

A Sample Letter for the Healthcare Employer Who Grants a Vaccine Religious Exemption, but Does Not Provide an Accommodation



President Biden on Sept. 9, announced draconian [new vaccine requirements](#) for federal workers, large employers and healthcare workers across the nation. Part of Biden's vaccine policy requires workers employed by healthcare facilities who participate in Medicare and Medicaid to be fully vaccinated against COVID.

The mandate, issued by the Centers for Medicare & Medicaid Services (CMS), applied to 17 million workers at approximately 76,000 health care facilities, including hospitals and long-term care facilities.

Although CMS said it [will not enforce](#) its COVID vaccine mandate for health care workers while prohibited by district

courts in Missouri and Louisiana, the CMS memorandum does not state what the agency will do once the injunction is lifted or made permanent.

Despite the CMS announcement, many healthcare facilities across the nation are still requiring their employees submit a religious or medical exemption to opt out of receiving the vaccine. Even if granted, some employers are going a step further to deny religious accommodations in one blanket sweep – forcing employees with approved religious exemptions to quit their jobs or receive a COVID vaccine that violates their sincerely-held religious beliefs.

Below is a sample letter that can be provided to your healthcare employer if your exemption is granted, but accommodation is denied. Denying accommodations to all individuals as a matter of course may arguably run afoul to [Title VI of the Civil Rights Act of 1964](#), which only allows employers to deny providing religious accommodations when it would be unduly burdensome for them to do so.

It makes sense then, to ask for specific grounds as to why an accommodation cannot be granted and how it would be unduly burdensome for an employer to do so, especially in the case of someone who has a documented history of having had COVID.

Sending a letter encourages dialogue with your employer and, if they fail to respond, a communication you can use should you choose to pursue legal action or mediation with the Equal Opportunity Employment Commission. Alter this letter accordingly to fit the specifics of your individual situation.

To whom it may concern,

I appreciate your response and approval of my request for a religious exemption to the COVID vaccination requirement; however, I was disappointed to learn that an accomodation will not be granted and would like to discuss this further.

As you are likely aware, the [CMS Final Rule](#) and Title VII of the Civil Rights Act of 1964 allow for exemptions and gives organizations considerable flexibility in crafting accommodations. Can you please explain what essential functions of my job I am unable to perform without a vaccine and how it would unduly burden this organization to grant an accommodation?

I have been an employee for your organization for [insert # of years], have been doing my job since the beginning of the COVID pandemic without any issue, and have a documented previous infection with COVID. According to the Centers for Disease Control and Prevention (CDC), there is not a single record of someone with natural immunity transmitting the virus that causes COVID-19, and more than 140 studies show [natural immunity](#) is equal to, more robust or superior to COVID vaccines. In addition, a recent study from the Lancet [reaffirmed](#) numerous studies that show re-infection with SARS-CoV-2 is exceedingly rare.

Despite working with infected patients on a daily basis, neither I, nor anyone I have come into contact with have been infected with SARS-CoV-2 a second time.

Furthermore, we now know that current available vaccines are not as effective with variants, begin waning as early as 2 months, and do not prevent viral transmission or shedding if infected. A quick review of [name of hospital]'s admission data will demonstrate that vaccinated individuals make up a significant percentage of our hospitalizations, which is reaffirmed by the CDC's own breakthrough infection data.

Many institutions allow direct patient care with an approved exemption and having had COVID previously, I do not believe that allowing me to continue within my role would endanger or increase the risk to any patient, nor would the science support such.

Other vaccines are being developed (in response to the lack of efficacy and durability of currently mandated vaccines) and several of these may not involve the issues that prevent me from receiving a vaccine. It would seem premature to end my relationship with your organization given the fluid and dynamic situation and suddenly cause many patients to be without adequate care.

If you truly are not going to allow me to continue in my position, then we will need to discuss the implications of this and what it means for my contract with your organization. I would, however, like to have a conversation about the contents of this letter, to see if an accommodation that would allow me to continue working could be made.

Sincerely,

[Insert name here.]

Note: This post is for informational purposes only. The Vault Project makes no promises a religious accomodation will be granted. If an accomodation is not granted, we encourage you to contact the EEOC and engage in their mediation process, and if needed, pursue legal counsel to assert your rights.