

Vaccine Mandates

Where were we? Pursuant to various federal mandates, certain covered employers, including, but not limited to, employers with 100 or more employees, federal contractors and subcontractors, and Medicare and Medicaid certified providers, were required to mandate employees be fully vaccinated, or, in the alternative in certain circumstances, tested weekly for COVID-19.

Where are we now? As of last week, federal courts have stayed all of the above referenced emergency rules, meaning the mandates have been put on hold. Consequently, covered employers may halt their compliance efforts.

Recommendations: Nevertheless, covered employers should continue to follow applicable litigation and be ready to proceed should the federal courts reverse the current stays. We also recommend that covered employers communicate with their employees, informing them of the initial federal mandate and its current status and requesting that employees locate (but not yet provide) their vaccination cards and/or records should it be necessary to act quickly in order to adhere to vaccination documentation requirements. Employers should inform their workforce that they are continuing to evaluate ever changing legal obligations and will provide further direction if appropriate.

Prediction: While the federal mandates will likely remain unconstitutional, states and/or local governments may lawfully legislate vaccine requirements. Separate and apart, employers may mandate the vaccine if desired, so long as they reasonably accommodate employees unable to get the vaccine due to a sincerely held religious belief, a disability, and/or pregnancy. However, many employers are hesitant to do so for practical reasons, including but not limited to, an already tight labor pool. Instead, employers are strongly encouraging employees to get vaccinated, and in some instances, providing reasonable incentives. All in all, stay tuned!

Unrelated friendly reminder: If you have not yet done so, be sure to review and update your restrictive covenant agreements in order to comply with amendments to the Illinois Freedom to Work Act, effective January 1, 2022. If you have questions, feel free to contact one of our employment attorneys, Jim Pirages, Eileen Caver, Evan Bonnett, or Maryjo Pirages Reynolds, at jpirages@aghllaw.com, ecaver@aghllaw.com, ebonnett@aghllaw.com, or mreynolds@aghllaw.com, respectively.