



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Washington, D.C. 20507

Office of  
Legal Counsel

May 12, 2021

Aaron Siri, Esq.  
Elizabeth A. Brehm, Esq.  
Jessica Wallace, Esq.

Dear Mr. Siri, Ms. Brehm, and Ms. Wallace:

Thank you for your letters on behalf of the Informed Consent Action Network, dated March 16, April 19, and April 27, 2021, to Chair Burrows, the Vice Chair, and Commissioners seeking clarification regarding EEOC's guidance, dated December 16, 2020, titled: "What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws (WYSK). Specifically, you ask EEOC to clarify its position on whether employers can require employees to get vaccinations for SARS-COV-2 (the virus that causes COVID-19) that currently are granted Emergency Use Authorization (EUA) by the Department of Health and Human Services Food and Drug Administration (FDA). Chair Burrows has referred your letters to the Office of Legal Counsel for response.

The EEOC's WYSK, which was written in response to the many inquiries from employers and employees about how federal and state laws apply during the COVID-19 pandemic, sets forth applicable EEO standards, noting that whether an employer meets these standards will depend on their application to particular factual situations. The WYSK also notes that other federal and state laws govern COVID-19 vaccinations of employees. Accordingly, those seeking more information about the legal implications of EUA or the FDA approach to vaccines can visit the [FDA's EUA page](#).

We appreciate your interest in seeking clarification and will take your comments under advisement.

Sincerely,

*C. Miaskoff*

Carol R. Miaskoff  
Acting Legal Counsel