

RISK Alert

ACTIONABLE INSIGHTS FOR BOND POLICYHOLDERS.



Alert Type

Awareness

Watch

Warning

Planning for the Vaccination

In some areas, employees already have access to vaccines to help protect them against COVID-19. Credit unions may choose to encourage employees to seek the COVID-19 vaccination in their community; however, you may want to stop short of requiring or mandating the COVID-19 vaccination as it is a matter of state or other applicable law. Credit unions should prepare, encourage the vaccination, and consider how the workplace may be impacted.

Details

As vaccines for COVID-19 become more accessible to the U.S. public, credit unions should carefully consider whether to implement vaccination policies. Generally, employers should consider simply encouraging employees to get the vaccine rather than requiring them to take it. If you choose to implement a mandatory vaccination policy, you must ensure that the policy is consistently applied to all similarly-situated employees in order to minimize the risk of discrimination.

Most likely, employees will have divergent views on the necessity of vaccinations. If you are looking to better understand your employees' intentions, consider a voluntary survey that allows for anonymity. While simply asking an employee if they plan to get the vaccination is not considered a "medical examination" under the Americans with Disabilities Act, according to the EEOC, it is not suggested that you ask employees individually. This type of inquiry about the vaccine may become a piece of evidence to support a charge of discrimination and/or retaliation.

The federal government does not mandate (require) vaccination for individuals. If your organization decides to mandate the vaccination, you'll have to also have a plan on how employee requests for exemptions be handled. There are two types of exemptions that must be considered:

- Some employees may have **medical / health restrictions** that prohibit them from getting the vaccine.
- Others may decline vaccination because of **religious objections**.

No matter your decision, be flexible in your human resources policies:

- Establish compliant policies with the Fair Labor Standards Act that allow employees to take paid leave to seek COVID-19 vaccination in the community.
- Consider staggering employee vaccination schedules to avoid employee shortages due to vaccination schedules and/or vaccine side effects.
- Communicate policy with staff with a mechanism to ask questions. Invite and enable two-way communication. Answer questions with professionalism and a respectful manner. Stay updated and adjust plans as needed.

Date: March 9, 2021

Risk Category: Employment Practices; Safety & Wellness; Human Resources; Labor Law

States: All

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- Legal
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Facing risk challenges?

[Schedule](#) a free personalized discussion with a Risk Consultant to learn more about managing risk.

Planning for the Vaccination

To encourage getting the vaccination, can our credit union offer an incentive?

Although financial incentives can have an effect of encouraging vaccinations, employers must take care not to create liability.

Employers cannot offer more than a "de minimis incentive" to encourage employees to participate in any wellness program; i.e., vaccinations. Incentives that are not "de minimus" include "a paid annual gym membership or free airline tickets" while a "water bottle" would be considered de minimus.

In addition, any incentive program should be designed so as not to discriminate against employees exempt from vaccination.

Risk Mitigation

As the trusted employer, the credit union should help keep expectations in check, engage leadership, and communicate with employees. Consider:

- Be flexible in your human resources policies. Establish policies that allow employees to take paid leave to seek COVID-19 vaccination in the community. Support transportation to off-site vaccination clinic.
- Post articles in internal staff communications (e.g., newsletters, intranet, emails, portals) about the importance of COVID-19 vaccination and where to get the vaccine in the community.
- Continue your own efforts to encourage employee and workplace safety including social distancing, encouraging basic hygiene, and office cleanliness.
- If your credit union is hosting COVID vaccination / COVID testing, it is recommended that you engage legal counsel and have a contract that includes a hold harmless agreement in favor of the credit union.

Risk Prevention Resources

Access CUNA Mutual Group's [Protection Resource Center](#) at [cunamutual.com](#) for exclusive risk and compliance resources to assist with your loss control efforts.

The Protection Resource Center requires a User ID and password.

- [Employer HR Practice Risks eBook](#)

The employment practices risk management hub, [www.epl-risk.com](#), provides practical and actionable resources including articles, checklists, and template policies / procedures focused on the most relevant legislation, employment, and workplace trends.

If you're not sure how to access...review the [Quick Start Registration Guide](#) or contact CUNA Mutual Group's Risk Consultants at **800.637.2676** or riskconsultant@cunamutual.com.

Additional Resources:

- [Centers for Disease Control and Prevention – COVID-19](#)



Access the Protection Resource Center for exclusive resources:

- [Loss Prevention Library](#) for resources & checklists
- [Webinars and Education](#)
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