



Wisconsin Medical Society

TO: Assembly Committee on Constitution and Ethics
Representative Chuck Wichgers, Chair

FROM: Mark Grapentine, JD – Chief Policy and Advocacy Officer

DATE: March 3, 2021

RE: 2021 Assembly Bill 25

On behalf of more than 10,000 physician members statewide, thank you for this opportunity to share our impressions on 2021 Assembly Bill 25, which prohibits employers from deciding whether employees should be vaccinated as a condition of employment.

The Society **opposes** Assembly Bill 25, as it infringes upon a health care employer's ability to decide what steps may be necessary to adequately protect their employees' and their patients' health.

Health Care Employers Support Safe Environments for their Organization and their Patients

Employers strive to create a safe working environment for employees and members of the public who interact at that workplace. Health care facilities face special challenges in treating patients while minimizing the potential spread of disease. The current pandemic involves an extremely virulent SARS-CoV-2 virus; health care employers should continue to have the option to decide whether employee and public safety necessitates a vaccine requirement.

Current Law Already Allows for Exceptions to Employer Mandates

Various federal and state laws already exist that allow for employee exceptions should an employer require a COVID-19 vaccination. These include the Americans with Disabilities Act of 1990 (ADA), the Genetic Information Nondiscrimination Act (GINA) and Title VII of the Civil Rights Act, along with state counterparts. The U.S. Equal Employment Opportunity Commission (EEOC) has also outlined guidance for employers specific to COVID-19, further describing different scenarios requiring accommodations for employees with legitimate need for an exception.¹

A Common Message on Vaccine Safety is Needed if the Goal is to Reach “Herd Immunity”

There is a universal desire to emerge from the pandemic as soon as we can with the minimum number of lives lost to COVID-19. The single best way to accomplish both of these aims is through widespread vaccinations, which can lead to community immunity. Achieving “herd immunity” to beat this virus as soon as possible requires a common message, such as: “Getting the vaccine will keep you and your family safe, prevent additional deaths, and allow us to reopen our economy.” A government policymaking action instituting a blanket ban on a private employer's vaccine-related decision sends the opposite message.

The Society opposes Assembly Bill 25. Thank you for your consideration.

¹ <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>