

August 8, 2021

## Mandating the COVID vaccine: Which South Florida businesses will lead the way?

By DAVID LYONS SOUTH FLORIDA SUN SENTINEL | AUG 08, 2021 AT 8:00 AM



Sous chef Sonny Greenhaus looks out to the dining room from the kitchen at Delacaseas Cafe, a small, seven-employee eatery in Lauderdale-by-the-Sea where all of the employees got their COVID-19 vaccinations. (Mike Stocker / South Florida Sun Sentinel)

Many employers agree: It's in every company's best interest to ensure their workers are fully vaccinated against COVID-19.

But in South Florida, many businesses have been unable to meet the goal, if they've set one at all.

Besides declarations by two major hospitals, a local university and national companies serving the region, examples appear to be rare, even though [the COVID surge in Florida](#) is the worst in the country.

The reasons for holding back on mandates are legion, from employers fearing the loss of staffers who might quit to confusion over state laws and executive orders.

Many businesses profess to recognize the value of vaccines, but they insist that they want to respect employees' differing views.

"From what I've seen it has not taken hold," said Adam S. Chotiner, an employment lawyer for the law firm of Shapiro Blasi Wasserman & Hermann in Boca Raton. "The medical industry is one thing, but as for pretty much everyone else, I have not seen any significant trend of employers requiring it. "It's the labor shortage, plain and simple," he said. "I believe strongly employers are having a hard enough time getting and keeping employees, and they view a vaccine mandate as something that's not going to help in that area. The political-type implications are secondary. Employers simply don't want to go down that road."

Elsewhere in corporate America, momentum for vaccines appears to be building.

Microsoft and Tyson Foods both have announced mandates. On Friday, United Airlines became [the nation's first major air carrier](#) to require shots, an exercise that involves 67,000 employees. Employees have until Oct. 25 to get vaccinated or face termination.



Delacaseas Cafe in Lauderdale-by-the-Sea says it required all seven of its employees to get their COVID-19 vaccinations. (Mike Stocker / South Florida Sun Sentinel)

In May, Delta Air Lines required new hires to get a shot. Walmart has told its managers and corporate staff to become inoculated.

Even the federal government will [require employees and on-site contractors](#) to be vaccinated or submit to regular testing.

Employers in South Florida — even hospitals that are treating masses of unvaccinated COVID patients — have been slower to take the lead. Many refused to even respond to questions from the South Florida Sun Sentinel. Holy Cross Health in Fort Lauderdale became South Florida's first hospital system to mandate vaccines for employees.

“We believe it is the one most effective way we have to prevent more cases of COVID and more people from dying and keeping our employees and

community safe,” said Dr. Jose Lopez, chief medical officer at Holy Cross Health in Fort Lauderdale.

Holy Cross was followed this week by Jackson Health System in Miami, [\*\*which declared its own mandate on Thursday\*\*](#),

“Nobody else in the region was willing to do it,” Lopez said. “I know everybody is considering it, but nobody has had the fortitude.”

That’s not to say no businesses have imposed mandates as a condition of employment.

Nova Southeastern University in Davie gave its employees and staff a deadline of Sept. 20 to get vaccinated or risk losing their positions.

[\*\*In Lauderdale-by-the-Sea,\*\*](#) the Delacaseas Café required its staff of seven to get their shots. Now, waiters and the kitchen help wear T-shirts with a message announcing they’re vaccinated. In a front window, a sign displaying a large needle informs customers that the staff is protected.

“It wasn’t that big of a deal to get vaccinated,” said owner Paul Mangiardi. “It made everybody feel comfortable, especially now, where everybody is scared about Round 2.”

The customer response has been mostly favorable, he said.

“One of the customers liked it so much they ordered four of the T-shirts to take back to Connecticut,” he said. “Somebody else walked by and said, ‘Look at that sign. I’ll never go in there.’”

Mangiardi plans to open a small store next to his restaurant to sell lottery tickets, newspapers, beer, wine and cigars. He expects the clerks he hires to be vaccinated.

Melanie Lorenz, a marketing professor at Florida Atlantic University, called the cafe’s approach “a perfect strategy to attract consumers.”

“When I go somewhere I know I’m vaccinated, but I don’t know who else is vaccinated,” she said.

Some nonprofits have taken the step.



Sous chef Sonny Greenhaus prepares a breakfast order on Friday, Aug. 6, 2021 in the kitchen at Delacaseas Cafe, a small, seven-employee eatery in Lauderdale-by-the-Sea. All of the employees got their COVID-19 vaccinations, and wear T-shirts that say so. (Mike Stocker / South Florida Sun Sentinel)

[\*\*The Kravis Center for the Performing Arts\*\*](#) said the West Palm Beach venue is mandating vaccines for “all full and part-time employees, volunteers as well as visiting independent contractors.”

The policy is effective immediately, a spokesman said. No executive was available for comment.

The Broward Center for the Performing Arts did not respond to an email seeking comment.

### **Yes, mandates are legal**

There’s no reason more businesses couldn’t step up.

Chotiner, the employment lawyer, said the mandates for employees do not run afoul of Florida’s ban against businesses requiring proofs of vaccinations from customers, otherwise known as “vaccine passports.” [\*\*Gov. Ron DeSantis\*\*](#)

[\*\*issued an executive order\*\*](#) against them in June, and the Legislature passed a law against them.

But the order and the law both omit mention of employees.

“I have not encountered any employment attorneys in Florida who interpret executive order banning vaccine passports as applying to employers and employees,” Chotiner said. “You can, as a general matter, require employees to be vaccinated.”

He said employers should be prepared to work with employees who seek exceptions for religious or medical reasons.

“You have to be prepared to deal with that,” he said. “A lot of employers don’t want to take that step.”

### **“Encouraging and facilitating”**

Rather than requiring vaccines, more companies are using moral suasion and outright cash payments to persuade employees to roll up their sleeves.

[\*\*Most cruise lines are trying to achieve full vaccinations\*\*](#) for all of their crews as they seek to return their ships to service after a 16-month hiatus. But mandates aren’t always part of the approach.

Roger Frizell, a spokesman for Doral-based Carnival Corp., operator of nine cruise lines, said the company is not mandating shots as a condition of employment. Instead, he called the process “encouraging and facilitating.” “Most facilitation is done on the ships, but we also are trying to help in the crew’s home countries through encouragement and some direct procurement,” he said in an email. “In the U.S., we often bring our ships into port and pay for a team to come vaccinate them.”

### **Uping the ante**

[\*\*At the Seminole Hard Rock Hotel & Casino,\*\*](#) vaccines aren’t mandatory, but some 21,000 employees worldwide who work for Hard Rock International and Seminole Gaming have lots of incentives to get them.

In June, the Hollywood-based companies started a “Rock Your Shot” campaign that offered grand prizes including a 2021 Jeep Cherokee and cash awards of \$10,000 and \$5,000.



The new Carnival Cruise Line ship Mardi Gras, docked at Port Canaveral. The company's parent company, Carnival Corp., is not mandating COVID vaccines among employees but does want all of its shipboard crew members vaccinated, a spokesman said. (Joe Burbank/Orlando Sentinel)

Fully vaccinated workers who present their vaccination cards to human resource officials or a general manager will receive a \$50 gift card. They will be entered into a late October drawing for the Jeep and the money.

On Friday, management juiced the pot, adding a \$50,000 prize for first place, making the Jeep a second place prize, and adding a third place prize of a four-day, three-might fully paid trip to any Hard Rock destination.

The companies also added a weekly drawing starting Aug. 20 for at least one prize of \$15,000. There will be 15 of those through Oct. 29.

“Aggressive efforts to vaccinate team members have included providing shots in arms at workplaces and establishing flexible rules to encourage off-site vaccinations,” the companies said in a statement.

In a much less gaudy gesture, Ryder System in Miami said it is [continuing an incentive program](#) it started in February. It’s available to roughly 40,000 employees of the transportation services company and offers up to six hours of paid time off to employees who receive a COVID vaccine. It includes three hours for the first vaccine and an additional three hours for treatments that require second doses.

The company did not provide any numbers but said it has had a strong response.

Frank Lopez, executive vice president and human resources officer, said no mandates are contemplated and that management prefers to counsel its employees about the importance of getting a shot.

“This is a deeply personal issue for many employees, and we want to respect their privacy and wishes,” he said. “But at the same time we want to share with them why we believe the vaccines are safe and that this is the way out of the pandemic.”