



Legal Connections

LEGAL EXPERTISE FOR THE BUSINESS COMMUNITY

JANUARY 1, 2021

Happy New Year to all. We look forward to continuing our service to the central Ohio community in 2021.

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YES, AN EMPLOYER CAN REQUIRE VACCINATIONS

The biggest employment law headline of December 2020 was the U.S. Equal Employment Opportunity (EEOC) officially saying what seemed clear already – there is no legal reason for an employer not to require employees to get vaccinated for COVID and prove that they have done so, provided that the employer fulfills its obligation to reasonably accommodate disabilities and religious beliefs.



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fail. Further, employers might choose not to require the vaccine, but rather instead to strongly encourage it, incent it, and/or limit the ability of employees who do not get the vaccine to fully re-integrate into the in-person work force.

Unionized employers will need to follow their collective bargaining agreements as applicable, and may have an obligation to bargain over implementing a vaccination policy. State and local governments may put their own spins, likely minor, on the issue.

Otherwise, employers are currently free to make the decision they determine is best for their businesses. The disability

We're not there yet; it seems pointless to mandate the vaccination before it is more widely available and, while the associated risks appear to be low, been given at least an initial chance to

or religious accommodation obligations are real, but they are not unlimited. Employers have the right to obtain information supporting accommodation requests and, working with the employee, make reasonable judgments in response. Accommodation is the ultimate fact-specific exercise and requires employment counsel.

There is no obligation to accommodate political beliefs or fear of the vaccination. Further, contrary to many employees' beliefs, HIPAA has no application to employers. (And it is HIPAA, not HIPPA.)

Certainly employers should proceed thoughtfully into this important and potentially sensitive area, but they hold most of the cards. ■

EDUCATION & EVENTS

Monday, Jan. 11 • 3 – 4:30 p.m.
Live Webinar: Office Optional: Employment Law
1.5 CLE Hours

Thursday, Jan. 14 • 1 – 2 p.m.
Live Webinar: Get Focused: Time & Distraction Management
1.0 CLE Hour

Thursday, Jan. 28 • 1 – 2 p.m.
Live Webinar: Get Focused: Email Management
1.0 CLE Hour

All classes listed are offered by the Columbus Bar Association through Zoom. To register, call 614-221-4112 or enroll online at www.cbalaw.org.

NEED AN EMPLOYMENT LAW ATTORNEY? GIVE OUR LAWYER REFERRAL SERVICE A CALL TODAY AND WE'LL HELP YOU OUT: 614-221-0754

SUCCESSION PLANNING IN THE ERA OF COVID

Succession planning has always been an important part of a company's contingency plan, but in the era of COVID-19, it is now more important than ever. Typically, the succession planning process identifies and trains individuals to assume leadership roles within a company as senior leadership ages or retires. An important part of any succession plan is also planning for the unexpected that may occur prior to your "planned" timing, the disability or death of key leaders.

With shut-downs, quarantines and unexpected illness occurring on a regular basis in 2020, business are forced to be more adaptive and agile. This is a particularly challenging for smaller businesses where the CEO is also the HR department, CFO, AR



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and sales leader. If that person falls ill or is forced into quarantine, how will the business continue to operate? Here are some policies to consider implementing today:

Integrate Remote Workstations. Make sure all employees have remote access to the tools they need to

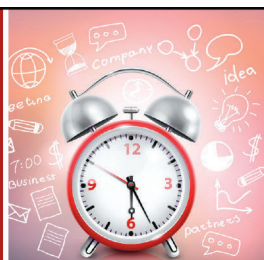
operate at full capacity remotely. If your office has not yet fully integrated into a digital platform, now is the perfect time!

Cross Train Employees. There should be no vital task to your business that only one person is trained on. All tasks necessary for the day-to-day operation of your business should have multiple employees trained on how to complete, preferably in different departments in case one department is required to quarantine.

Deepen Relationships. Key relationships to your business should have multiple contact points they know and feel comfortable working with. Take this opportunity to introduce team members to clients, referral sources, and vendors to

deepen the relationship with your business.

Start Thinking Long Term. If you have not already, now is the time to start considering the plan for the future of your business. If 2020 has taught us anything, it is that no one is invincible. Even if you have no current plans to retire, make sure your corporate structure and estate plan provide for the long term succession of your business, and start integrating some of the tips above to ensure the business can continue in the event of your unplanned absence. Every business should adopt an Emergency Plan for the running of the company! ■



Time & Distraction MANAGEMENT AND DIGITAL DETOX

Live Interactive CLE Webinar

January 14, 2021 1pm–2pm on Zoom

GET ORGANIZED, GET FOCUSED, GET READY FOR 2021:

Distracted by technology, connectivity, and information overload? Paul Unger (Affinity Consulting) will help you take back control with distraction management techniques and practical time management methodologies. Approved for 1.0 hour of Live CLE credit. This program is CLE Easy Pass eligible.

Register:

www.cbalaw.org/cle

