

## Settlement In Flu Shot Case Provides Lessons For Mandatory Vaccine Programs

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Just as the flu has gone viral throughout the United States this winter, the U.S. Equal Employment Opportunity Commission has resolved a religious accommodation lawsuit against a hospital that had implemented a mandatory influenza vaccine program for its employees. The case centered on the use of a staff immunization policy at Mission Hospital in North Carolina, which the EEOC alleged did not provide sufficient safeguards for employees who wished to seek an exemption from mandatory flu shots on the basis of their sincerely held religious beliefs.

As we [previously reported](#), a federal district court judge last year denied summary judgment for the hospital because of a dispute as to whether the hospital treated religious objectors to the flu shot less favorably than other employees who missed the deadline for receiving their immunizations. The EEOC and the hospital have now resolved the matter by entering into a [two-year consent decree](#) that provides for a monetary payment as well as requiring changes to the hospital's flu shot program, non-discrimination policies, and training programs.

In addition to the [hospital's settlement payment of \\$89,000](#), which will be split between three claimants, the hospital has agreed to modify its staff immunization policy so employees who want to seek a religious exemption are given the same amount of time as provided for employees to get a flu shot. Previously, the hospital had a September 1 deadline for submission of religious exemption requests, while employees were allowed a December 1 deadline to receive their flu shots and also were allowed a grace period if they missed the initial flu shot deadline. The EEOC also is requiring that the hospital notify all applicants and employees of their right to seek an exemption from the mandatory immunization for medical reasons and/or based on sincerely held religious beliefs.

Given the benefits to patients, employees, and the community at large, employers in the healthcare sector likely will want to continue to require flu vaccines for employees in hospitals, medical offices, nursing homes, and other places where they come into contact with vulnerable patient populations. But this case provides a reminder that employers should allow sufficient opportunities for employees to seek exemptions and carefully consider all requests for reasonable accommodations associated with mandatory vaccine programs.

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