

Employment and Vaccination Requirements

Health Directors Legal Conference
April 20, 2023

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Number One

**Vaccination May Be
a Condition of Employment
for All or Any Group of Employees**

Hepatitis B Vaccine

- The only vaccine that must be offered by an employer to *workers*.

Hepatitis B: The OSHA Standard for Bloodborne Pathogen Exposures

29 CFR 1910.1030

Applies to:

- Any *workers* likely to have contact with blood or “other potentially infectious material”

Which *Workers*?

- Healthcare workers
- Emergency responders
- First-aid personnel
- Certain jail personnel
- Laundry workers in healthcare institutions.

Hepatitis B: The OSHA Standard for Bloodborne Pathogen Exposures

29 CFR 1910.1030

Employers must:

- Develop an exposure control plan
- Implement use of universal precautions and control measures
 - engineering controls
 - work practice controls
 - personal protective equipment
- Make hepatitis B vaccination available to these *workers*.

Train, Inform and Offer

- ❑ All occupationally exposed workers must be trained about the vaccine and vaccination, including about
 - the efficacy, safety, method of administration,
 - the benefits of vaccination,
 - and the fact that the vaccine and vaccination are offered **at no cost** to the worker.

Train, Inform and Offer

- ❑ The vaccination must be offered after the worker is trained and within 10 days of initial assignment to a job where there is occupational exposure, unless
 - the worker has previously received the vaccine series,
 - antibody testing has revealed that the worker is immune, or
 - the vaccine is contraindicated for medical reasons.

Hep B Vaccination Not Mandatory, But Record of Refusal Is

Declination Statement

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to me; however, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine I continue to be at risk of acquiring hepatitis B, a serious disease. If, in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

Employee Signature: _____ Date: _____

Number Two:

***You May Require Vaccination Against Flu
and/or COVID-19***

Bills introduced in the 2023-24 Session That Would Prohibit COVID-19 Vaccination Status Discrimination

- ❑ HB 98
- ❑ SB 121
- ❑ **HB 259 (2023 Appropriations Act) Section 5.8**
 - Exceptions:
 - CMS
 - Loss of federal funding
 - Employee of NC DHHS, Division of State-Operated Healthcare Facilities

Number Three

**Exceptions Must Be Made for
Employees with Medical
Contraindications or Religious Conflicts**

The Americans with Disabilities Act

Requires that employers reasonably
accommodate employees with disabilities

Conditions Compatible with COVID-19 Vaccination

- Autoimmune conditions, including Guillain-Barre syndrome and chronic fatigue syndrome
- Being immunocompromised or taking medications that suppress the immune system
- Allergic reactions to ingredients that are not in any of the COVID-19 vaccines
- Alpha-gal meat allergy
- History of Bell's palsy

Conditions Compatible with Both COVID-19 and Flu Vaccination

- Local injection site reactions (redness, pain, itchiness) after previous vaccinations
- Expected vaccine side effects experienced from previous COVID-19 or flu vaccines (fever, chills, fatigue, headache, vomiting, diarrhea, muscle or joint pain)
- Pregnancy and breastfeeding
- Previous infection with COVID-19

Egg Allergies and Influenza Vaccination

- ❑ Multiplicity of types and manufacturers of flu vaccine
 - <https://www.cdc.gov/flu/prevent/whoshouldvax.htm>
- ❑ Previous severe allergic reaction means flu vaccine is contraindicated.

Egg Allergies and Influenza Vaccination

- ❑ Egg allergy affects about 1.3 % of all children and 0.2 % of all adults.
- ❑ Most flu shots and the nasal spray flu vaccine are manufactured using egg-based technology. Because of this, they contain a small amount of egg proteins. But studies have shown that severe allergic reactions in people with egg allergies are unlikely.

Flu Vaccines Do Not Contain

- Human fetal cells
- Aborted human diploid cell cultures
- Embryonic guinea pig cells
- Monkey kidney cells
- Cow muscle tissue
- E.coli
- Acetone
- Ethanol

COVID-19 Vaccines Do Not Contain:

Eggs

Gelatin

Latex

Preservatives

Microelectronics

Electrodes

Iron

Nickel

Cobalt

Lithium

Rare earth alloys

Semi-conductors

COVID-19 Vaccines Do Contain

- PEG
- Polysorbate 80

Some of the flu vaccines may, as well.

Title VII of the Civil Rights Act of 1964

1. Race
2. Color
3. Sex
4. Religion
5. National Origin

Religion

Religious Affiliation

No religion

**Religious Practice
and Beliefs**



Religion under Title VII

Excludes personal preference based on non-theological reasons, such as economic or social ideology.

Religion under Title VII

To be covered, the personal belief must be related to man's nature or the scheme of his existence as part of a theological framework.

**Title VII protects
religious beliefs &
practices even if
they are:**

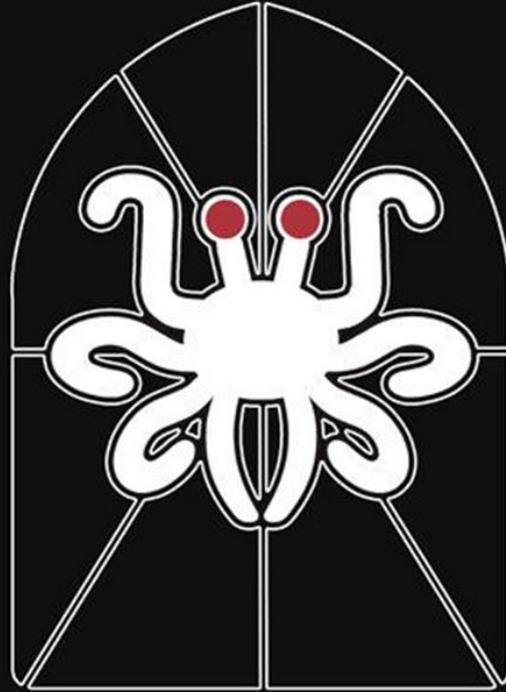
- **Newly adopted**
- **Not consistently observed**
- **Followed by only a few**
- **Different from commonly-
followed tenets of the
individual's religion**
- **Illogical or unreasonable
to others**

Validity

Do not question the validity of an employee's religious beliefs unless the beliefs are personal ideas and do not implicate "theological" issues or issues involving the meaning of life.



Church of the Flying Spaghetti Monster

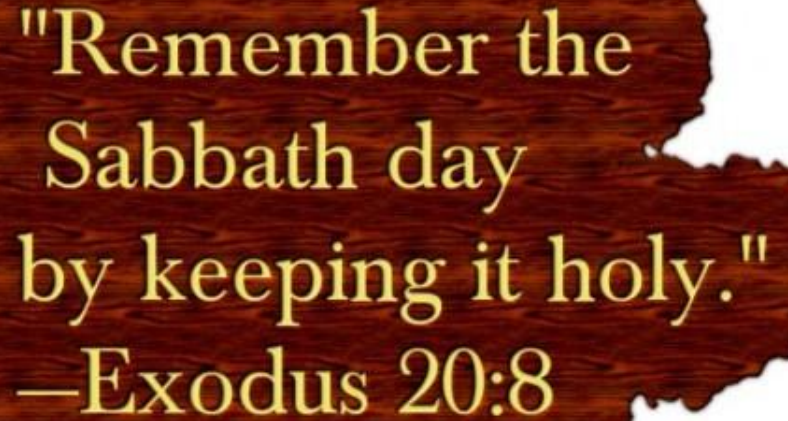


In Pasta We Trust
- Al Dente 3:16

Sincerity

3. Does the timing of the request make it suspect (for ex., after denial of similar request made for secular reasons)?
4. Are other reasons for thinking the accommodation is being sought for non-religious reasons?

**Cannot Work on
the Sabbath**



"Remember the
Sabbath day
by keeping it holy."
—Exodus 20:8



What Is Undue Hardship?

An accommodation that:

1. Involves some cost, or
2. Compromises workplace safety, or
3. Infringes on fundamental rights of others, or
4. Requires others to do more than their share of potentially hazardous or burdensome work

Two Kinds of Employer Responses

Accommodation in
current position by
change in working
conditions

Transfer to a
reasonably
comparable position
where conflicts are
less likely to arise

Typical accommodation claims



Employee Rights and Responsibilities

Employee has
duty to cooperate

Employee doesn't
get to choose
among different
accommodations

Religious Objections to Vaccination

Major Denominations: None

Religious Objections to COVID-19 Vaccination: The Use of Fetal Stem Cells

None in the vaccine ingredients themselves

- Pfizer, Moderna: None used in development or manufacture
- Johnson & Johnson: Used in manufacture
- Catholic Conference of Bishops, Charlotte Dozier Institute, Southern Baptist Convention:

All say it is morally acceptable to take the COVID-19 vaccines.

Use of Fetal Cell Lines Common in Drug Development

VACCINES USING FETAL CELLS

- MMR
- Chickenpox
- Polio
- Hepatitis A & B
- Shingles
- Some influenza

MEDICINES USING FETAL CELLS

- Acetaminophen (Tylenol)
- Albuterol
- Aspirin
- Ibuprofen (Advil, Motrin)
- Pepto Bismol
- Tums, Maalox
- Lipitor
- Ex-Lax
- Benadryl
- Sudafed
- Preparation H
- Claritin

Number Four

Vaccination During Working Hours is Compensable Time



The FLSA & Medical Treatments

1. Employers may require medical testing, exams or vaccinations.
2. The Fair Labor Standards Act says that when an employer-required medical appointment takes place during working hours, the employee must be paid for that time and the time counts toward overtime for nonexempt employees.
3. Medical appointments that take place outside of working hours, even if required, do not have to be compensated.

