



Warner Legal Corner

LEGAL TOPICS FOR THE AUTOMOTIVE INDUSTRY

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New Tactics Employers Are Taking to Encourage Employee Vaccinations

Many employers have been in the news recently regarding their efforts to vaccinate their employees against COVID-19. One tactic employers, including automotive suppliers, are using is to require employees who have not received the COVID-19 vaccine to pay more per month for their health insurance premiums. Employers can implement this type of incentive if the program is structured to comply with wellness program rules under the Health Insurance Portability and Accountability Act (HIPAA) and the Affordable Care Act (ACA). A premium surcharge for unvaccinated individuals will have to comply with the following HIPAA/ACA rules for health-contingent wellness programs:

- A participant must be given the opportunity each year to qualify for the reward (i.e., avoid the surcharge).
- The maximum reward for all health-contingent wellness programs (including the vaccine incentive) cannot be more than 30% of the total cost of the employee's health coverage (both employee and employer contributions), though incentives tied to smoking can go up to 50% of the cost.
- The program must be reasonably designed to improve health or prevent disease.
- The program must meet uniform availability and reasonable alternative standards.

In addition to the HIPAA/ACA wellness program requirements, employers must also take into account how the following laws affect the vaccine incentive program:

- HIPAA privacy and security rules.
- The Americans with Disabilities Act.
- Civil rights law, such as Title VII.
- ERISA notification requirements.
- State wage and hour laws.

For more information from Warner's Automotive Industry Group, visit their [webpage](#) or log onto www.wnj.com.



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ATTORNEY SPOTLIGHT

Stephanie Grant

Warner Senior Counsel Stephanie Grant counsels employers on employee benefits and ERISA – with an emphasis on health and welfare benefits, including COBRA, HIPAA and the Affordable Care Act as well as wellness programs nationwide. While she counsels companies across all industries, many of her clients operate in the automotive and manufacturing space. In fact, she has been working with automotive suppliers her entire legal career.



Stephanie enjoys collaborating with clients on the unique and complex issues facing automotive suppliers today. Understanding their more sophisticated and competitive benefit packages in place to attract quality talent, Stephanie positions herself as a consultant, helping to create and manage custom-fit plans to reach those goals. Additionally, Stephanie helps suppliers navigate issues facing their unionized workforces. It's this kind of insider knowledge and experience that her clients rely on time and again.

Stephanie explains: "I set out to understand the pressures they may be facing in their individual roles. Then I custom-fit a solution – explaining the risks, but offering alternatives that fit their specific industry, business needs and budget."

Stephanie is active in the community, specifically with the Transgender Legal Defense and Education Fund's Name Change Project in Michigan, where she works with area law firms to assist the transgender community in navigating the legal name change process. She is a sought-after speaker at events and webinars where she educates clients on the ever-evolving landscape of employee benefits law.

Checkout Stephanie's full bio [here](#).

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