Remote Working, Vaccines and Employer Obligations Under the Americans with Disabilities Act

Jemi Goulian Lucey, a partner in the firm's Employment Law, Litigation and Healthcare Departments and Co-Chair of the Higher Education Practice Group, will be a presenter for the live webinar "Remote Working, Vaccines and Employer Obligations Under the Americans with Disabilities Act," which will be hosted by the Association of Defense Trial Attorneys (ADTA) on Tuesday, May 17, 2022 from 12:30pm - 1:30pm.

Employers are in many ways in uncharted waters at present. Prior to the COVID-19 pandemic, requiring full-time in-office attendance was seen as an "essential function" of many jobs. There was often resistance to accommodations which departed from this norm and employers often took the position that accommodating a disability with remote work was "unreasonable." Most employers outside of school and healthcare settings also rarely had to think about policies related to employee vaccinations.

Now, in light of the heavy focus on remote work during the pandemic, more employees are likely to also request remote work as an accommodation for a disability or simply as a benefit or "perk," putting a spotlight on the varying approaches to office life. As many employers are either back in the office, in the process of returning to the office, or considering next steps, issues such as culture, generational differences, technological advancements, work-life balance, and what the workplace should look like come to the fore. There is no one-size-fits-all policy for remote work and whether COVID-19 vaccinations should be mandatory versus offering weekly testing options, especially when dealing with the Americans with Disabilities (ADA) and its state-and-local corollaries. The combination of employee accommodation requests for remote work and to remain unvaccinated for "personal" or non-ADA reasons can create further tension and opens up the potential for discrimination claims.

This ADTAtalk presentation will address shifting approaches to remote work, developing and implementing COVID-19 vaccination policies, and considerations relative to accommodation requests for these issues.

Ms. Lucey is a trial attorney who focuses her practice on employment, higher education and professional negligence matters. She represents private and public entities, including institutions of higher learning, in employment discrimination and retaliation actions, professional negligence cases, Title IX claims, and business disputes. She also lectures and consults on employment and human resources law and provides guidance related to the practical implications of various state and federal laws affecting employers.

This is a complimentary webinar. To attend, RSVP prior to May 16, 2022 by email: pschultz@adtalaw.com

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