

# Front-line Workers Eligible for Booster Shots

By Allen Smith, J.D.

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**T**he director of the U.S. Centers for Disease Control and Prevention (CDC) on Sept. 24 endorsed booster shots of the Pfizer-BioNTech vaccine for front-line workers. We've gathered articles on the news from *SHRM Online* and other media outlets.

## Agency Advisory Panel Recommendation Overruled

Dr. Rochelle Walensky, the director of the CDC, overruled a recommendation by an agency advisory panel that had refused to endorse booster shots for front-line workers. The move aligned CDC policy with the Food and Drug Administration's (FDA's) endorsements over her own agency's advisors. Now—in addition to people over 65, patients in nursing homes and younger people with underlying medical conditions—health care workers, teachers and others whose jobs put them at risk are eligible for the booster shots.

(*The New York Times* (<https://www.nytimes.com/2021/09/24/world/covid-boosters-vaccine-cdc-director.html>))

## CDC Director's Statement

"As CDC director, it is my job to recognize where our actions can have the greatest impact," Walensky said in a statement. "At CDC, we are tasked with analyzing complex, often imperfect data to make concrete recommendations that optimize health. In a pandemic, even with uncertainty, we must take actions that we anticipate will do the greatest good."

(FOX News) (<https://www.foxnews.com/politics/cdc-director-defies-advisory-panel-in-recommending-booster-shot-to-younger-healthy-at-risk-workers>)

## Eligibility May Open Up

Pfizer had asked the FDA for approval of a booster shot for everyone 16 and older six months after they were fully immunized with two shots. The company maintained it had enough evidence that immunity starts to decrease after six months and that a booster restores the immunity safely. More data on booster doses is being collected, and eligibility for boosters may open up in the future.

(CNN (<https://www.cnn.com/2021/09/24/health/cdc-booster-recommendation-walensky/index.html>))

## Many Remain Unvaccinated

There remain 18 states that have yet to fully vaccinate at least half of their residents: Alabama, Alaska, Arkansas, Georgia, Idaho, Indiana, Louisiana, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, West Virginia and Wyoming.

(CNN (<https://www.cnn.com/2021/09/24/health/us-coronavirus-friday/index.html>))

### Employment Implications

"Employers need to prepare now for what will be an entirely new dimension to the complex decisions they face regarding protecting their workers and customers," said Aaron Goldstein, an attorney with Dorsey & Whitney in Seattle. The availability of booster shots raises several tough questions for employers navigating these issues, he said. "How will employees react to a requirement that they receive yet another shot? Will vaccinated employees be able to request medical or religious accommodations if they have already been vaccinated?" Goldstein predicted that employees will have to receive a booster to count as vaccinated.

(*SHRM Online* ([www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-rollout-of-booster-shots.aspx](http://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-rollout-of-booster-shots.aspx)))

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