

Georgia Prohibits COVID-19 ‘Vaccine Passports’ for Public Employers, Also Limiting Private Employers

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June 4, 2021

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While many states have issued orders prohibiting inquiries about an individual’s COVID-19 vaccination status, Georgia has become the first to restrict public employers from requiring proof of a COVID-19 vaccination as a condition of employment.

Georgia Governor Brian Kemp issued an [executive order](#) that, although a bit vague, essentially prohibits “vaccine passports,” meaning proof of COVID-19 vaccination, in the public sector. This prohibition restricts public employers from requiring their employees to get the COVID-19 vaccine as a condition of employment or treating unvaccinated employees differently or adversely as compared to vaccinated employees. Accordingly, public employers cannot implement workplace rules (such as requiring masks) for unvaccinated employees but not vaccinated employees, unless those rules are enforced using only an honor-code system.

While private employers in Georgia have more leeway in this respect (see the Equal Employment Opportunity [guidance](#)), they are still limited by the executive order. If private employers in Georgia decide to implement a vaccine passport program, the order prohibits them from using data from the state’s immunization database, called the Georgia Registry of Immunization Transactions and Services (GRITS), to do so. This means that private employers cannot verify the vaccination status of their employees with access to the state database. As a practical matter, private employers must secure this information from another source, *e.g.*, asking employees themselves to provide proof of vaccination or accepting employee verifications on the honor system.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with state-specific or multistate-compliant plans.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

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