Reinhart

Spring 2021 COVID-19 Updates for Wisconsin Employers

As the COVID-19 vaccine becomes more widely available in the United States, there is rapidly changing guidance at the state and federal levels. Here are a few key issues Wisconsin employers should be aware of this spring related to the COVID-19 pandemic.

COVID-19 Vaccinations

Beginning April 5, 2021, all individuals in the state of Wisconsin who are 16 and older are eligible to receive the COVID-19 vaccine. As of the publication of this alert, Wisconsin had administered nearly 3 million doses of the COVID-19 vaccines, bringing the percentage of Wisconsin residents who have received the vaccine to approximately 31 percent.

As a reminder, while employers can institute mandatory vaccination programs, the best route for most employers that are not in high-risk industries like health care may be a voluntary vaccination program. A mandatory vaccination program in lower-risk settings will likely result in an increased obligation to provide accommodations under the Americans with Disabilities Act and Title VII as such employers have alternative accommodations that reduce the risk of an unvaccinated employee in the workplace.

However, even if an employer does not institute a mandatory vaccination program, it should still provide information and training on the benefits and safety of vaccinations from reputable sources such as the Center for Disease Control (CDC) as recommended by OSHA's January 29, 2020 guidance on protecting workers from COVID-19.

Extending Voluntary FFCRA Leave

The American Rescue Plan Act (ARPA) extended the Families First Coronavirus Response Act (FFCRA) tax credit through September 30, 2021. The extension of the credit means employers with fewer than 500 employees can choose to continue providing Emergency Paid Sick Leave (EPSL) and Expanded FMLA (EFMLA) and receive tax credits for providing such leave.

The ARPA included three additional qualifying reasons for an employee to take leave offered under the FFCRA:

POSTED:

Apr 5, 2021

RELATED PRACTICES:

Banking and Finance
https://www.reinhartlaw.com/practices/banking-and-finance

Labor and Employment
https://www.reinhartlaw.com/practices/labor-and-employment

Corporate Law
https://www.reinhartlaw.com/practices/corporate-law

RELATED SERVICES:

Food and Beverage
https://www.reinhartlaw.com/services/food-and-beverage

RELATED PEOPLE:

Shannon M. West
https://www.reinhartlaw.com/people/shannon-west

All materials copyright © 2025 Reinhart Boerner Van Deuren S.C. All rights reserved.

- Obtaining a COVID-19 vaccination;
- Recovering from an injury, disability, illness or condition related to a COVID-19 vaccination; or
- Seeking or awaiting the results of a COVID-19 test or diagnosis because either the employee has been exposed to COVID-19 or the employer requested the test or diagnosis.

Under the original FFCRA leave, employees could only take EFMLA leave to care for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19. Under ARPA, EFMLA leave is expanded to include *all* reasons for leave previously reserved to EPSL leave.

Given the number of employees that may request time off to receive vaccinations in the coming months, it may be beneficial for qualifying employers to voluntarily offer EPSL so that it can reduce costs associated with vaccine and other COVID-related leave.

Employee Travel

On April 2, 2021, the CDC issued new guidance that effectively lifts travel restrictions for fully vaccinated individuals within the United States. An individual is considered "fully vaccinated":

- Two weeks after their second dose in a two-dose series, such as the Pfizer or Moderna vaccines; or
- Two weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.

Under the new guidance, fully vaccinated travelers do not need to get tested before or after travel unless their destination requires it and fully vaccinated travelers do not need to self-quarantine. Fully vaccinated individuals should continue to practice precautions such as social distancing and mask wearing to prevent the spread of COVID-19.

If you have questions about current COVID-19 guidance, please contact Shannon West or an attorney in Reinhart's Labor and Employment Practice.

Please visit Reinhart's Coronavirus Resource Center for additional up-to-date information.

These materials provide general information which does not constitute legal or tax advice and should not be relied upon as such. Particular facts or

All materials copyright © 2025 Reinhart Boerner Van Deuren S.C. All rights reserved.

future developments in the law may affect the topic(s) addressed within these materials. Always consult with a lawyer about your particular circumstances before acting on any information presented in these materials because it may not be applicable to you or your situation. Providing these materials to you does not create an attorney/client relationship. You should not provide confidential information to us until Reinhart agrees to represent you.

All materials copyright © 2025 Reinhart Boerner Van Deuren S.C. All rights reserved.