

David Dubberly on Employers and the COVID-19 Vaccine

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Media Mention

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Nexsen Pruet's David Dubberly, head of the firm's employment and labor law practice group, was quoted in the *South Carolina Lawyer's Weekly* article "As vaccines arrive, so do tricky choices for employers."

The piece details the challenges employers will face in the coming months as the COVID-19 vaccine becomes more widely available, with Dubberly discussing if and how employers can require their employees to get the vaccine.

Excerpt

Dubberly points to guidance the EEOC and OSHA gave during 2009's swine flu pandemic: The ADA forbids employers from requiring employees to take medical exams unless they are job-related, consistent with business, and no more intrusive than necessary. A vaccine is considered a medical exam; Dubberly said that requiring employees who don't voice religious or medical objections to take the vaccines during a health emergency meets those standards.

But the fact that employers can do something doesn't necessarily make it a good idea, and companies should consider how a mandate could affect morale, said Richard Rainey, an employment law attorney with Womble Bond Dickinson in Charlotte. Moreover, vaccines can have short-term physical side effects, and employees could file workers' comp claims if they have an adverse reaction.

To read the full article, [click here](#)

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