

Choosing Among Options to Protect Your Workforce: Get Your Vaccination Plans & Policies Ready

Virginia Bankers Association

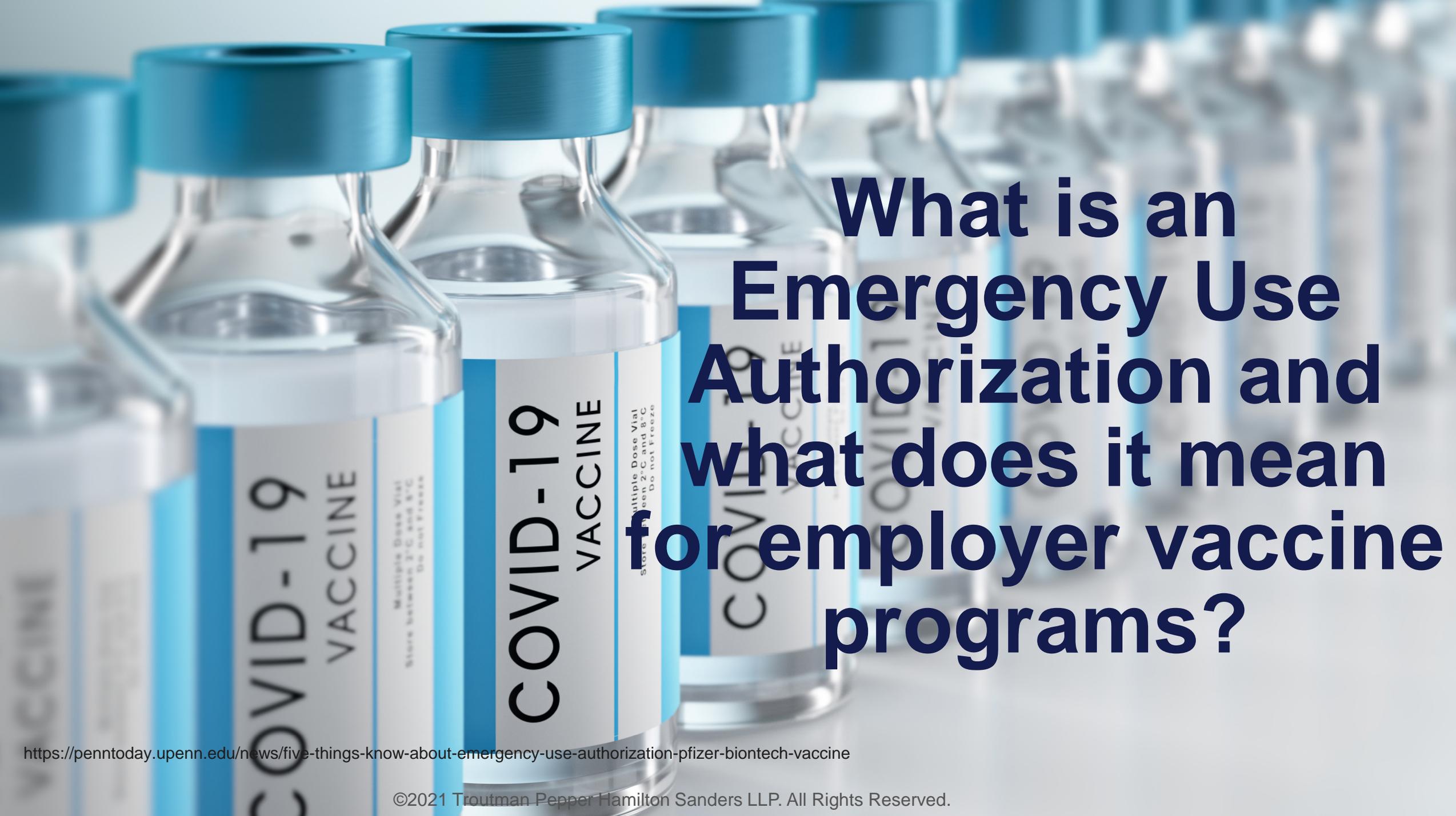
Wednesday, March 31, 2021

This presentation is intended to serve as a reference resource. Nothing in the presentation shall be considered to be legal advice by Troutman Pepper Hamilton Sanders LLP. Like any printed resource, this presentation may not be complete, may become out of date over time and/or may need to be revised or updated. Further, employment and COVID-19 related issues are complex, nuanced, and fact-specific. If you have questions, or questions that require legal analysis, you should contact an attorney.

Employer Considerations

- Employer Vaccine Mandate
- Incentives for Vaccines
- Compensation
- Privacy Considerations
- Liability for Adverse Effects

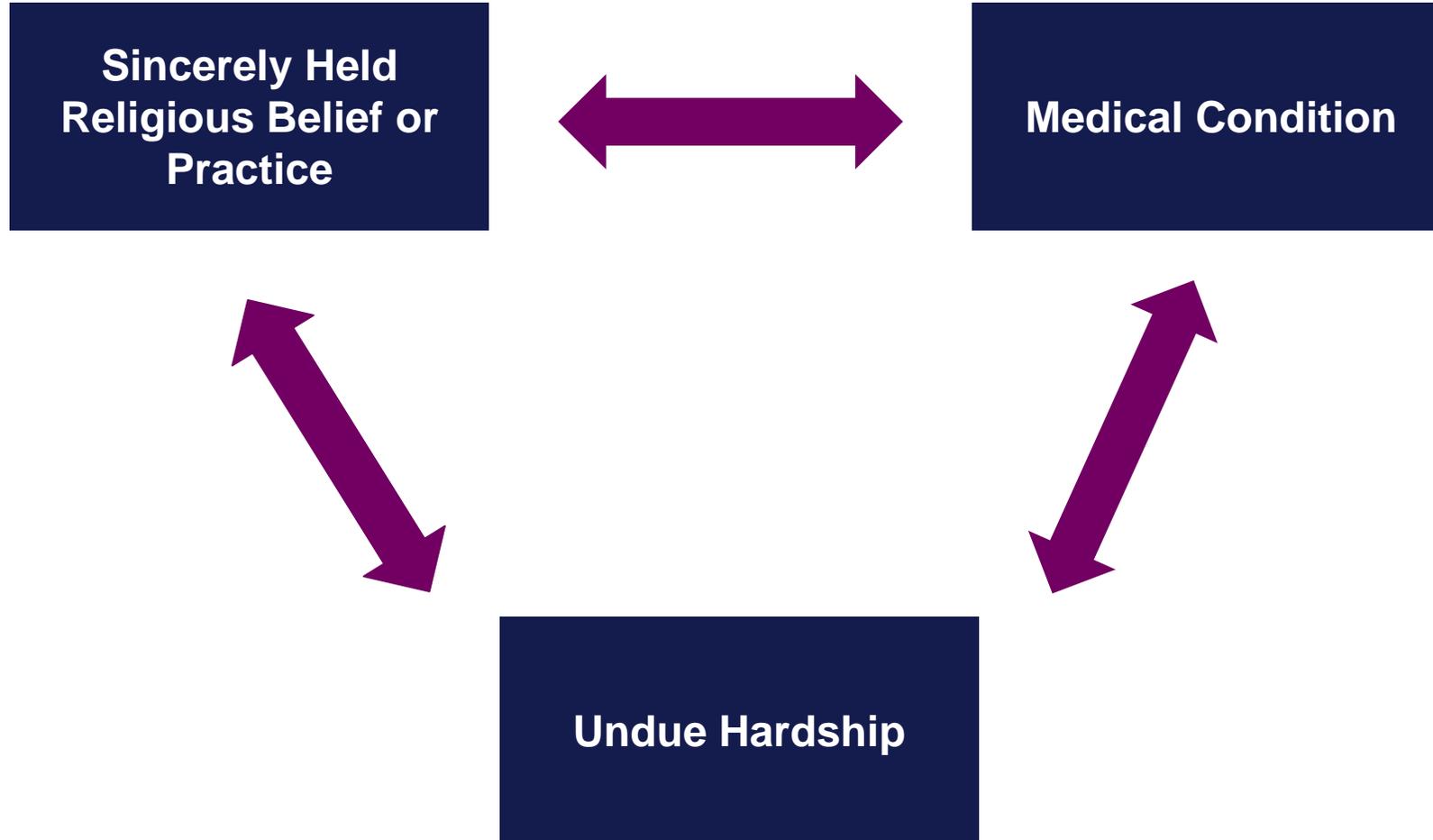


A row of several glass vials with blue caps, each containing a clear liquid. The vials are arranged in a perspective line, receding into the background. The labels on the vials are white with blue and black text. The main text on the labels reads "COVID-19 VACCINE". Smaller text on the labels includes "Multiple Dose Vial" and "Store between 2°C and 8°C Do not Freeze".

What is an Emergency Use Authorization and what does it mean for employer vaccine programs?

<https://penntoday.upenn.edu/news/five-things-know-about-emergency-use-authorization-pfizer-biontech-vaccine>

Exceptions to an Employer Vaccine Mandate



Incentives

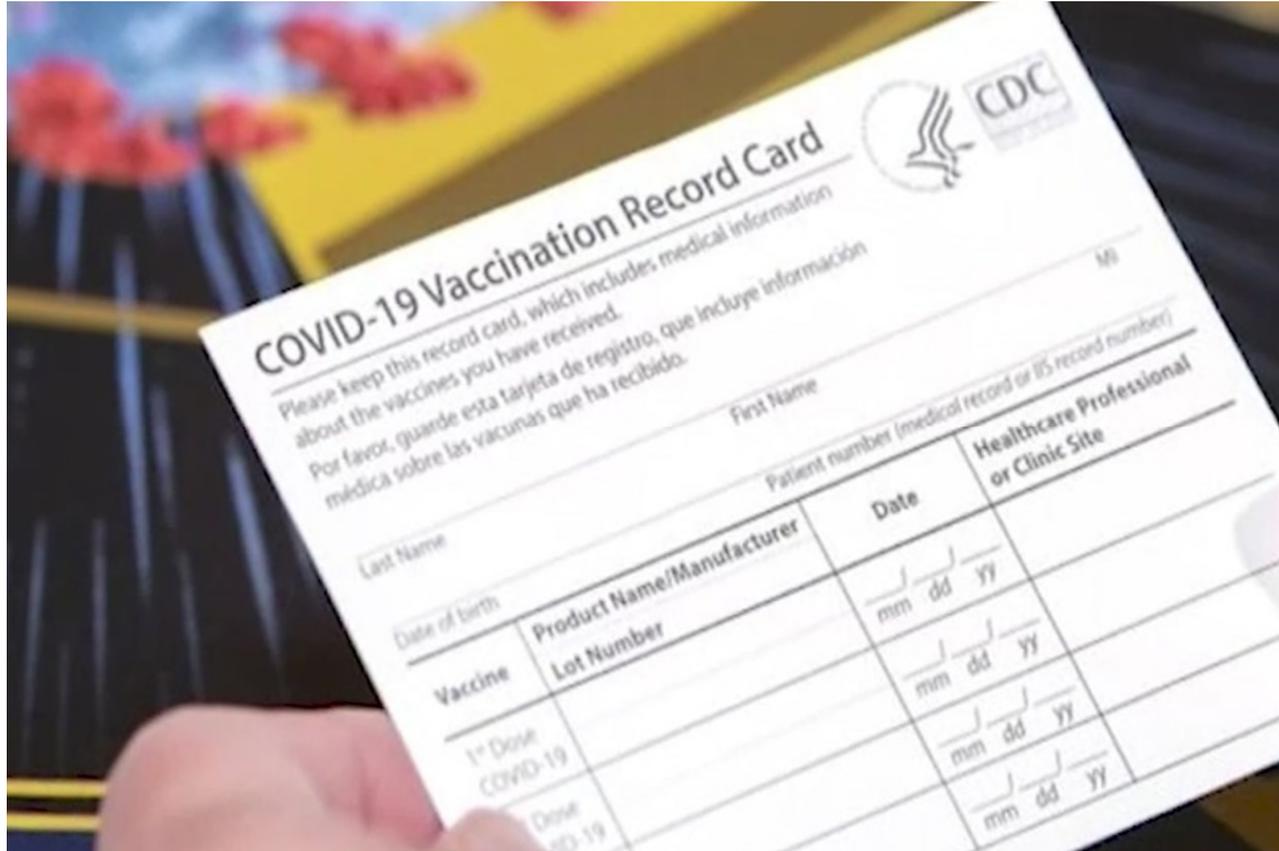
CHICAGO NEWS

Companies offering cash to encourage workers to get COVID-19 vaccine as Chicago timeline revealed

<https://wgntv.com/news/chicago-news/companies-offering-cash-pay-incentives-to-encourage-workers-to-get-covid-19-vaccine/>

Trader Joe's, Dollar General And Others Are Paying Workers To Get Vaccines

<https://www.npr.org/2021/01/21/958849642/grocers-have-a-strategy-to-get-their-workers-vaccinated-against-covid-19-pay-the>



Privacy Considerations for Employee Vaccination Status

Liability for Adverse Effects

U.S. Department of Health & Human Services
Office of the Assistant Secretary for Preparedness and Response

Preparedness **Emergency** About ASPR



Public Health Emergency

Public Health and Medical Emergency Support for a Nation Prepared

PHE Home > Preparedness > Legal Authorities > Public Readiness and Emergency Preparedness (PREP) Act

Search...

Public Readiness and Emergency Preparedness Act

The Public Readiness and Emergency Preparedness Act (PREP Act) authorizes the Secretary of the Department of Health and Human Services (Secretary) to issue a PREP Act declaration. The declaration provides immunity from liability (except for willful misconduct) for claims:

- ▶ of loss caused, arising out of, relating to, or resulting from administration or use of countermeasures to diseases, threats and conditions
- ▶ determined by the Secretary to constitute a present, or credible risk of a future public health emergency
- ▶ to entities and individuals involved in the development, manufacture, testing, distribution, administration, and use of such countermeasures

A PREP Act declaration is specifically for the purpose of providing immunity from liability, and is different from, and not dependent on, other emergency declarations.

PREP Act

- ▶ [Public Readiness and Emergency Preparedness \(PREP\) Act Overview](#)
- ▶ [PREP Act Glossary of Terms](#)
- ▶ [PREP Act Question and Answers](#)

Legal Authorities

- ▶ [Legal Authorities Overview](#)
- ▶ [Legal Authority of the Secretary](#)



How does a vaccine program impact an employer's other COVID-19 workplace safety measures?

COVID-19 Resources

- Troutman Pepper FAQ Site - <https://www.troutman.com/insights/covid-19-vaccine-frequently-asked-questions.html>
- Troutman Pepper COVID-19 Resource Center - <https://covid19.troutman.com/>
- Department of Labor - <https://www.dol.gov/coronavirus>
- CDC (COVID-19 Vaccine Communication Toolkit) - <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/toolkits/essential-workers.html>
- CDC (COVID-19 Vaccine Recommendations) - <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations-process.html>
- CDC (Frequently Asked Questions about COVID-19 Vaccination) - <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html>