vaccine requirement, be prepared to let your best employee go if they refuse.

Specific Issues Surrounding Vaccines

- Incentive Payments - Consider whether and how you might accommodate or provide reasonable alternatives for individuals unable to be vaccinated due to disability or religious concerns.
- Health insurance discounts for vaccinated employees or surcharges for unvaccinated employees – consult legal counsel before implementing.

Final Recommendations

- Stay current on CDC and OSHA recommendations and mandates.
- Stay current on your local mask mandates and vaccine-related laws.
- Continue to pivot as new information prompts changes.
- When in doubt, seek input from your HR Advisor or Legal Counsel.

JacksonLewis

Thank **you.**



FINISHING UP

- This webinar has been recorded. A link to the webinar replay and a PDF of the presentation deck will be included in a follow-up email to you tomorrow.
- KMS is offering Kansas manufacturers a complimentary employee handbook with covid-19 policy addendum. Visit www.wearekms.com/kms-connect-employee-handbook to request yours.
- Send additional questions to Phil@wearekms.com.

