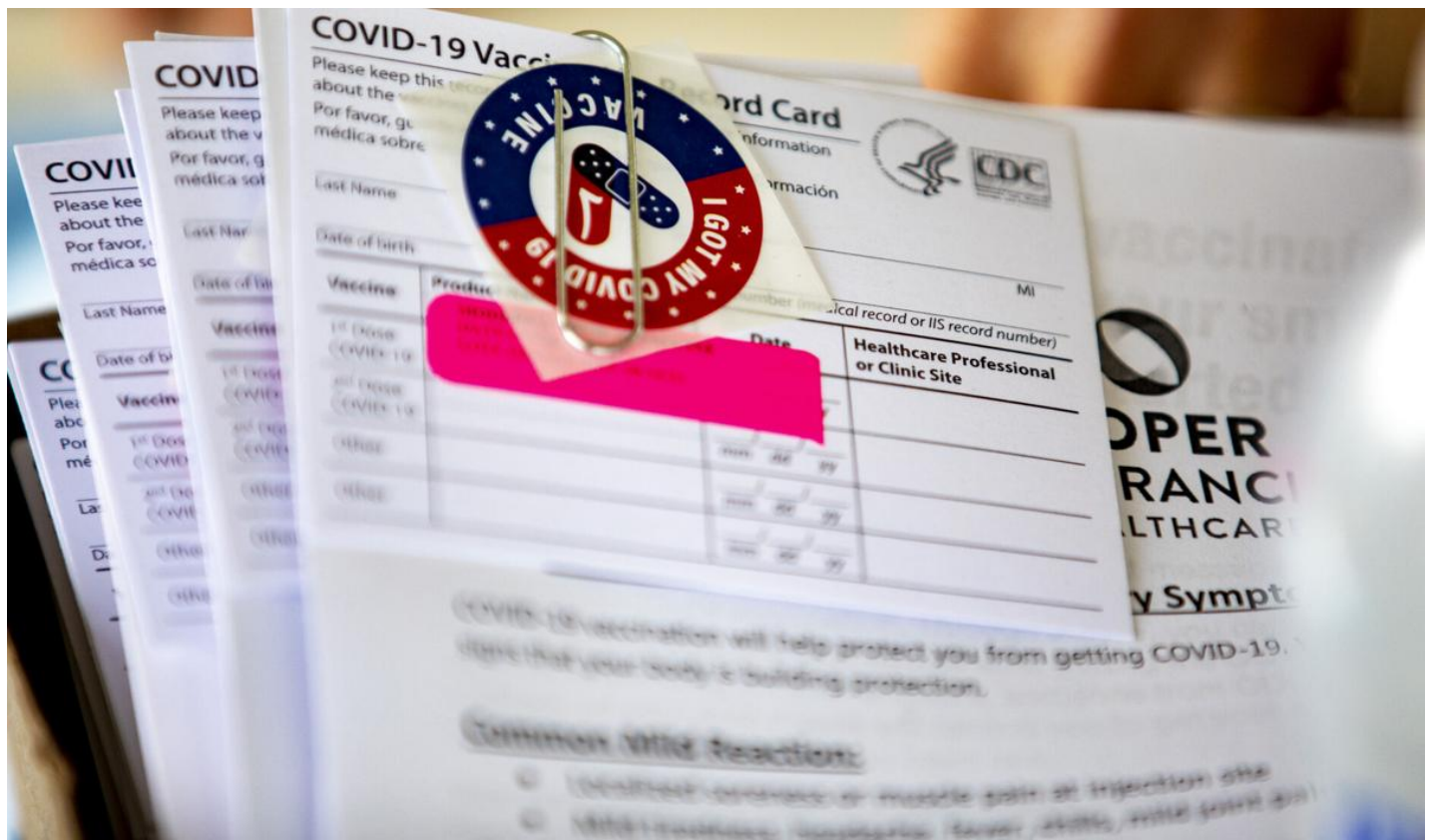


https://www.postandcourier.com/business/sc-businesses-mull-covid-19-vaccine-requirements-as-delta-variant-spreads/article_debefbfa-073a-11ec-ad3c-538c122b1530.html

SC businesses mull COVID-19 vaccine requirements as delta variant spreads

BY JESSICA HOLDMAN JHOLDMAN@POSTANDCOURIER.COM

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COVID-19 vaccine cards were on display in March during a mobile health unit vaccination event on Wadmalaw Island. File/Andrew J. Whitaker/Staff

COLUMBIA — A number of South Carolina's top labor lawyers expect more companies to begin mandating COVID-19 vaccines as a condition of employment as the shots receive full approval by the U.S. Food and Drug Administration.

So far only a handful of Palmetto State employers have announced requirements — the Roper St. Francis medical system in the Charleston area, Nephron Pharmaceuticals in West Columbia, and U.S. Department of Veteran's Affairs and the Medical University of South Carolina's hospitals in the state.

Lexington Medical Center, where the vaccination rate among employees is 75 percent, also is mulling a possible mandate, spokeswoman Jennifer Wilson said.

“More are likely to do it,” attorney David Dubberly, chairman of Nexsen Pruet’s employment and labor law practice, told members of the South Carolina Chamber of Commerce.

In a recent chamber survey, 73 companies out of roughly 300 respondents said they were considering a mandate. Another 14 employers already had requirements in place. The majority, 178 companies, said they would not implement a requirement.

FDA approval removes a potential legal issue over whether employers could mandate a vaccine operating under emergency authorization status, Dubberly said.

Pfizer received full approval for its vaccine Aug. 23 and Moderna’s is expected to be approved in the next couple months.



Nephron Pharmaceuticals Corp. of West Columbia is among the South Carolina employers that are mandating COVID-19 vaccinations. File/Provided



FOOD & DRINK

Why 2 Columbia restaurants require diners be vaccinated — and why others aren’t

BY DAVID CLAREY DAVIDC@FREE-TIMES.COM

“Part of the reason for some of the concern about the (emergency authorization) status was, when you administered one of the vaccines, they had to provide the individual receiving the vaccine with a fact sheet. And one of the things that it said in



David Dubberly. Provided/Nexsen Pruet

that fact sheet is it is your choice to receive or not,” Dubberly said. “Some people said, well, you can’t require vaccines as a condition of employment if the fact sheet says that it’s somebody’s choice.”

Despite the hesitancy this caused for some, legal arguments against mandates have been struck down in federal court, Dubberly said. In fact, federal workers’ protection agencies like the U.S. Equal Employment Opportunity Commission and the Occupational Safety and Health Administration encourage them.

The potential loss of workers is a final barrier, especially as some businesses struggle to staff up.

“For many employers if they adopt a mandate, they risk losing 10 or 20 percent of their workforce that feels strongly about not getting vaccinated,” Dubberly said. “So that is another practical issue that employers need to take into account.”

Meanwhile cases of COVID-19 in the Palmetto State are rising with thousands of new cases announced daily by the S.C. Department of Health and Environmental Control, and more than 700,000 people have contracted the disease to date. The virus has killed more than 10,000 South Carolinians.

What Dubberly said will continue to be more common is a hybrid approach.

“Not necessarily a mandate but weekly testing and incentives for people to be vaccinated,” he said.

He referenced Delta Air Lines adding a \$200 surcharge to the company’s health plan costs for the unvaccinated. The average cost of a hospital stay for a COVID-19 patient is \$40,000 and the surcharge is designed to help offset the cost when employees who are unvaccinated end up in the hospital.

At a recent community vaccine clinic in Columbia, Thomas Tafel, community outreach manager at Lexington Medical Center, said the hospital has been working with employers of shift workers to vaccinate employees at shift change. When vaccinating workers at a steel mill, the benefit of no longer having to wear a mask was a motivator for 17 employees to receive their shots.



CHARLESTON SCENE

Gaillard joins Charleston Music Hall in requiring COVID-19 vaccine proof or negative test

BY KALYN OYER KOYER@POSTANDCOURIER.COM

Only one state so far, Montana, prevents employers from implementing a vaccine mandate.

“I kind of doubt that very many others will,” Dubberly said. “I’ve heard in the last few days, Republican governors who are rising stars in the party say we’re not going to tell businesses, private businesses, that they cannot mandate vaccines because that really kind of goes against the whole free enterprise system.”

Gov. Henry McMaster has made similar statements.

But there are several administrative matters companies must take into account when creating a mandate, said Katherine Dudley Helms of Ogletree Deakins law firm — they must legally provide exemptions for health and religious reasons.

Dudley Helms said one employer she represents that has several thousand employees had 20 requests for a religious exemption. Of those, 19 sought reprieve based on their belief that fetal tissue was used in the development of the vaccine. Only the Johnson & Johnson vaccine was developed using a fetal material.

Companies requiring proof of vaccination for customers and visitors is a separate matter. Outside a couple large cities, like New York City, these requirements are even more piecemeal and so called vaccine passports are actually outlawed in some states.

The South Carolina Retail Association, which represents larger retailers and big box stores, says none of its members are contemplating proof of vaccination from customers at this point, though some are starting to require masks again, said spokeswoman Rebecca Leach.

Nephron Pharmaceuticals, in announcing its employee mandate, said it would have the same proof of vaccination requirement for visitors to its campus.



COLUMBIA BUSINESS

West Columbia pharmaceutical company to require COVID-19 vaccinations for employees

BY JESSICA HOLDMAN [JHOLDMAN@POSTANDCOURIER.COM](mailto:jholdman@postandcourier.com)

A handful of small businesses in the state also have implemented vaccination policies.

In Columbia there is Lula Drake wine bar, where indoor seating is reserved for vaccinated customers though no proof of vaccination is asked for; the pizzeria Il Focolare; and West Columbia's New Brookland Tavern, which asks for proof of vaccination or a negative COVID-19 test.

The Charleston Gaillard Center and Charleston Music Hall in the Lowcountry are also requiring proof of vaccination or a negative test.

And Greenville's Peace Center in the Upstate has a similar policy.

"We are seeing a lot of people do this," Dudley Helms said. "If you want if you want to walk into someone's business, you're gonna have to prove that you're vaccinated."

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