

Employer's COVID-19 Vaccine Mandate Gets Green Light in Federal Court

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A health care employer had the right to require its employees to get vaccinated against COVID-19, a federal judge has ruled. It marks the latest decision upholding an employer's mandatory vaccination policy.

Under the ruling, a group of Northern Kentucky hospital workers must "either receive a COVID-19 vaccine or submit a request for a medical exemption or exemption for sincerely held religious beliefs" before October 1, 2021. A failure to comply could lead to termination.

The employees at St. Elizabeth Medical Center had sued to block the mandate from taking effect. But in [rejecting their request for a preliminary injunction](#), US District Judge David Bunning explained that all employees agree to certain requirements at work in exchange for pay, including:

- Wearing a certain uniform;
- Arriving and leaving work at a certain time;
- Parking their cars in certain spots;
- Sitting at certain desks; and
- Working on certain tasks.

Judge Bunning noted that they also had agreed to receive a flu vaccine, which the medical center had required for at least five years. The plaintiffs claimed that their individual choices about the pandemic should override the employer's choice to require all employees to be vaccinated.

But the court concluded that the employees' suspicion of COVID-19 vaccines cannot override the law. Judge Bunning found it significant, for instance, that the Supreme Court had ruled more than a century ago that Massachusetts could impose a vaccine mandate without exceptions during the smallpox pandemic. That ruling has never been overturned.

Earlier this month, [President Biden announced that his administration is directing the Occupational Safety and Health Administration \(OSHA\)](#) to develop an Emergency Temporary Standard that will require all employers with 100 or more employees to:

- Ensure their workforce is fully vaccinated; or
- Require any workers who remain unvaccinated to produce a negative test result on a weekly basis before coming to work.

[Vaccine mandates](#) have rapidly become a hot-button issue. In the way that some companies penalize smokers, [Delta Airlines recently announced](#) it will charge a \$200 monthly surcharge effective November 1, on employees enrolled in its healthcare plan who have not been vaccinated against COVID-19.

The [Equal Employment Opportunity Commission](#) (EEOC) has taken the position that employers may generally require employees to receive COVID-19 vaccines and take action against those who refuse as long as employees can request reasonable accommodations related to their religious beliefs or a disability.