Raquel Alvarenga in HR Magazine: 'Fully Vaccinated Workers May Need COVID-19-Related Accommodations'

By Raquel O. Alvarenga | June 9, 2021

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Haynes Boone Counsel Raquel Alvarenga talked with *HR Magazine* about continued COVID-19-related accommodations for vaccinated employees.

Below is an excerpt:

Many businesses have developed policies on providing reasonable accommodations to employees who refuse to get a COVID-19 vaccine for religious or disability-related reasons. Employers shouldn't forget that fully vaccinated workers may need accommodations, too.

In recently updated guidance, the U.S. Equal Employment Opportunity Commission (EEOC) reminded employers to handle reasonable-accommodation requests from fully vaccinated employees in accordance with the Americans with Disabilities Act (ADA).

In addition to accommodations under the ADA, employees may be entitled to take leave under the Family and Medical Leave Act (FMLA) or state and local laws to care for themselves or a covered relative.

Employers also are free to offer accommodations and flexible work arrangements beyond what the law requires, noted Raquel Alvarenga, an attorney with Haynes Boone in Dallas. However, the EEOC warns that employers that voluntarily provide such accommodations and flexibilities may not discriminate against employees based on a protected characteristic, such as age, disability, national origin, race, religion or sex.

The EEOC said a vaccine may not offer some people who are immunocompromised the same measure of protection as it does to other vaccinated people. The agency has also indicated that employees with mental health conditions, such as anxiety, post-traumatic stress disorder and obsessive-compulsive disorder, may need accommodations due to their fears related to COVID-19, even if they are fully vaccinated. In its latest guidance, the EEOC also makes clear that employers have no obligation to provide reasonable accommodations, including telework arrangements, to employees who request such accommodations based on the disability-related needs of a family member, Alvarenga explained.

To read the full article, click here.

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