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### Employer COVID Vaccine Mandate

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Last week, a federal court in Texas dismissed a lawsuit by employees over a hospital's mandatory vaccine policy. The employees argued that if they were terminated for refusing to get the COVID-19 vaccine, it would be a wrongful termination. However, Texas only protects employees from termination for refusing to commit an act carrying criminal penalties to the worker. The employees also attempted to argue that the mandate violated public policy. The court rejected these arguments and dismissed the case. This dismissal is the first federal court ruling on whether a healthcare employer can mandate the COVID-19 vaccine. The ruling states that companies can require employees to get the COVID-19 vaccine and rejects the lawsuit's arguments that a vaccine mandate is unlawful. The judge stated that the mandate is a choice to keep staff, patients, and their families safer and that the public interest in "caring for patients during a pandemic far outweighs protecting the vaccination preferences of 116 employees." The ruling also stated that the staff was "jeopardizing" their own health and the health of others.

This is only the first ruling on the issue of mandatory vaccines and many more are likely forthcoming. It is also unclear whether the fact that the employer is a hospital was a major factor in determining the lawfulness of mandatory vaccine policies. As far back as 1905, the Supreme Court has upheld employer's rights to mandate vaccines. In the years since, both state and federal courts have upheld a healthcare employer's rights to mandate vaccines.

For more information, please contact [Jenny Teeter](#) or [Brianna Cook](#).

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