

## Jason Habinsky in HR Magazine: '4 Takeaways From the EEOC's Latest Guidance on COVID-19 Vaccines'

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Haynes Boone Partner [Jason Habinsky](#) talked with *HR Magazine* about the U.S. Equal Employment Opportunity Commission's (EEOC) updated guidance on the workplace COVID-19 vaccination policies and the importance of carefully offering an incentive to employees to get vaccinated.

Below is an excerpt:

"Importantly, the EEOC confirmed that employers may, indeed, offer incentives to employees receiving vaccines," observed Jason Habinsky, an attorney with Haynes Boone in New York City. "However, there are some differences an employer must understand depending on whether an employee received the vaccination on his or her own or through the employer."

Requesting proof that employees received a vaccination on their own is not a disability-related inquiry under the ADA, and therefore an employer may offer an incentive to employees to provide such proof, according to the EEOC.

"An employer will be forced to engage in some tight-rope walking for the time being," Habinsky said. "Without further guidance, the safest course would be for an employer to determine the measures which will just cross the line of actually incentivizing employees but without being too generous." For example, gift cards and small bonuses may be appropriate.

Another important takeaway from the guidance is that employers may offer incentives—without violating GINA—to employees who provide proof that a family member received a vaccination from an outside provider. Critically, however, an employer may violate GINA if it offers an incentive to employees when a family member gets the vaccination from the employer instead, Habinsky noted.

To read the full article, click [here](#).