

February 1, 2021

The Honorable Charlotte A. Burrows  
Chair  
Equal Employment Opportunity Commission  
131 M Street, NE  
Washington, DC 20507

Dear Chair Burrows:

The undersigned organizations represent employers nationwide, large and small, all of whom are concerned with the threat the COVID-19 pandemic continues to pose to workers, the public at large, and the economy. We are hopeful that COVID-19 vaccines will provide a pathway to safely restart the economy, and we want to help facilitate and expedite the vaccination process. To that end, we write asking the Equal Employment Opportunity Commission (EEOC) to quickly issue guidance clarifying the extent to which employers may offer employees incentives to vaccinate without running afoul of the Americans With Disabilities Act and other laws enforced by the EEOC.

Employer-provided incentives can assist governments in quickly and efficiently distributing vaccines. Legal uncertainty about providing such incentives, however, has many employers concerned over liability and has made them hesitant to act. We, therefore, urge the EEOC to issue guidance providing clarification on the extent to which employers may offer their employees incentives to vaccinate. To ensure the guidance is as effective and efficient as possible, we also encourage the EEOC to define what qualifies as a permissible incentive as broadly as possible.

We recognize that wellness incentives have been closely scrutinized over the years and are the subject of recent regulations. We believe, however, that the paramount needs of the current crisis can be distinguished from wellness programs.

We strongly encourage the EEOC to act quickly and provide guidance on this important issue.

Sincerely,

