

Electronic Alert

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Oregon Law Restricts Healthcare Employers Who Want to Require COVID-19 Vaccination

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As we outlined in our earlier E-Alert this month, employers generally have the authority under federal law to require workers to be vaccinated, subject to limited exceptions for employees with disabilities needing an accommodation or employees who have sincerely held religious beliefs preventing them from being vaccinated. State laws may impose different restrictions.

A 1989 statute in Oregon, in fact, does just that – places restrictions on healthcare employers. Healthcare employers are required to provide preventive vaccinations for their employees, but at the same time are prohibited from requiring their employees to be vaccinated unless vaccination is “otherwise required by federal or state law, rule, or regulation.”

The statute defines healthcare workers broadly. “Worker” means a person who is: licensed or certified to provide healthcare under separate legislative provisions; an employee of a healthcare facility, a licensed healthcare provider, or a clinical laboratory; a firefighter; a law enforcement officer; a corrections officer or a parole and probation officer.

We have contacted advisors to Governor Brown to seek clarification and learn whether a regulatory change may be considered. When we know more, we will follow up with an updated E-Alert. In the meantime, employers of healthcare employees (and all employers, regardless of industry) need to be cautious if they are planning to issue mandatory vaccination policies.

The entire statute can be reviewed [here](#).

For any questions relating to navigating COVID-19 in the workplace, contact Paula Barran or Julie Preciado at 503-228-0500, or at pbarran@barran.com or jpreciado@barran.com.