

## Insights

### Federal Court in Texas Rules Employers Can Require Employees to Get Vaccinated

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As anticipated, the litigation regarding COVID-19 vaccinations is beginning. In *Jennifer Bridges, et al. v. The Methodist Hospital d/b/a the Methodist Hospital System, et al.*<sup>1</sup> the U.S. District Court for the Southern District of Texas ruled that the hospital system in Houston could require its employees to be vaccinated against COVID-19 and dismissed a lawsuit filed by workers who disagreed with the mandate. Although this case is not controlling authority in Indiana, it sets the landscape for how mandatory vaccinations by employers may be litigated and decided.

This case involved the first major healthcare system in the United States to require COVID-19 vaccinations for its existing employees and new hires, which included more than 26,000 people. Over 100 employees joined to file suit against the healthcare system contending that vaccinations were experimental and dangerous.

In ruling in favor of the hospital system, Judge Hughes explained: "This is not coercion. Methodist is trying to do their business of saving lives without giving them the Covid-19 virus." And he explained that employees could choose to accept the vaccine or refuse and work somewhere else. The healthcare system had suspended, without pay, 178 full-time or part-time employees for failing to get vaccinated.

It is important to note that the healthcare system's policy allowed employees to request accommodations for both disability and religious reasons. It also allowed pregnant employees to delay their shots. Such a policy was in sync with the EEOC's guidance that was explained in a prior **alert**.

This case is likely to set the standard for federal courts ruling on these issues. The EEOC has explained that employers can require employees to receive COVID-19 vaccinations and/or require proof of vaccination status. Thus, after this decision, it seems likely that if employers are following the EEOC's guidance, a vaccination requirement would be upheld.

As you adapt your COVID-19 policies and consider whether to require vaccinations, it is important for your organization to understand current requirements and the various legal considerations. If you have any questions in making this determination please contact **Elizabeth M. Roberson** or another member of our **Employment Law Group**.

***Disclaimer.*** *The contents of this article should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only, and you are urged to consult with counsel concerning your situation and specific legal questions you may have.*

<sup>1</sup>*Jennifer Bridges, et al. v. The Methodist Hospital d/b/a the Methodist Hospital System, et al.* Case No. 4:21-cv-01774 (S.D. Tex. June 12, 2021).