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# Client Bulletin

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## U.S. Equal Employment Opportunity Commission (EEOC) Says Employers Can Require COVID-19 Vaccinations

On Friday, May 28, 2021, the EEOC, which administers Title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA) and other federal non-discrimination in employment legislation and regulations, issued a press release regarding its newly updated COVID-19 technical assistance. The EEOC Chair, Charlotte A. Burrows, stated: “The updated technical assistance released today addresses frequently asked questions concerning vaccinations in the employment context.” The press release, available on the EEOC’s website ([www.eeoc.gov](http://www.eeoc.gov)), summarized the key updates to the technical assistance as follows:

- Federal EEO laws do not prevent an employer from requiring all employees physically entering the workplace to be vaccinated for COVID-19, so long as employers comply with the reasonable accommodation provisions of the ADA and Title VII of the Civil Rights Act of 1964 and other EEO considerations. Other laws, not in EEOC’s jurisdiction, may place additional restrictions on employers. From an EEO perspective, employers should keep in mind that because some individuals or demographic groups may face greater barriers to receiving a COVID-19 vaccination than others, some employees may be more likely to be negatively impacted by a vaccination requirement.
- Federal EEO laws do not prevent or limit employers from offering incentives to employees to voluntarily provide documentation or other confirmation of vaccination obtained from a third party (not the employer) in the community, such as a pharmacy, personal health care provider, or public clinic. If employers choose to obtain vaccination information from their employees, employers must keep vaccination information confidential pursuant to the ADA.
- Employers that are administering vaccines to their employees may offer incentives for employees to be vaccinated, as long as the incentives are not coercive. Because vaccinations require employees to answer pre-vaccination disability-related screening questions, a very large incentive could make employees feel pressured to disclose protected medical information.
- Employers may provide employees and their family members with information to educate them about COVID-19 vaccines and raise awareness about the benefits of vaccination. The technical assistance highlights federal government resources available to those seeking more information about how to get vaccinated.”

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This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

If you have friends or associates whom you think would enjoy receiving a copy of this Client Bulletin, please feel free to forward it on. Thank you.

## Another Change Regarding Who Can File Complaints Against the Valuation of Real Property

In last month's Client Bulletin we advised of a special temporary change regarding contesting property valuation for tax purposes which provided owners, notwithstanding the statute's requirement that complaints against valuation for tax year 2020 (payable in 2021) had to be filed by March 31, 2021, the opportunity to file between July 26, 2021 (the temporary legislation's effective date) and August 24, 2021 to contest the valuation as of October 1, 2020 to show that the property's valuation was reduced from its valuation as of January 1, 2020 (the basis for tax year 2020 valuation) due to the pandemic. In separate legislation, effective August 3, 2021, the General Assembly made amendments to R.C. 5715.19, the statute governing complaints against valuation, to permit a tenant who under the lease is responsible for paying or reimbursing the landlord for 100% of the taxes assessed to file and prosecute a complaint against valuation if the lease allowed or the landlord authorized to file a complaint against valuation. It is our opinion that such a tenant can, upon the effective date of this change (August 3, 2021), but before August 25, 2021, file a complaint for tax year 2020 seeking the value of the property as of October 1, 2020, if adversely impacted since January 1, 2020 by the pandemic. However, whether the tenant wants to do so depends upon the particular facts. For example, where the landlord abated or postponed to a later date part or all of the rent between January 1, 2020 and October 1, 2020, it would be better to have the landlord be the complainant, rather than the tenant who did not have to pay full rent during the period. Please do not hesitate to contact us if you have any questions.

*Steve Martin*

## Welcome Attorney Stacy Pollock

Attorney Stacy Pollock will be joining our firm as "of counsel" on July 1, 2021. Stacy received her B.A., Summa Cum Laude, in English from Wittenberg University and her Juris Doctorate from Chicago-Kent College of Law in 2005 and began practicing law in 2006 as a staff attorney for the Ohio Legislative Service Commission. She specializes in several areas of practice. In the employment and labor practice area, she advises clients on all aspects of human resources, employment, and labor, both public and private sectors. In the education law practice area, she provides representation in educational and professional matters, including employment and student disciplinary matters. In the workers' compensation practice area, she represents clients before the Industrial Commission and judicial appeals of administrative workers' compensation cases.

Stacy is admitted to practice law in the Supreme Court of Ohio, the Commonwealth of Kentucky Supreme Court, the U.S. Supreme Court, the U.S. Court of Appeals for the Sixth Circuit, and the U.S. District Court for the Southern and Northern Districts of Ohio. Her professional accomplishments have earned her numerous recognitions: Certified Specialist in Labor and Employment, Ohio State Bar Association (2017-present); Ohio Super Lawyer, Employment Law (2021); "Rising Star" Ohio Super Lawyers, Employment Law (2014-2020).