

Can we Mandate That Employees get the COVID Vaccine?

(12/23/2020)

Employers in Arizona have significant latitude to establish the terms and conditions of continued employment and to require that employees comply with those terms—to the point of discipline or even termination of employees who refuse to comply. Under those principles (subject to the exceptions discussed below), Arizona employers who wish to implement a vaccine mandate as part of their efforts to reduce the threat of infection in the workplace do indeed have the legal right to require that employees present proof that they have been vaccinated.

However, companies with 15 or more employees must keep in mind that federal and state anti-discrimination laws may come into play in certain circumstances. Individuals who are “disabled” within the meaning of the law and who have medical conditions that prevent them from being vaccinated, and individuals whose sincere religious beliefs forbid vaccination, may ask to be excused from the requirement as a “reasonable accommodation” to their disability or religious beliefs. In both situations the employer must consider whether some reasonable accommodation is indeed possible (such as taking other steps to similarly reduce the risk of infection). If no reasonable accommodation is possible, the employer may be entitled to exclude the individual from the workplace and even end the relationship.