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**Vaccine Requirements – United
States: Massachusetts**





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United States - Massachusetts

Over the past year, it has become increasingly common for employers in Massachusetts to establish and enforce mandatory COVID-19 vaccination policies. Such policies are legal and appropriate in Massachusetts. Unless required by law (see below), implementation of mandatory vaccination policies is at the discretion of the employer. Other than strict mandatory vaccination requirements for all employees, options include an alternative to vaccination in the form of regular testing, masking and social distancing requirements. Also, depending on such considerations as the nature of your business, the various duties and conditions of employment of your workforce, whether your employees are on site or remote, and whether they interact with the public, it may be reasonable to establish and enforce different policies for different groups of employees. It is recommended that employers carefully consider what makes sense for their needs and the needs of their employees.

Currently, the Commonwealth of Massachusetts requires mandatory COVID-19 vaccination for certain employees working in skilled nursing facilities, long-term care facilities, nursing homes, rest homes, assisted living residences, and hospice programs, as well as certain home care workers, as well as for certain government employees.

Regardless of whether a mandatory vaccination policy is required by law or implemented at the discretion of an employer, all employers must provide exemptions from mandatory vaccination to reasonably accommodate those employees with disabilities or sincerely held religious beliefs which preclude them from being vaccinated. According to guidance from the U.S. Equal Employment Opportunity Commission, providing an exemption to a mandatory vaccination policy based on disability or religion must be handled on an individualized, case-by-case basis. Following an employee's accommodation request to be exempt from mandatory vaccination, the employer is required to evaluate the request and engage in an interactive dialogue with the employee to determine if the requested exemption will allow the employee to perform the essential functions of their job without creating an undue hardship for the employer.

For further information and advice regarding COVID-19 testing policies and requirements, and other employment-related issues, please contact a member of our Employment Law practice.

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