

RCO law

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The V Project

***Navigating the Legal Complexities of the
COVID-19 Vaccine in the Workplace***

Amy J. Luck

**Toledo Regional Chamber of Commerce Webinar
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No Legal Advice Intended: This information is not intended, and should not be taken, as legal advice on any particular set of facts or circumstances about the topic.

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Mandatory vs. Voluntary

Reasons for requiring

- Limit exposure to patients, customers, clients
- Other legitimate business reasons

Exemptions

- Disability
- Religious

Disability Exemption

- **Established disability as defined by the ADA and the Ohio Civil Rights Act**
- **Reasonable accommodation after interactive process**
- **May request proof of a disability**
- **Refuse accommodation only if direct threat**
- **Undue hardship = significant difficulty or expense**

Individualized Assessment

- **Duration of the risk**
- **Nature and severity of the potential harm**
- **Likelihood that the potential harm will occur**
- **Imminence of the potential harm**

Religious Exemption

- **Sincerely held religious beliefs, practices or observances that equate to traditional religious views**
- **Reasonable accommodation unless it would pose undue hardship**
- **Undue hardship = more than de minimis cost or burden on the employer**
- **Can request supporting information**

Reasonable Accommodations

- **Providing masks, gloves and other PPE**
- **Remote work**
- **Reassignment to a less populated work site**
- **Political beliefs are not reasons to request an accommodation**
- **Document all requests for accommodation**

Voluntary Vaccination

- **Employee's decision to answer pre-screening questions must also be voluntary**
- **Employee's refusal to answer pre-screening questions allows employer to decline to administer vaccine - but not to retaliate, intimidate or threaten the employee**

Employers Can

- **Request proof of vaccination**
- **Encourage vaccinations by**
 - **Covering cost**
 - **Providing time off**
 - **Offering incentives**



Thank You

Amy J. Luck

RCO Law

Four SeaGate

Toledo

419-249-7900

aluck@rcolaw.com



Thank You

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