

TO: NAW Direct Members

FR: NAW Government Relations Team

RE: NAW COVID/Government Relations Update Number 2021-6 – February 25 at 4:00 PM

1. Latest on the Vaccine Eligibility and Essential Services

As you all know all too well, the federal government deferred much of the decision-making on administration and eligibility of the COVID vaccine to the states and localities, making it very difficult for companies deemed essential last year to ensure that their employees are eligible to get the vaccine. While we have not found a way to streamline the process, we hope these resources will help you navigate the maze.

Essential Services: The Cybersecurity and Infrastructure Security Agency (CISA), which determined the guidelines for essential services at the beginning of the pandemic, announced in a December 16th memorandum that those essential service designations would apply to vaccine distribution as well. Also, in that memo CISA re-published its comprehensive list of those essential services. You can read their memo and essential services guidelines [HERE](#).

Vaccine Eligibility Determinations: The Centers for Disease Control (CDC), following the recommendations of the Advisory Committee on Immunization Practices (ACIP), published information on how individuals and groups would be determined to be eligible for the vaccine. Eligibility was broken down into phases, and the first phase into subgroups – 1a, 1b, and 1c.

CDC has published a comprehensive list of the post-1a group eligibility, which you can access [HERE](#). While this list does include essential workers in categories 1b and 1c, it is a much shorter list than CISA's and it isn't clear whether the CDC simply lists essential services in much broader categories than CISA, or whether some essential services on the CISA list have been excluded from the ACIP/CDC list.

Federal Government Deferred Decision to States/Localities: Further complicating things, while the federal government retained full control over allocating the vaccine distribution, they deferred to the states not only the physical administration of the vaccine, but the final decisions on what they considered essential services. Specifically, according to the CDC, *the critical infrastructure workforce varies by jurisdiction. Each jurisdiction must*

decide which groups to focus on when vaccine supply is limited by determining key sectors that may be within their populations (e.g., port-related workers in coastal jurisdictions).

Last year NAW sent a letter to governors urging them to follow the federal guidelines; on Tuesday NAW CEO Eric Hoplin sent a similar letter to all governors urging them to follow the CISA essential services guidelines for vaccine administration. You can read the letter [HERE](#).

Resources for employers:

Unfortunately, employers – even in essential service sectors – now must deal with state and/or local public health agencies to ensure that their employees are eligible for the vaccine.

There are some resources that should help determine your next steps:

- The CDC has a website that provides links directly to the relevant health agency in each state with information on their vaccine programs. While we have not been able to find a single source for all the local government agencies administering the vaccine, many of the state agencies linked to on this site do provide that information for their state. [Click Here](#)
- The Kaiser Family Foundation has a particularly helpful website that provides detailed information on the degree to which each state is following the ACIP recommendations, and how they differ if they are not doing so. [Click Here](#)
- The Littler Law firm website provides a frequently updated list of Statewide Vaccination Plans. [Click Here](#)

Template letters:

If you plan to contact your governor or local health department to request that your employees be deemed essential for vaccine eligibility, you might find this letter template helpful. This template is addressed to a governor but could just as readily be used to communicate with a local health department. Click [Here](#) for the template.

Also, in the early weeks of the pandemic we provided template letters that your warehouse employees and drivers could carry to identify themselves as essential. Similarly, this template for a “carry letter” might be useful to your employees to identify themselves as

essential when they become eligible and prepare to get the vaccination. Click [Here](#) for this template.

We will continue to look for information and resources that might be helpful to you as the vaccine distribution and administration continues.

We would also really appreciate any information you can share about steps you have taken or success you have had in getting your essential service status confirmed and your employees deemed eligible for the vaccine. Please also let us know if you have been able to get the vaccine administered – or scheduled to be administered – on your business premises rather than sending your workers to another location. We will obviously treat any information you can share as completely anonymous.

2. Latest on the Economic Recovery and Re-Opening the Workplace

As the Coronavirus Pandemic continues to impact the United States economy and businesses across the nation, it can be hard to decipher how new regulations and laws may impact your business. To help you manage these issues NAW is providing information about reports, webinars and seminars that you may find useful:

NAW's trusted employee benefits partner, **Gallagher**, compiled a collection of employer resources to assist wholesaler-distributors as they develop employee vaccination plans. **Gallagher's Employer Covid-19 Vaccine Considerations and Checklist** document provides an employer vaccination policy framework, consolidates links to relevant health and regulatory agencies to assist with compliance, and shares management strategies as thinking on this issue evolves. You can find that document [HERE](#).

Gallagher has also released a webinar that offers a deeper dive into the *Covid-19 Vaccine Considerations and Checklist*. Click [HERE](#).

From Reed Smith Law Firm:

[Brief refresher for California employers: 2021 updates to local COVID-19 paid sick leave requirements](#)

The Families First Coronavirus Response Act (FFCRA), requiring employers with 50-500 employees to provide supplemental paid sick leave and paid family leave to their employees, and California's statewide COVID-19 supplemental paid sick leave requirement expired on December 31, 2020. While employers may voluntarily continue to provide FFCRA and receive tax credits through March 31, 2021 ... [Continue Reading](#)

Webinar from Littler Law Firm:

Not All Who Wander Are Lost: Managing Employee Relocation in the Era of Remote Work

March 11, 2021 | 2:00 p.m. ET

As the pandemic reaches the one-year mark, employers who hastily implemented mandatory remote work are faced with the reality that many of their employees have relocated to other jurisdictions – often without approval or any concrete plans to return. Join a multidisciplinary panel of Littler attorneys for a lively discussion of the current challenge of wandering workers, practical insights into the future of managing a remote workforce and embracing flexibility without compromising compliance. To register, click [HERE](#).

Stateside Associates publishes a daily report about State and Local Government responses to the evolving situation. To read their latest report, click [HERE](#).

We are also providing a link to a spreadsheet that includes state and local COVID-19 response information provided by **MultiState Associates**. To view their spreadsheet, click [HERE](#).

[Click here](#) for links to **UPDATES** sent previously.

Many thanks—

*Jade West, Chief Government Relations Officer
Blake Adami, Vice President-Government Relations
Seth Waugh, Associate Vice President-Government Relations
National Association of Wholesaler-Distributors*

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