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What You Need to Know About the COVID-19 Vaccine and Your Rights Under the ADA

The rise of the Delta variant underscores the continued evolution of the COVID-19 pandemic and the increasingly critical role of vaccinations to end the crisis. At the same time, schools, workplaces, and businesses are creating reopening plans with different policies on vaccination status. It is important for people with disabilities to become vaccinated as many are at increased risk to experience more severe COVID-19 symptoms.

The Americans with Disabilities Act (ADA) provides individuals with disabilities with legal protections and guarantees of rights applicable to vaccination, and vaccine and mask mandates. Here we answer some common FAQs about the COVID-19 vaccine and your rights under the ADA:

Q1. Can my employer, school, or private business require vaccination?

On Dec. 16, 2020, the [Equal Employment Opportunity Commission \(EEOC\)](#) confirmed that a COVID-19 vaccination requirement by itself would not violate the ADA. That law prohibits employers from conducting some types of medical examinations. On May 28th, 2021, the EEOC reaffirmed that employers can require workers who are returning to offices to be vaccinated for COVID-19.

However, employers, schools, or private businesses should keep in mind that because some individuals or demographic groups, including some people with disabilities, may face greater barriers to receiving a COVID-19 vaccination than others, some may be more likely to be negatively impacted by a vaccination requirement.

Q2. Does the ADA allow me not to have to follow a vaccination mandate? What is a reasonable accommodation?

The ADA ensures that schools/employers should recognize that, 1) a [worker who cannot get vaccinated](#) due to a disability or, 2) a worker with disability that affects their ability to have a

full immune response to vaccination, may be entitled to a reasonable accommodation that does not pose an undue hardship on the operation of the employer's business.

In discussing accommodation requests, the EEOC recommends that schools/employers and students/employees may find it helpful to consult the Job Accommodation Network (JAN) website for types of accommodations, www.askjan.org. JAN's materials specific to COVID-19 are at <https://askjan.org/topics/COVID-19.cfm>

Q3. Does HIPPA allow me not to share my vaccination status?

If an employer asks an employee to provide proof that they have been vaccinated, [that is not a HIPAA violation](#). If asked, you may decide whether to provide that information to their employer.

Q4. How can I document and/or share my vaccination status?

When you receive any dose of the COVID-19 vaccination, the administrator should document the specific vaccine, date, location, and a confirmation signature on a vaccination record card and give it to you before you leave your appointment. You may share the physical or scanned copy of your document, depending on the organization requirements, to verify your vaccination status.

Q5. New Centers for Disease Control and Prevention (CDC) guidance has talked about the risk of vaccinated folks who are immunocompromised? What does this mean and how do I know if my disability puts me in that group?

On July 27th, 2021, the [CDC updated COVID-19 public health guidance](#) in several important ways due to the spread of the Delta variant. People who are immunocompromised or at increased risk for severe disease should wear masks and practice social distancing even when fully vaccinated.

The CDC also recommends that people with moderately to severely compromised immune systems receive an additional dose of mRNA COVID-19 vaccine at least 28 days after a second dose of Pfizer-BioNTech COVID-19 vaccine or Moderna COVID-19 vaccine.

The CDC maintains an [updated list of high-risk medical conditions](#) that put people at increased risk for severe COVID-19 associated illness. COVID-19 vaccines are recommended for and can be administered to most people with underlying medical conditions.

The CDC and the U.S. Department of Health and Human Services (HHS) released a [joint statement](#) on August 18th, 2021, reporting that public health experts and the Biden administration are beginning to develop offering a third vaccination booster to those who

received the Pfizer or Moderna vaccinations after eight months of their second dose. They are preparing to begin the booster rollout on the week of September 20th.

The CDC and HHS also reported that they anticipate that booster shots will likely be needed for people who received the Johnson & Johnson (J&J) vaccine as well. Because the rollout of the J&J vaccine did not begin in the U.S. until March 2021, and that they expect more data on J&J in the next few weeks, more information and guidance should be given for potential J&J boosters in the upcoming weeks as well.

You can stay informed on the latest guidance from public health experts by checking the CDC website: www.cdc.gov.

Q6. Some public health officials have talked about vaccine booster for people at high-risk? How will I know if I am in this group? How will I be able to get a booster as soon as they make the decision?

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Q7. The CDC has updated guidance on preventative measures, such as masking and social distancing, but my state/local community/school are not following this guidance. Does IDEA, 504, ADA protect my access to school and work in safety?

Due to more information on the B.1.617.2 (Delta) variant, on July 27th, 2021, the CDC released [updated guidance](#) that fully vaccinated people to wear a mask in public indoor settings in areas of [substantial or high transmission](#). The CDC also added a recommendation for

fully vaccinated people who have come into [close contact](#) with someone with suspected or confirmed COVID-19 to be tested 3-5 days after exposure, and to wear a mask in public indoor settings for 14 days or until they receive a negative test result.

In this July 27th updated guidance, the CDC also recommends universal indoor masking for all teachers, staff, students, and visitors to schools, regardless of vaccination status.

Despite this released guidance, there may be businesses, schools, and community members who do not reply. Section 504 of the ADA ensures that all students have equal access to educational/work opportunities. Therefore, the ADA does protect students and workers to operate in safety. If you feel uncomfortable or unsafe, it is encouraged for you to discuss with your supervisor, counselor's office, human resources department, or any other authorized personnel who can advocate for your safety and the safety of others.

The COVID-19 pandemic continues to be an evolving event. Experts are still studying and learning about COVID-19. For the most up-to-date information please check the CDC website: <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>.