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,

America's Health Insurance Plans
American Benefits Council
American Dental Association
American Health Policy Institute
American Hotel & Lodging Association
American Rental Association
Associated Builders and Contractors

Associated General Contractors
Auto Care Association
Blue Cross Blue Shield Association
Business Group on Health
Coalition of Franchisee Associations
Council for Affordable Health Coverage
The Council of Insurance Agents and Brokers
DD Independent Franchise Owners, Inc.
The ERISA Industry Committee
Family Business Coalition
Franchise Business Services
Heating, Air-conditioning, & Refrigeration Distributors International
HR Policy Association
Institute for the American Worker
International Franchise Association
International Warehouse Logistics Association
National Armored Car Association
National Association of Health Underwriters
National Association of Landscape Professionals
National Association of Manufacturers
National Association of Wholesaler-Distributors
National Automobile Dealers Association
National Club Association
National Franchise Association
National Ready Mixed Concrete Association
National Restaurant Association
National Retail Federation
Pacific Business Group on Health
PRINTING United Alliance
Self-Insurance Institute of America
Small Business & Entrepreneurship Council
The Society for Human Resource Management
Society of Professional Benefit Administrators
Tree Care Industry Association
U.S. Chamber of Commerce

CC:

The Honorable Jocelyn Samuels, Vice Chair
The Honorable Janet Dhillon, Commissioner
The Honorable Keith E. Sonderling, Commissioner
The Honorable Andrea R. Lucas, Commissioner