

The Most Frequently Asked Questions About COVID Vaccine Exemptions



You asked. We answered. Here are your most frequently asked questions about COVID vaccine exemptions – with cited responses.

My vaccine exemption request was denied, how do I appeal?

I'm pregnant and my medical exemption was denied, what do I do now?

I'm pregnant and my school is requiring I get a COVID vaccine, should I file a religious or medical exemption?

My objections are philosophical, can I file a religious exemption?

Federal law only allows religious and medical accommodations to COVID vaccine requirements imposed by the government. Check your state's laws to see if philosophical exemptions are available in other settings, like your child's school.

What if I file a medical vaccine exemption and it's denied, can I then file a religious exemption?

You can file a religious exemption at any time, but an employer may argue your religious belief isn't sincerely held and that you're only filing a religious exemption because your medical exemption was denied.

To alleviate this issue, tell your employer before filing an exemption that you have grounds for both, and ask (preferably in writing) whether you should file both exemptions – that way if you file one exemption and it is denied, it is documented you had grounds for both and you were acting on your employer's recommendation. The other option is to file both exemptions from the outset so that if one is denied, you have the other to fall back on.

Does my employer have to grant my religious exemption request?

Under [Title VII of the Civil Rights Act of 1964](#) ("Title VII"), individuals have the right to be [free from discrimination](#) on the basis of religion. This [law requires](#) employers to make "reasonable accommodations" for an employee's "sincerely held" religious beliefs if doing so does not impose "undue hardship" on the employer.

The Supreme Court has defined "undue hardship" for purposes of Title VII as imposing "more than a "de minimis cost"

(something more than a hardship) on the operation of the employer's business. It is the employer's burden to show that an undue hardship would exist in granting the accommodation and that no alternative accommodations exist.

The determination of whether a proposed accommodation imposes an undue hardship is determined on a case-by-case basis. Relevant factors may include the type of workplace, nature of the employee's duties, identifiable cost of the accommodation in relation to the size and operating costs of the employer, and the number of employees who will in fact need a particular accommodation

According to the [Equal Employment Opportunity Commission](#), an employer cannot rely on a hypothetical hardship when faced with an employee's religious objection and could be held liable for denial of reasonable accommodation if evidence indicates an accommodation could have been granted without undue hardship.

Can my employer request additional information about my "sincerely held religious beliefs?"

According to the [Equal Employment Opportunity Commission](#) (EEOC), under Title VII, "an employer should assume that a request for religious accommodation is based on sincerely held religious beliefs. However, if an employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief, the employer would be justified in making a limited factual inquiry and seeking additional supporting information."

When an [employer requests additional information](#), "employees should provide information that addresses the employer's reasonable doubts. That information need not, however, take any specific form."

The EEOC says written materials or the employee's personal

first-hand explanation may be sufficient to alleviate the employer's doubts about the sincerity or religious nature of the employee's professed belief such that third-party verification is unnecessary. In addition, since individual beliefs can be sincerely held and religious, even when third-party verification is requested, it does not have to come from a clergy member or fellow congregant, but rather could be provided by others who are aware of the employee's religious practice or belief.

If an employee fails to cooperate with an employer's reasonable request for verification of the sincerity or religious nature of a professed belief, he/she risks losing any subsequent claim that the employer improperly denied an accommodation. However, if an employer unreasonably requests unnecessary or excessive corroborating evidence they risk being held liable for denying a reasonable accommodation request, and their actions could be challenged as retaliatory or as part of a pattern of harassment.

What do I do if my kids are fully vaccinated, but I want a religious exemption to the COVID vaccine?

If you're asked on the form whether your kids have been vaccinated, you could choose to answer the question, or you could say your children's medical information is private and protected under the Health Insurance Portability and Accountability Act of 1996. Your request for a religious accommodation is specific to you as an individual, not your children.

If you choose to disclose their medical information, you will have to explain any discrepancies. The most logical argument is that you had no idea aborted fetal ingredients [or insert other objection] were used in the research, manufacturing or development of vaccines, and once you found out, you realized you could not vaccinate going forward.

If your kids only received vaccines without aborted fetal ingredients, you would say your kids only receive vaccines that do not violate your sincerely held religious beliefs. If you came to your faith between their last vaccine and now, you would disclose that on the form and thus, you adopted new beliefs that you did not have prior and cite the Equal Employment Opportunity Commission's guidance.

[EEOC guidance](#) states, "an individual's beliefs – or degree of adherence – may change over time, and therefore an employee's newly adopted or inconsistently observed religious practice may nevertheless be sincerely held."

If you plan to keep vaccinating your children, then you would need to explain why you have an objection to the COVID vaccine, but not other vaccines. For this, you may want to focus on the gene therapy aspects of mRNA vaccines; however, you would also need to include your objection to adenovirus vector vaccines like Johnson & Johnson, or that vaccine could be offered as your "accommodation."

What do I do if I was vaccinated in the past, but want to request a religious exemption to the COVID vaccine?

Having been vaccinated in the past does not preclude you from requesting a religious exemption to COVID vaccine requirements, but you may need to explain any inconsistencies, differentiate COVID vaccines from other vaccines you've had in the past or explain why your views – based on your sincerely held religious beliefs – have changed.

Citing the following guidance in your request from the [Equal Employment Opportunity Commission](#) might be helpful:

"Although prior inconsistent conduct is relevant to the question of sincerity, an individual's beliefs – or degree of adherence – may change over time, and therefore an employee's

newly adopted or inconsistently observed religious practice may nevertheless be sincerely held.”

Please check out The Vault Project’s [religious exemption section](#) for further guidance and examples of how to respond to this question in more depth.

Is there a deadline for filing a religious exemption to the COVID vaccine?

Your employer may give you an arbitrary deadline (and impose consequences for failing to meet that deadline), but Title VII of the Civil Rights Act of 1964 does not impose a deadline for requesting a religious accommodation, nor is there any law that restricts the number of time you can apply for a religious accommodation/exemption.

What do I do if my request for a religious exemption is denied?

If your vaccine religious exemption is denied, you must decide whether to accept or appeal their decision. The first step is to gather information on why your request was denied, preferably in writing. If it was denied due to a lack of information or there are specific grounds listed that you believe you could overcome with further information, alter your religious exemption and resubmit it. There is no federal law prohibiting you from turning in another religious exemption.

If you believe your employer did not have proper grounds to deny your religious exemption and you have a sincerely held religious belief, practice or observance that runs counter to receiving a COVID vaccine, or they will not allow you to appeal their decision, consider challenging it.

Before securing an employment law or civil rights attorney, look into meditation with your U.S. Equal Employment

Opportunity Commission (EEOC). [EEOC mediation](#) costs nothing.

Mediation is a form of Alternative Dispute Resolution offered by the EEOC as an alternative to the traditional investigative and litigation processes. It's an informal process in which a trained mediator assists the parties in reaching a resolution. The mediator does not decide who is right or wrong and has no authority to impose a settlement on the parties. Instead, the mediator helps the parties to jointly explore and reconcile their differences.

If a resolution cannot be reached, the charge (complaint) is returned to an investigative unit and is processed just like any other charge. If the EEOC finds discrimination, they will issue a "Letter of Determination" to you and your employer that explains their finding. If a solution is not found, EEOC will decide whether to take your case to court.

An alternative to EEOC mediation is consulting with an attorney, who can send a letter to your employer and/or assess the facts and circumstances of your case to determine whether your rights have been violated and what legal course of action may be appropriate.

Do I have to belong to a religious denomination to qualify for a religious exemption to the COVID vaccine?

No, you do not need to belong to a particular religious denomination to request and qualify for a vaccine exemption to the COVID vaccine. Under Title VII of the Civil Rights Act of 1964, "religion" is very [broadly defined](#) and encompasses not only organized religions, but also informal beliefs. "Religion" under the law can also encompass non-theistic and moral beliefs.

[Title VII defines](#) "religion" as "all aspects of religious observance and practice, as well as belief unless an employer

demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business." [42 U.S.C. § 2000e\(j\)](#).

The Equal Employment Opportunity Commission says employers generally should assume that a [request for a religious exemption](#) is sincere, regardless of how untraditional the religion may be or appear to be, and that an employee seeking an exemption need not show they are scrupulous in their religious observance.

Do I have to have a pastor or clergyman sign my religious exemption request?

[Title VII of the Civil Rights Act of 1964](#) does not require a clergyman or pastor to sign a religious exemption request for it to be valid, nor is there any such requirement under federal law. The [First Amendment](#) of the United States and [Religious Freedom Restoration Act](#) also do not attach the requirement that a clergyman or pastor validate your religious beliefs in order for you to be entitled to religious protections.

Guidance from the [Equal Employment Opportunity Commission](#) (EEOC) states that an employer can request additional information if they have reasonable doubts about your sincerely held belief, practice or observance, but they cannot deny a religious exemption simply because it is not signed by a pastor or clergyman.

If an employer requires a signature, you could offer to provide third-party verification from others who are familiar with your "sincerely held religious belief, practice or observance," or you could state that neither Title VII or the [EEOC](#) require a clergyman who ascribes to a particular denomination attest to the sincerity of your sincerely held religious belief, practice or observance – a standard that is

very broadly defined.

EEOC guidance states:

“Since idiosyncratic [individual] beliefs [can be sincerely held](#) and religious, even when third-party verification is requested, it does not have to come from a clergy member or fellow congregant, but rather could be provided by others who are aware of the employee’s religious practice or belief.”

In [U.S. v. Ozaukee County, Wisconsin](#), an employee at a nursing home said her religious beliefs prevented her from complying with a mandatory flu shot policy. The employer required that employees requesting religious exemption provide a note from a clergy leader.

The employee said she couldn’t, as she was not affiliated with a church or organized religion (which is also not required under Title VII or by the EEOC). Instead, she offered to provide letters from family and friends attesting to her sincerely held religious beliefs. When she was told it wasn’t sufficient and was threatened with immediate termination, she agreed to receive the vaccine.

The Department of Justice said the employer violated federal law when it refused to grant an employee an exemption from its mandatory flu shot policy without a note from a clergy leader. The county subsequently changed its policy.

If you have a pastor willing to sign your exemption request and/or want to strengthen your request by providing a letter or statement from your pastor, you can use [The Vault Project’s same letter](#).

It has been successfully used for thousands of exemption requests, contains all relevant information and takes all of the legwork out for your pastor – who merely needs to sign the form. You would then turn in this letter with your exemption

request.

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