

In The News

Akerman Partner Lillian Moon Cautions Employers of Vaccine Mandates

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Akerman Labor and Employment partner Lillian Moon cautioned employers this week that they will soon be required to ensure that their employees are either fully vaccinated against COVID-19, or that they prove once a week that they have tested negative for the virus.

She spoke this week on a podcast, informing employers of 100 or more workers of their responsibilities under the Biden Administration's COVID-19 vaccination mandate. Moon, speaking on OHSonline's podcast, "*How to Prepare for a COVID-19 Rule from OSHA*," explained many of the details of the new OSHA rules.

Moon told host Sydney Shepard of several of the implications of the mandate. "Because you're requiring testing as part of your employees' jobs, you have to pay non-exempt employees for the time that the individual is being tested," as well as for their time in transport to and from the testing site. For that reason, Moon added, it may be less expensive for employers to bring an outside testing service into the workplace "On-site testing is less expensive, in that one regard," she said. She said she was aware of several clients who have chosen to pay vendors to conduct Centers for Disease Control (CDC)-approved testing for that reason.

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For employers who make vaccination mandatory, Moon said, there will still be exceptions, under two broad categories: employees with health or disability issues that make vaccination problematic, and those with sincerely held religious beliefs that require declining the vaccine. In the latter category, she added, “Personal preferences or political opinions don’t count for purpose of accommodation.” But processing and judging claims of both disability and religious claims can be complex, Moon added, and employers should consult counsel as to which exemptions are allowed.

[Click here to listen to the full podcast.](#)