



Tal K. Taylor, APC

Client Alert

August 2, 2021

1217 Wilshire Blvd. #3418
Santa Monica, CA 90403
Tel (424) 291-2727
tal@talktaylorlaw.com
www.talktaylorlaw.com

CALIFORNIA MANDATES COVID-19 VACCINATIONS FOR HEALTH CARE WORKERS

The Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment & Housing (DFEH) have already issued important guidance about mandating COVID-19 vaccines in the workplace.¹ The consensus is that employers are authorized to implement mandatory COVID-19 vaccination policies, subject to certain exceptions: Employers are prohibited from unlawfully discriminating or retaliating against employees in enforcing their vaccination policies, and they must provide reasonable accommodations related to a disability or sincerely-held religious belief or practice.

Last week Governor Newsom implemented a first-in-the-nation standard that impacts all state workers and those employed in health care and high-risk congregate settings with a goal of protecting vulnerable patients and residents. The new policy takes effect August 2nd for state workers and August 9th for health care workers. Employees will need to either show proof of full vaccination or submit to weekly testing. Unvaccinated workers will need to wear appropriate personal protective equipment. High-risk congregate settings include adult and senior residential facilities, homeless shelters, and jails.

Indeed, many companies like Google, Walmart, and Disney have already implemented mandatory vaccination policies, and others have begun offering incentives like cash bonuses to workers who may be on the fence about whether to become vaccinated.

On July 29th President Biden also announced that all federal employees and contractors will similarly need to be vaccinated against COVID-19 or submit to regular testing and comply with masking and distancing protocols. Of course, employees have the option to either accept or refuse the vaccine, but employers are not prohibited from requiring the vaccine as a condition of new or continued employment.

Employers who are subject to the new requirements, in addition to those who are not covered by the regulations but have chosen to implement mandatory vaccine policies, should take this opportunity to ensure that they have the proper protocols in place. This includes providing notice to employees of their policies and the new government regulations (where applicable) and creating a mechanism for obtaining proof of vaccination and testing.

For employers who are not subject to the new regulations, and who are still undecided on whether to mandate vaccinations, there are many factors to consider. For starters, there is the cost of oversight, the possibility of losing valued workers depending upon whether a mandate is implemented, along with the potential risk of discrimination and retaliation claims. Employers should continue to keep a close watch as further guidance is issued from governing bodies and to ensure that any workplace actions taken are consistent with applicable law.

¹ See April 2021 Bulletin at www.talktaylorlaw.com.