

For members of the Michigan Restaurant and Lodging Association, the Legal Help Center is here to help. This document provides answers to the most frequently asked questions regarding COVID-19 vaccination requirements in the workplace.

<b>1</b>	<b>Can our company ask employees if they are vaccinated?</b> Yes.
<b>2</b>	<b>Can our company request to see the vaccination card or other proof of vaccination?</b> Yes. It is recommended that employers only view the proof of vaccination and not keep copies for record. If copies are kept, they should be maintained in a confidential file separate from the personal file.
<b>3</b>	<b>Can our company have the employees who say they are vaccinated sign an affirmative document indicating they are vaccinated?</b> Yes.
<b>4</b>	<b>Can we ask employees who are not vaccinated if they intend to get vaccinated? If the employee does not intend to be vaccinated, can we ask why not?</b> Employers can ask if employees intend to get vaccinated. However, if an employee does not intend to get vaccinated, employers should avoid further inquiries, as it could lead into prohibited medical inquiries.
<b>5</b>	<b>How can our company comply with both MiOSHA and MDHHS standards?</b> Employees who are fully vaccinated can go mask-less, but employees who are not fully vaccinated must continue wearing face coverings when they cannot maintain 6 feet of separation. Regardless of vaccination status, employees should not be prevented from continuing to wear face masks if they choose.
<b>6</b>	<b>What does compliance with the MDHHS orders and MiOSHA rules look like?</b> Employers must show compliance in good faith by posting signage that masks are required for persons who are not fully vaccinated. Additionally, employers need to show diligent efforts in requiring employees who are not fully vaccinated to wear masks.
<b>7</b>	<b>Should our company follow federal CDC guidance or state and local orders like MiOSHA?</b> Since state and local orders may differ from the federal CDC guidance, it is recommended that the employer primarily follows state and local orders. Employers should comply with federal, state, and local orders, as applicable, to minimize legal risk.
<b>8</b>	<b>Could our company go back to a full mask policy?</b> Yes.
<b>9</b>	<b>Under the ADA, Title VII, and other federal employment nondiscrimination laws, may an employer require all employees physically entering the workplace to be vaccinated for COVID-19?</b> The federal EEO laws do not prevent an employer from requiring all employees physically entering the workplace to be vaccinated for COVID-19, subject to the reasonable accommodation provisions of Title VII and the ADA and other EEO considerations.