



By Raleigh F. "Sandy" Seay – President

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"It was about the beginning of September, 1664, that I, among the rest of my neighbors, heard in ordinary discourse that the plague was returned again in Holland; for it had been very violent there, and particularly at Amsterdam and Rotterdam, in the year 1663, whither, they say, it was brought (some said from Italy, others from the Levant) among some goods which were brought home by their Turkey fleet; others said it was brought from Candia; others, from Cyprus. It mattered not from whence it came; but all agreed it was come into Holland again." History of the Plague in London, Daniel Defoe.

Historians tell us that plagues or pandemics or epidemics are not uncommon in the continuing narrative of the Long Debate. The earliest recorded pandemic occurred in Libya, Ethiopia and Egypt before winding up in Athens in 630 B.C., killing perhaps two thirds of the population, including Pericles, and playing a large part in the defeat of Athens by Sparta in the Peloponnesian Wars. The Black Death occurred in Europe in 1347-1350 and the Great Plague of London in 1665-1666 arrived in England on trading ships from Asia. In the last two centuries, we have seen the Spanish Flu in 1918, the Asian Flu in 1957-1958, the Hong Kong Flu of 1968-1969, Severe Acute Respiratory Syndrome (SARS) in 2003 and now, COVID-19 in 2020 and following.¹

COVID-19 has run rampant throughout the world in 2020 and as 2021 begins to dawn, we have hope that the end is in sight because of the development of two vaccines, perhaps three very soon, in record time and the vaccine is rapidly being administered to millions of people. Medical experts tell me that the more people who are vaccinated, the quicker the pandemic will come to an end. But for employers, this raises a catalogue of questions and here are some of them:

1. Can You Require Employees to Be Vaccinated?

The Equal Employment Opportunity Commission has ruled that employers are allowed to require their employees to be vaccinated, with two exceptions based on religion or disability. An employee having a religious objection may not be required to receive the vaccination, nor may an employee possessing a disability that the vaccine might affect.

2. Do Employers Have Any Liability?

There are three components in answering this question of liability – legal, insurance and management. You should check with your attorney about legal liability and with your insurance agent about coverage questions. From an HR view, the concern is that an unvaccinated employee may transmit the virus to other employees or to customers, patients or guests, especially employees who go into the homes of customers or clients. Reports tell us that vaccination can be up to 95% or more effective and that this will eliminate or greatly reduce the odds of employees contracting the virus.

¹ www.history.com. "Pandemics That Changed History."

However, if an employer does not require the vaccination, and if employees, customers, patients or guests are exposed and contract the virus, our sense is that the employer would be in a tough position, from the view of potential exposure and also from the negative publicity that might follow.

3. A Good Vaccination Policy for Employers.

From an HR view, it seems to us at Seay Management that having employees vaccinated is a good idea and is, perhaps, the best course of action. It is likely that most employees will want to be vaccinated but if you have one or two who do not, it's better to talk with them and use persuasion at first, giving them good, solid and personal reasons why they should be vaccinated.

One way to persuade employees is to offer vaccination as an employee benefit. Another way is to offer incentives, such as an extra day of sick leave or an extra hour of pay. If your employees receive the vaccination while they are at work, this is compensable work time so that they're getting vaccinated and paid at the same time. Some employers are offering these kinds of incentives but the jury is out on whether it's a good idea for all employers. At some point, you'll have to decide whether to make continued employment contingent on getting vaccinated and if an employee refuses, absent a religious or disability objection, you'll have to decide whether to dismiss the employee. This is not an easy decision. If the employee is a hardhead that's one thing, but if he or she is an otherwise good employee, that's something else. And we have to keep in mind that the policy must be applied to all employees equally.

The question of vaccinations is evolving and more information will bubble up in the next few weeks. In the meantime, we would be delighted to talk with you about any questions you may have. We are pleased to be your trusted HR advisors and appreciate having you as a valued friend and client of our firm.

Sincerely,
Sandy and the Seay Management Consultants Team

Remember, if you have an employment issue or challenge, and you need an answer right away, and you want the very best Human Resources Management advice available, you need to call . . . The Seay Team!

It is our goal to:

1. Help ensure that your business is in compliance with all of the state and federal employment regulations and guidelines which affect your company and your employees;
2. Help eliminate your financial exposure in these areas; and
3. Develop the policies and systems which will help you employ and maintain a satisfied, happy and productive work force.

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