

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