

COVID and Counties:  
It's Not Just a Horrible  
Disease – It Could Be  
Your Next  
Employee **Lawsuit**

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## COVID-Related Lawsuits by State

- California – 335 lawsuits (44 federal, 294 state)
- New Jersey – 174 lawsuits (31 federal, 143 state)
- **Florida – 143 lawsuits (96 federal, 47 state)**
- New York – 121 lawsuits (64 federal, 57 state)

# COVID-Related Lawsuits by Type

- **Retaliation – 798**
- Wrongful termination – 482
- Workplace safety – 386
- Discrimination – 363

# Can We Require Vaccination?

- Short answer: **YES!**
- Lawyer's answer: **IT DEPENDS!**

## When Can We **NOT** Require Vaccination?

- Religious objection
- Legitimate medical reason

## What's **NOT** a Reason to Refuse Vaccination?

- “I don’t like vaccines”
- “I think it’s fake”
- “I think it’s dangerous (but I don’t have a medical reason”

## Restricting Off-Duty Conduct

- The CDC tells us some activity is dangerous – why can't we prohibit our employees from doing it?
  - Congregating
  - Not social distancing
  - Not wearing masks
  - Certain travel

# Why Not? The **First Amendment**, That's Why!

- First Amendment protects “association”
- It's not absolute, but government restrictions are closely scrutinized
- The restriction must further an important interest
- And be the least restrictive practicable

# Special or Additional Protections

- Political Speech
- Religious practice
- Conduct associated with protected groups

# QUESTIONS?

**THANK YOU!**

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