

WORKFORCE Q&A



Mey Ly,
Littler, Dallas

I have a small business in Texas whereby my employees work closely with animals. Can I require all of my employees to get vaccinated for rabies and tetanus? And if they refuse, can I terminate their employment?

Generally, yes. Texas is an at-will employment state, which means that generally, employers are free to terminate an employee's employment for any reason or no reason at all, so long as the reason is not illegal. Refusing to be vaccinated is not a per se illegal reason, so an employer could terminate an employee's employment for failing to be vaccinated.

However, there are a few considerations. One consideration is the number of employees you have. The number of employees is important because if you have 15 or more employees, Title VII of the Civil Rights Acts and the Americans with Disabilities Act applies. Title VII protects employees from discrimination and harassment based on several protected categories, like religion. If any employee's religious beliefs prohibit him or her from vaccinations, firing or demoting that employee could subject you to a religious discrimination claim. The Americans with Disabilities Act, which protects employees with disabilities from discrimination, also applies if you have 15 or more employees. An employee may not be able to be vaccinated for a medical reason related to his or her disability, and demoting or terminating that employee's employment could subject you to a disability discrimination claim. Another consideration is whether any of your employees are under an employment contract or under a collective bargaining agreement, instead of being at-will. There may be some language in the employment contract or the collective bargaining agreement that prevents you from demoting or firing the employee.

Employment Relations questions?

***Don't forget to call TAB's Employment Relations Hotline
for your next HR Question
1.800.856.6721, ext. 164 or E-mail smcgee@txbiz.org***

TEXAS BUSINESS REPORT

Volume 29 | Issue 4
April 2014

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TAB TEAM CONTACTS

Sandra McGee, Senior Vice President
Employment Services & Finance
smcgee@txbiz.org
Dan Cahalen, Senior Vice President
Membership Development
dcahalen@txbiz.org
Aaron Cox, Vice President
Chamber Relations
acox@txbiz.org
Cathy DeWitt, Vice President
Workers' Compensation, Tort Reform and
Employment Relations
cdewitt@txbiz.org
Stephen Minick, Vice President
Environmental Quality and Energy
sminick@txbiz.org
Nelson Salinas, Governmental Affairs Manager
Education
nsalinas@txbiz.org
Robert Wood, Communications Director
rwood@txbiz.org
Jennifer Clarke, Events Director
jclarke@txbiz.org

TAB REGIONAL OFFICES

Central Texas Area - Beau Berlin
bberlin@txbiz.org - (512) 769-2915
Coastal Texas Area - Daryl Davis
ddavis@txbiz.org - (816) 582-3311
North Texas Area - Mark Sadowski
msadowski@txbiz.org - (214) 906-3361
Northwest Texas Area - Marshall Jeffus
mjeffus@txbiz.org - (940) 642-5428
Southeast Texas Area - Miles Resnick
mresnick@txbiz.org - (409) 363-1481
Southeast Texas Area - Russ Penson
rpenson@txbiz.org - (816) 286-9122
West Texas Area - K C Emery
kemery@txbiz.org - (806) 620-3611

Texas Business Report (ISSN0892-6816) is published on the 15th of every month by Texas Association of Business, located at: 1209 Nueces Street, Austin, TX 78701. Subscriptions are available at a rate of \$2.00, which is deducted from TAB members' annual dues. Articles may be reprinted with permission. Legislative advertising paid by TAB.

Periodicals Postage Paid at Austin, Texas.
POSTMASTER - Send address changes to:
Texas Business Report,
1209 Nueces Street, Austin, TX 78701