

Another Voice: Here's what employers need from California to step up the fight against Covid

By Rachel Michelin, Rob Lapsley and Rex S. Hime

42 minutes ago

The following was submitted in response to the opinion [we published Aug. 9](#) by [Dee Dee Myers](#), director of the California Governor's Office of Business and Economic Development.

There is little debate and little surprise that California has another surge of Covid-19 cases. Gov. [Gavin Newsom](#)'s recent announcements requiring certain state employees and now teachers to be fully vaccinated or tested weekly and that health care workers must be fully vaccinated, offers a way — with needed balance — that can encourage more to be vaccinated without further jeopardizing California's uneven recovery. As recently urged by an administration official, employers stand ready to follow the state's lead, but for this to work, the state must also remove the barriers that stand in their way.

Throughout the pandemic, employers spent billions on protections including mask requirements for customers and employees. Tragically, we saw viral videos of employees being spit on, yelled at and even stabbed — just for doing their jobs. Employers quickly realized they needed backup. Gov. Newsom responded and ordered all Californians to “mask up.”

Fast forward to the vaccine rollout. Again, employers led by promoting the vaccine to the most vulnerable, through employee incentives, vaccine clinics at their places of businesses, paid time off, donating parking lots and other creative ideas for employees and Californians to get the vaccine. These efforts helped bring the state to where 63% age 12 and older are fully vaccinated with another 14% receiving their first shot.

Those numbers aren't good enough. But if employers are going to be asked or mandated to do more, there are barriers that must be removed. The focus must be on doing what is right for our employees, customers, and our state, not putting employers and our jobs recovery at risk for doing so.

The following actions are needed to create a safe harbor that will allow employers to follow the governor's lead:

1. Ensure employers are not penalized through relief on liability issues, including workplace discrimination and privacy laws.

2. Provide legal clarity on the ability to require vaccination while the vaccines are authorized via the Food and Drug Administration's Emergency Use Authorization.
3. Make it possible to enforce these provisions by clarity on retention of employee health care information.
4. Provide tax credits or full reimbursement for the cost of increased testing from the billions the state is receiving in federal assistance.
5. Remove incentives for employees to remain unvaccinated, including extended paid sick leave for unvaccinated individuals.
6. Protect our workers who are enforcing masking or vaccination requirements through sentencing enhancements for assault and harassment, especially in retail and other settings.

Employers are working hard to recover jobs and share the governor's commitment to defeating Covid. But we need to allow each employer, just like the state of California, to make the individual decision on what will work best for their employees. Some businesses already have required vaccination, while others take different approaches while waiting until the vaccine is fully approved by the FDA. Unfortunately, others may not engage at all, given the state-imposed obstacles in their way.

The business community stands ready to work with Gov. Newsom, the Attorney General and the Legislature to enact the meaningful reforms that we have outlined that will help California businesses continue to lead the effort to vaccinate our employees and the general public and move past the pandemic once and for all.

[Rachel Michelin](#) is CEO of the California Retailers Association. [Rob Lapsley](#) is president of the California Business Roundtable. [Rex S. Hime](#) is CEO of the California Business Properties Association.

https://www.bizjournals.com/sacramento/news/2021/08/12/another-voice-dee-dee-myers-response.html?ana=e_sac_bn_exclusive_exclusive&j=90567725&t=Breaking%20News&mkt_to_k=NjczLVVXWS0yMjkAAAF-2mInVjlw-lUMYtNOq9rtOMQIBITC0iaMACCU3KGTMylWSLRW5-w8AHjORGMLmlvZ21CAVDNIhUvoc4c9dnWjtPuKLTwFJNgfKcaoRYhzqre-dxY