

Legal News for Your Business

FROM CHARLOTTE, NORTH CAROLINA'S

Litigation, Employment, Healthcare & Tax Law

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GENERAL BUSINESS ALERT

EEOC Provides Guidance to Employers on COVID Vaccine

The EEOC **recently provided** guidance to employers, clearing up a few key questions regarding vaccinations in the workplace.

Can an employer require its employees to be vaccinated for COVID-19?

The federal equal employment opportunity laws do not prevent an employer from requiring employees to be vaccinated for COVID-19, as long as the employer complies with reasonable accommodation requirements under the Americans with Disabilities Act and Title VII of the Civil Rights Act.

If an employee requests a reasonable accommodation because of a disability or a sincerely held religious belief, practice, or observance, the employer and the employee should engage in a flexible, interactive process to identify accommodations that do not pose an undue hardship on the employer's business. Reasonable accommodations may include allowing unvaccinated employees to socially distance, wear a face mask, or telework, if feasible.

If an employer receives proof that an employee has been vaccinated, the employer should keep the information private and confidential. Vaccine records are protected by the Americans with Disabilities Act (ADA).

Can an employer encourage or incentivize its workers to get vaccinated?

An employer is allowed to provide educational information about the COVID-19 vaccine to its employees and can incentivize workers to get vaccinated.

However, if an employer offers incentives to employees for receiving a vaccination administered by the employer or its agent, the EEOC guidance specifies that the incentive should not be "so substantial as to be coercive."

Moreover, if an employer offers voluntary vaccinations to employees, the employer must comply with federal EEO laws and not discriminate based on any protected basis.

*If you have questions about your policies and procedures regarding vaccinating your workforce, or need assistance handling requests for reasonable accommodation, contact **Nicole Gardner** today.*

GENERAL BUSINESS ALERT

Companies Settle with EEOC in Racial Discrimination Lawsuit

The EEOC **recently announced** that a trucking business and its staffing agency will collectively pay \$2 million to settle a lawsuit brought by the Equal Employment Opportunity Commission (EEOC).

The EEOC alleged that the companies violated federal law by subjecting African American employees to racial discrimination, harassment, and retaliation. Specifically, it argued that African American employees were subjected to racial slurs and harassment from coworkers. When one employee complained, the situation was not addressed, and the employee was terminated.

As part of the settlement, the two companies agreed to create and implement policies and procedures to prohibit discrimination and harassment, train employees, create racial discrimination databases and employ other systems of accountability for providing a more equitable workplace.

The EEOC continues to play an active role in condemning racist practices within the workplace. EEOC Chair Charlotte Burrows was recently vocal about discrimination against Asian American and Pacific Islander workers, **saying** she would use “all of the tools in the agency’s toolbox” to help eliminate the problem.

Employers should create policies and be vigilant to prohibit discrimination and promote an equitable workplace.

*If you have questions about your internal policies, employee training, handling employee complaints, or have questions about EEOC charges and/or investigations, contact **Nicole Gardner** today.*



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Gardner Skelton Welcomes



Bella Thoren

Bella is originally from Chicago, IL. She attended the University of Alabama, where she studied Film and Sports Media. She chose to stay at Alabama for law school and continued to work as a Replay Operator for SEC Network. She will receive her J.D. from The University of Alabama School of Law in 2022. She is especially interested in copyright law, but is looking forward to working closely with Gardner Skelton's transactional and litigation teams. She's looking forward to exploring Charlotte over the next few weeks, and is taking recommendations on our city's must-see sights!



Noel Hudson

Noel is a native North Carolinian. She graduated from Meredith College in 2017, with a B.A. in Interpersonal Communication and Mass Media Communication. She is a rising 3L at the University of North Carolina School of Law, where she serves as a staff member for the North Carolina Law Review and Vice President of UNC Law's Women in Law. She has experience working in employment litigation, but is looking forward to supporting all of Gardner Skelton's practice areas. When she does not have her nose buried in her textbooks, Noel enjoys playing flag football and catching up on reading for book club.





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