

DO-IT-YOURSELF GUIDE TO VACCINE MANDATE EXEMPTIONS

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I. INTRODUCTION

The information below is designed to help people qualify for medical and “religious” (even if you’re not “religious”) exemptions to employers or other institutions’ vaccine mandates. First, it’s important to know that exemptions to vaccine mandates are often available to request but scarcely promoted as an option, and even more rarely are people given any support in appropriately submitting these requests. Second, to increase your chances of having your request approved, it’s important to understand how the courts – and thus your employer or institution – will scrutinize your request during its approval process. Therefore, this guide provides the background information needed to confidently request a medical or religious exemption to a vaccine mandate. While example/template requests are included in this guide, it’s highly recommended that you use them only as a tool to draft your own, and not simply to copy and paste them directly into your request. The sincerity and authenticity of your request will be greatly diminished if your employer or institution receive many of the same unchanged templates.

Federal employment antidiscrimination law does not bar employers from requiring vaccinations, however, it does require employers to make certain exemptions for employees with disabilities or religious concerns.¹ The Equal Employment Opportunity Commission (EEOC), enforces anti-discrimination laws within the workplace and allows employers to require COVID-19 vaccinations so long as their policies comply with the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964 (Title VII).²

It should be noted, however, that neither the ADA nor Title VII applies to employers with fewer than 15 workers.³ In those particular situations, it may still be worth asking your employer or institution if they accept medical or religious exemptions to their vaccine mandates. Additionally, the First Amendment (Freedom of Expression and Freedom of Religion) can also provide some protections in areas where these other statutes may not cover.

While this guide does provide information based in law, it should not be construed as legal advice. It’s recommended you contact a lawyer about the specifics of your situation.

¹ <https://crsreports.congress.gov/product/pdf/LSB/LSB10573>

² <https://lawreview.syr.edu/how-title-vii-and-the-ada-affects-recent-mandatory-covid-19-vaccine-policies/>

³ <https://crsreports.congress.gov/product/pdf/LSB/LSB10573>

II. EXEMPTIONS UNDER THE ADA

The ADA and the Rehabilitation Act of 1973 (applying ADA standards to federal employers and grant recipients, including schools) requires employers to make changes to work rules for some employees with disabilities.⁴

A. “Disability” as Defined under the ADA

In the context of COVID-19, workers may request an exemption from mandatory vaccinations because of a medical condition only when the medical condition amounts to a disability—that is, an “impairment that substantially limits one or more major life activities.”⁵ The ADA and the Rehabilitation Act do not apply when this level of impairment is not reasonably proven. Disabilities under the ADA include both physical and mental conditions, which may be permanent or temporary.⁶

Some examples of possible conditions that may qualify as an “impairment that substantially limits one or more major life activities,” could include:⁷

- A known history of severe allergic reaction to a component of the vaccine.
- People who have had an allergic reaction to another vaccine—even a mild reaction, the CDC says—should consult with a doctor about getting a COVID-19 vaccine.
 - However, in many cases employers have prevailed, including when an employee did not prove that she had an alleged allergy and did not seek out available hypoallergenic vaccines.
- The Third Circuit concluded that severe anxiety over an injection might qualify as a disability, at least in the case of a nurse who refused a tetanus, diphtheria, and pertussis vaccine. The court held that a plaintiff had sufficiently raised an ADA claim, given that she proposed wearing a mask instead of getting a vaccine and her employer rejected the offer without proposing any alternative.
- Those who have a medical history, or are predisposed to some of the most common adverse reactions of the COVID-19 vaccine (blood clots, heart issues, high blood pressure) may be eligible for medical exemptions.

It is only when a person has an “impairment that substantially limits one or more major life activities,” does the law then bar employers from taking adverse action against a worker because of their disability. Once this impairment has been reasonably established, then employers are required to provide the person with “reasonable accommodations as requested.” However, requested accommodations can be rejected if they would impose an “undue hardship” on the employer.

⁴ <https://crsreports.congress.gov/product/pdf/LSB/LSB10573>

⁵ *Id.*

⁶ <https://legaldictionary.net/americans-with-disabilities-act/>

⁷ *Id.*

B. “Undue Hardship” as Defined under the ADA

In general, the term “undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors:⁸

- the nature and cost of the accommodation needed;
- the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
- the overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees; the number, type, and location of its facilities; and
- the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity.

When considering whether a proposed accommodation would be reasonable or appropriate, consider how your employer conducted its business operations when there wasn’t a COVID vaccine available. For example, if your employer continued to operate the business throughout the pandemic by implementing other safety procedures, such as mandating masks, social distancing, and remote working, its likely that continuing these procedures for some employees would not create an “undue hardship.” Courts would definitely consider the past application of these practices and others in determining whether an undue hardship is present.⁹

On the other hand, for positions where these procedures may not be available or even possible, such accommodations maybe be an undue hardship. It’s important to know, however, that while it’s the applicants burden to show they have a qualifying impairment and requested a reasonable accommodation, it’s the employer’s burden to prove the requested accommodation causes an “undue hardship.”¹⁰

C. “Direct Threat” Exception to the ADA

Lastly, while employers must still consider accommodation requests, some might try to use the “direct threat” exception to the ADA. This “direct threat” exception under the ADA provides that an employer need not accommodate an employee who poses a “direct threat.”¹¹ Under this exception, the employers may exclude employees with disabilities if their presence would create “a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.” The EEOC has concluded that

⁸ <https://uscode.house.gov/view.xhtml?hl=false&edition=prelim&req=granuleid%3AUSC-prelim-title42-chapter126-subchapter1&f=treesort&num=0&saved=%7CKHRpdGxIOjQyIHNIY3Rpb246MTIxMDEgZWRpdGlvbjpwcmVsaW0pIE9SICnecmFudWxlaWQ6VVNDLXByZWxpbS10aXRzZTQyLXNIY3Rpb24xMjEwMSk%3D%7CdHJlZXNvcnQ%3D%7C%7C0%7Cfalse%7Cprelim>

⁹ <https://lawreview.syr.edu/how-title-vii-and-the-ada-affects-recent-mandatory-covid-19-vaccine-policies/>

¹⁰ *Id.*

¹¹ <https://crsreports.congress.gov/product/pdf/LSB/LSB10573>

this provision applies in pandemic circumstances, permitting employers to keep infected employees out of the workplace.¹²

The use of this exception, however, first requires an individualized, objective assessment of the risk the unvaccinated employee presents.¹³ The risk's duration, imminence, the likelihood of harm, and the degree of harm are all relevant. All in all, the EEOC suggests that in the case of COVID-19 vaccination a "conclusion that there is a direct threat would include a determination that an unvaccinated individual will expose others to the virus at the worksite."¹⁴

However, in light of new data from the CDC concerning the COVID-19 vaccine's inability to stop the spread of COVID-19, the vaccinated appear to pose an equal, or unquantifiably different "direct threat" to a business than the unvaccinated do. Thus, the links to the studies below should be provided to employers to avoid unnecessary denials based on arbitrary "direct threat" designations:

- https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s_cid=mm7031e2_w ("Cycle threshold values were similar among specimens from patients who were fully vaccinated and those who were not.")
- <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html> ("Preliminary evidence suggests that fully vaccinated people who do become infected with the Delta variant can spread the virus to others.")

The EEOC has clarified that "[t]he ADA and the Rehabilitation Act do not interfere with employers following advice from the CDC and other public health authorities on appropriate steps to take relating to the workplace."¹⁵ Employers who are unable to show that the reasonable accommodation is a "direct threat," or an "undue hardship," would be violating the ADA's anti-discrimination policies if they terminated the employee on behalf of their vaccination status.¹⁶

Disability laws also restrict certain medical inquiries. This guide, however, will avoid this topic due to the ease in which employers can legally make medical inquiries relating to COVID-19 and other pandemics.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ <https://lawreview.syr.edu/how-title-vii-and-the-ada-affects-recent-mandatory-covid-19-vaccine-policies/>

III. EXEMPTIONS UNDER TITLE VII OF THE 1964 CIVIL RIGHTS ACT

A. “Undue hardship”/ “De minimis” Cost or Burden

Title VII works similarly to the ADA in the protection of employees by providing for reasonable accommodations when an employee is able to establish that their “sincerely held religious beliefs or practices” prohibit them from taking a vaccine. Reasonable accommodations must be granted unless they would cause an undue hardship upon the business (employers with under 15 employees are exempt from title VII). The standard for undue hardship under Title VII is lesser than that of the ADA’s and was described by the Supreme Court as more than a “de minimis” cost or burden upon the employer. Factors considered when determining whether an accommodation creates an undue hardship includes the following:¹⁷ (Note: just because one factor may be negatively affected does not automatically mean there is an undue hardship)

- Type of workplace
- Nature of employee’s duties
- Actual work disruption
- A request that is unduly difficult, substantial, or disruptive to implement
- Causes a lack of staffing
- Cost of the accommodation and number of employees needing the accommodation
- Number of employees impacted by permitting the requests
- Size and operating costs of the business impact of the accommodation
- Safety concerns and security considerations.¹⁸

Under both statutes, courts often look to factors such as disruptions in business operations, overworking of other employees, excess costs to companies, and inability to protect other employees or customers. See also the factors outlined under the “Undue Hardship” section of the ADA chapter. See also the CDC links showing that vaccinated can spread COVID similarly to the unvaccinated in the “Direct Threat” section of ADA chapter. The safety procedures an employer implemented to continue operations prior to the availability of the vaccination – reestablished as religious accommodations – would likely not create more than a “de minimis” cost or burden upon an employer.¹⁹

B. Sincerely Held Religious Beliefs

The EEOC’s guidance provides that that because of Title VII’s broad and expansive wording, employers should assume that reasonable accommodations requests are based on a sincere religious belief. Employers can, however, request additional supporting information from the employee if there was an objective reason to do so.²⁰

To increase the chances that a religious exemptions request will be granted, its critical to understand how (1) “religious belief,” and (2) “sincerely held” are defined by the courts – and thus your employer – when deciding whether a particular religious exemption qualifies under the law.

¹⁷ *Id.*

¹⁸ <https://www.k12.wa.us/sites/default/files/public/communications/2021docs/Guidance-for-School-Districts-on-Evaluating-Religious-Accommodation-Requests-for-COVID19-Vaccine-Requirement.pdf>

¹⁹ <https://lawreview.syr.edu/how-title-vii-and-the-ada-affects-recent-mandatory-covid-19-vaccine-policies/>

²⁰ *Id.*

1. How “Religious Beliefs” is Defined under Title VII

To better understand how some courts interpret what “religious beliefs” qualify under the religious exemption, consider the following excerpts from the EEOC webpage:²¹

- Courts generally resolve doubts about particular beliefs in favor of finding that they are religious, beliefs are not protected merely because they are strongly held. Rather, religion typically concerns “ultimate ideas” about “life, purpose, and death.”
- Individuals who do not practice any religion are also protected from discrimination on the basis of religion or lack thereof.
- Religious beliefs include theistic beliefs as well as nontheistic “moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.” Additionally, “the presence of a deity or deities is not necessary for a religion to receive protection under Title VII.”
- Social, political, or economic philosophies, as well as mere personal preferences, are not religious beliefs protected by Title VII. However, overlap between a religious and political views does not place it outside the scope of Title VII’s religion protections, as long as that view is part of a comprehensive religious belief system and is not simply an “isolated teaching.”
- Determining whether a practice is religious turns not on the nature of the activity, but on the employee’s motivation. The same practice might be engaged in by one person for religious reasons and by another person for purely secular reasons. Whether the practice is religious is therefore a situational, case-by-case inquiry, focusing not on what the activity is but on whether the employee’s participation in the activity is pursuant to a religious belief.
 - For example, one employee might observe certain dietary restrictions for religious reasons while another employee adheres to the very same dietary restrictions but for secular (e.g., health or environmental) reasons. In that instance, the same practice may be subject to reasonable accommodation for one employee, but not the other.
- The Supreme Court has made it clear that it is not a court’s role to determine the reasonableness of an individual’s religious beliefs, and that “religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.”
- Religious beliefs can include unique beliefs held by a few or even one individual. A person’s beliefs can be found religious even though their church to which he belongs did not teach those beliefs.
 - Thus, contrary to some assertions, approval or signing off by church leaders is not necessary for a request’s approval.
- EEOC regulations include “moral or ethical beliefs . . . held with the strength of traditional religious views.” This encompasses idiosyncratic beliefs, which “no religious group espouses,” or those “the religious group to which the individual professes to belong may not accept.”
- Ordinarily, the EEOC recommends, employers should “assume that an employee’s request for religious accommodation is based on a sincerely held religious belief.” But if there is “an objective basis for questioning either the religious nature or the sincerity of a particular belief,” the employer may request additional supporting information.

²¹ <https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination#>

2. How “Sincerely Held” is Defined under Title VII

Beyond the consideration as to whether someone’s exemption is based on a “religious belief,” Title VII requires employers to accommodate those religious beliefs that are “sincerely held.” The sincerity of an employee’s stated religious belief is usually not in dispute and is “generally presumed or easily established.”²² Therefore, this guide will not spend too much time defining the term “sincerely held.” There are, however, a few factors courts consider in determining the sincerity of the religious belief that requesters of religious exemptions should be aware of in order to strengthen their overall request. Factors that – either alone or in combination – might undermine an employee’s credibility include:²³

- Whether the employee has behaved in a manner markedly inconsistent with the professed belief;
- Whether the accommodation sought is a particularly desirable benefit that is likely to be sought for secular reasons;
- Whether the timing of the request renders it suspect (e.g., it follows an earlier request by the employee for the same benefit for secular reasons);
 - THIS IS WHY THE LEGAL ACCURACY OF YOUR FIRST REQUEST IS SO CRITICAL!!
- Whether the employer otherwise has reason to believe the accommodation is not sought for religious reasons.

It should be noted, that just because a religious exemption request may fall into one of these categories, it does not mean that the request will or must be denied. For example, 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.²⁴

When drafting your explanation of your religious exemption, or preparing for a follow up interview with your employer, be prepared to answer questions that attempt to discredit the motivations behind your request. For example, many employers are asking if religious exemption requesters for COVID-19 have voluntarily taking vaccines in the past.

C. Summary

In conclusion, because the definition of religion is broad and protects beliefs, observances, and practices with which the employer may be unfamiliar, the employer should ordinarily assume that an employee’s request for religious accommodation is based on a sincerely held religious belief.²⁵ If, however, an employee requests religious accommodation, AND an employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief, observance, or practice, the employer would be justified in seeking additional supporting information. Therefore, if additional information is sought, ask your employer to give you their objective basis for which they are questioning the religious nature or the sincerity in writing. The permanence of the writing will alert your employer of the real threat of possible discrimination lawsuit and can assist you if you choose to bring a discrimination lawsuit against your employer.

²² <https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination#>

²³ *Id.*

²⁴ <https://lawreview.syr.edu/how-title-vii-and-the-ada-affects-recent-mandatory-covid-19-vaccine-policies/>

IV. FURTHER GUIDANCE IN REQUESTING AND DRAFTING A RELIGIOUS EXEMPTION

A. Proposed Steps to Requesting a Religious Exemption (create a paper trail!)

1. Tell or write to your supervisor, or human resources (HR) department that their “vaccine mandate conflicts with your sincerely held religious belief” and that you are requesting a religious exemption under Title VII of the 1964 Civil Rights Act. Ask them what their procedures are for getting a religious accommodation instead of a vaccine.
 - a. If they say they do not allow exemptions, tell them you would like the effective denial of your religious exemption request in writing (note: that employers of under 15 employees do not need to provide religious accommodations). If they won't put it in writing, send them a letter or email, to confirm what they told you. (For example: "Dear _____, I am confirming that on _____, I requested the company's form or procedure for requesting a religious exemption to the COVID vaccine requirement, and you indicated that no such form or procedure exists, and no exemptions are available. If I misunderstood you in any way, please let me know immediately.")²⁶
2. Once you have your school's or employer's form or procedure for requesting a religious exemption, study it carefully and make sure that you comply with it fully, completely, and timely. Do not ignore parts of it. Do not miss the deadline. This may give your employer a legal way to deny your exemption request. The most important part of this form or process will be your personal statement, where you tell your school or employer **IN YOUR OWN WORDS** why your sincere religious convictions prohibit you from taking the vaccine.
 - a. An employer should automatically presume your request is valid unless they have a valid, objective reason to question the employee. If your supervisor or HR wants to question you further about the specifics of your religious belief, tell them you would like them to submit any further questions to you in writing, so you can accurately answer them, and to also include in their writing their “valid objective reasoning for questioning your request for a religious exemption.”
3. Turn in your form and all necessary documentation to your employer or school. **RETAIN COPIES OF EVERYTHING YOU SUBMIT**, as well as proof that you submitted it (and when you submitted it, thus email is best). If two weeks pass and you don't hear anything, politely ask for the status of your request.
4. Schedule a time with your supervisor or HR to talk about possible accommodations you can implement in order to replace the need for a vaccination.
 - a. You should have some ideas ready.
 - b. You should also bring documentation showing how the vaccinated can spread COVID just as easily as unvaccinated, and thus their accommodation should reflect this science published by the CDC. See links provided under “Direct Threat” section of the ADA chapter.
 - c. Be prepared to compromise with the accommodation to avoid the factors of undue hardship for your employer.
5. If your request is successful, make sure you follow through with all your accommodations because some disgruntled employers may look for ways to terminate your employment. Discuss your exemptions success with other employees, friends, and family. Show them how to request an exemption too.

²⁶ <https://lc.org/exempt>

6. If your request is unsuccessful, gather all the writings and documentation from the experience and show it all to a lawyer.

B. Example of a Theological Religious Belief Request

1. Important Background Information

Here are FOUR important considerations about the covid vaccines' origin in abortion:²⁷

- i.** The vaccines do NOT CONTAIN aborted fetal cells. Do not say to your employer or school that they do, because they will say your religious objection is based on "misinformation" and deny it. Instead, the vaccines were DEVELOPED from, or TESTED with, fetal cell lines from aborted babies. There is a difference. Be sure you understand it.
- ii.** Just because the vaccines do not "CONTAIN" parts of murdered babies does NOT mean that you cannot object to them on religious grounds. Many people of faith believe that they cannot ingest or benefit from any product that has ANY connection to abortion. TESTING and DEVELOPING a product using cells from murdered babies can be just as objectionable as if the product CONTAINED the cells of those babies.
- iii.** Do not be alarmed when you read in the government publications or that church officials have concluded that these vaccines are "morally acceptable," either because they don't "CONTAIN" parts of dead babies, or because the abortions from which the fetal cell lines were taken took place "a long time ago," or because the vaccines can now be used for greater common good even though they originated with an evil act.
- iv.** Do not worry if you have previously taken the flu shot or other vaccines. That does NOT disqualify you from a religious exemption to the COVID vaccines:
 - The flu shot does NOT have a connection to abortion; it is NOT DEVELOPED or TESTED using fetal cell lines from aborted babies.
 - Many other vaccines do NOT have a connection to abortion
 - While you may have previously had a vaccine that is connected to abortion, it may have been in your childhood, when you didn't have the same religious convictions, or when you didn't have the ability to decline it.
 - Many employers or school religious exemption forms ask whether you object to ALL vaccines or just to covid vaccines. A good response is below. (REMEMBER, PUT IN YOUR OWN WORDS - DO NOT CUT AND PASTE):²⁸
 - "I am opposed to all vaccines that have a connection to abortion, no matter how remote or close that connection may be. I would not accept any medical product or vaccine if I knew that it was developed or tested with cells from aborted babies."

²⁷ <https://lc.org/exempt>

²⁸ *Id.*

2. Example Letter for a Theological Based Religious Belief

Below is an example of a request for religious exemptions to the COVID-19 vaccination based on a Christian based theological religious beliefs. Make sure YOU DO NOT SIMPLY CUT AND PASTE this letter, but use it and all the information above, to draft your own:

To Whom It May Concern,

I request this accommodation under the Free Exercise Clause of the First Amendment to the United States Constitution, Article I §§ 2-3 of the Oregon Constitution, the Americans with Disabilities Act and Civil Rights Act of 1964, section four of OAR 333-019-1030, and other applicable provisions of Oregon law, including ORS 659A.006 et seq based upon my sincerely held religious beliefs. As you are no doubt aware, OAR 333-019-1030(13) provides that the rule is not intended to prohibit reasonable accommodation under State or Federal law.

My sincerely held religious beliefs include the following:

- There is a moral duty to refuse the use of medical products, including certain vaccines, that are created using human cell lines derived from abortion during any stage of the vaccine's development, including the testing phase of development of a medical product.
- The body is sacred, and we are compelled to protect it from defilement.
- Finally, when it comes to consuming things into our body as opposed to, say, making payments to the government, compliance with God's law above all is required.

Primarily, my beliefs regarding the sanctity of human life conflict directly with any requirement to inject abortion-tainted vaccinations into my body. All available Covid vaccines utilize abortion-derived cell lines in either the confirmation and testing stage of development or in the production process.

Both Pfizer and Moderna vaccines “used the fetal cell line HEK 293 in the confirmation phase,” while the Johnson & Johnson vaccines utilizes the “PER.C6 fetal cell line cells” “to manufacture the Johnson & Johnson vaccine.” See <https://www.nebraskamed.com/COVID/you-asked-we-answered-do-the-covid-19-vaccines-contain-aborted-fetal-cells>(last visited August 10, 2021) (“Pfizer and Moderna did perform confirmation tests... using fetal cell lines. And Johnson & Johnson uses fetal cell lines in vaccine development, confirmation and production.” “All PER.C6 cells used to manufacture the Johnson & Johnson vaccine are descended from tissue taken from a ... elective abortion”.); <https://lozierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/> (last visited August 10, 2021).

The use of abortion tainted vaccines conflicts with longstanding and well recognized pro-life religious teaching. As one scholar has stated, “when we use vaccines or medicines which utilize cell lines originating from aborted babies, we physically benefit from the ‘fruits’ of one of the greatest evils of mankind — the cruel genocide of the unborn. . . . it is our duty to bear witness to the world by not accepting these vaccines and medicines.” Likewise, citing Tobit 2:21 as binding authority, Father Michael Copenhagen has stated, “the recipient [of an abortion-tainted vaccine] is an immediate participant in the commission of continuous theft of human remains obtained through deliberate killing, their desecration through exploitation and trafficking, as well as ultimate omission to respectfully bury them.”

[If you are of the Christian Faith, feel free to utilize the next several paragraphs if they apply to you:] The Bible also informs us: “Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God? You are not your own.” 1 Corinthians 6:19. It further instructs, “Therefore, since we have these promises, dear friends, let us purify ourselves from everything that contaminates body and spirit, perfecting holiness out of reverence for God.” 2 Corinthians 7:1.

Because the body is the temple of the Holy Spirit, we are compelled by Scripture to follow God’s law when choosing what to put into it. Jesus taught specifically: “Give back to Caesar what is Caesar’s and to God what is God’s.” Mark 12:17 NIV.

As a person of faith, protecting my body from defilement according to God’s law, I invoke my religious right to refuse any vaccine which utilized abortion-derived cell lines at any stage of the creation of the vaccine. Further, insofar as the vaccines also contain neurotoxins, hazardous substances, attenuated viruses, animal parts, foreign DNA, albumin from human blood, carcinogens and chemical wastes that are proven harmful to the human body, I find injection of the same to be in direct conflict with my duty to protect my body as given by God. See <http://www.cdc.gov/vaccines/pubs/pinkbook/downloads/appendices/b/excipient-table-2.pdf> (last visited August 25, 2021).

Finally, whereas none of the currently available Covid vaccines produces a “sterilizing immunity,” meaning that vaccinated individuals can (and do) still spread Covid, failure to accommodate my request for exemption and accommodation serves no legitimate purpose. https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s_cid=mm7031e2_w (last visited September 9, 2021) (“Cycle threshold values were similar among specimens from patients who were fully vaccinated and those who were not.”); <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html> (“Preliminary evidence suggests that fully vaccinated people who do become infected with the Delta variant can spread the virus to others.”)

Rather, such failure to accommodate would clearly be designed solely to deter the exercise of my religious convictions. Since Covid vaccines only recently became available, and employers had nearly a full year to learn to operate under the threat of Covid without the use of vaccines, employers are already well equipped to offer reasonable accommodations without undue hardship.

I respectfully request an exemption from the Covid-19 Vaccination Requirement as it violates my sincerely held religious beliefs, practice, and observance.

Sincerely,

[name of employee]

***For more information or legal assistance please see the following resources:**

- <https://angusleelaw.com/about-us/blog/what-does-a-religious-accommodation-request-letter-look-like>
- <https://adflegal.org/resources/covid19-vaccine-mandate>
- <https://www.churchrights.org/pji-religious-exemption-453958>
- <https://lc.org/exempt>
- <https://news.gab.com/2021/07/29/important-download-covid-vaccine-religious-exemption-documents-here/>

C. Example of a Nontheological Based Religious Belief Request

1. Important Background Information

Informational background for those rejecting the COVID-19 vaccines on nontheistic religious grounds:

i. Your chances of successfully getting a religious exemption are likely much higher if you use a traditional religious argument like the one posted above.

ii. The law does, however, protect individuals who do not practice any religion from being discriminated against on the basis of religion or lack thereof. This includes nontheistic moral or ethical beliefs that are sincerely held as strongly as traditional religious beliefs. The legal terrain surrounding these particular requests are much more uncertain.

iii. The example below is an unproven attempt at drafting a nontheistic argument for a religious exemption. The argument weaves in many of the factors and language courts look for when determining whether a belief is “religious” or “sincerely held.” Use the following at your own discretion.

2. Example Letter for a Nontheological Based Religious Belief

Make sure YOU DO NOT SIMPLY CUT AND PASTE this letter but use it to draft your own.

To Whom It May Concern,

I request this accommodation under the Free Exercise Clause of the First Amendment to the United States Constitution, Article I §§ 2-3 of the Oregon Constitution, the Americans with Disabilities Act and Civil Rights Act of 1964, section four of OAR 333-019-1030, and other applicable provisions of Oregon law, including ORS 659A.006 et seq based upon my sincerely held religious beliefs. As you are no doubt aware, OAR 333-019-1030(13) provides that the rule is not intended to prohibit reasonable accommodation under State or Federal law.

My sincerely held religious beliefs include the following:

I hold the sincere belief that all human beings hold certain unalienable rights. Chief among those rights is the ability to have control over what is put into your own body. Although, this belief is non-theistic, it is a deeply moral and ethical belief that I hold with the same strength as any traditional religious view.

Every human being of adult years and sound mind has a right to determine what shall be done with their own body. No place is as personal, no place is as unique, and no person knows more about the needs, feelings, and body-mind connection than the consciousness that consumes a particular body. What is right for one, may not be right for another, and sometimes for a spectrum of reasons that others cannot fully comprehend. I believe bodily autonomy is an overarching idea that is connected to every aspect of one’s entire life. A person’s decisions regarding their body is the ultimate reflection to life, its purpose, and ultimately its death. From

controlling what foods, medicines, and liquids we consume to the activities we allow our bodies to endure. Beyond any philosophical idea, my body truly is my ultimate and unescapable responsibility.

I, like generations around the world before me, deeply understand and intrinsically value the inherent human right of bodily autonomy. This belief transcends modern political affiliations or personal preferences. In fact, entire bodies of law have been constructed upon the protection of a person's right to bodily autonomy. From more recent laws requiring food and drug labeling allowing consumers to choose what they put into their bodies, to the culmination of hundreds of years of common criminal and tort laws. For example, common criminal law has carved massive exceptions for the use of violence upon others when used in self-defense of one's body. Furthermore, both the common law of torts and criminal law punishes those who commit battery, which prohibits the mere offensive touching of another person. Bodily autonomy is so well understood and so deeply engrained in the human psyche, that even doctors are prohibited from touching, let alone providing lifesaving medical attention, to those who explicitly decline to give their informed consent.

Therefore, as an adult of sound mind, I have done my own deep, introspective, and objective review of the pro's and con's of taking the COVID-19 vaccine, and do not currently feel that medical choice is right for me. The tremendous economic threat of losing my job, a career I spent countless dollars and hours pursuing, creates a force in my mind equal to that of someone physically depriving me of my own inherent right to bodily autonomy. Therefore, by forcing me to endure the injection of an unwanted foreign material into my body, it would egregiously violate my sincerely held religious belief that all humans have the right to control what is put into their body. Thus, as allowed by law, and demonstrated above, I request this religious exemption, not on a theological basis, but that of a well-established moral and ethical one that I hold with the same strength as any traditional religious view.

Finally, whereas none of the currently available Covid vaccines produces a "sterilizing immunity," meaning that vaccinated individuals can (and do) still spread Covid, failure to accommodate my request for exemption and accommodation serves no legitimate purpose. https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?s_cid=mm7031e2_w (last visited September 9, 2021) ("Cycle threshold values were similar among specimens from patients who were fully vaccinated and those who were not."); <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html> ("Preliminary evidence suggests that fully vaccinated people who do become infected with the Delta variant can spread the virus to others.")

Rather, such failure to accommodate would clearly be designed solely to deter the exercise of my religious convictions. Since Covid vaccines only recently became available, and employers had nearly a full year to learn to operate under the threat of Covid without the use of vaccines, employers are already well equipped to offer reasonable accommodations without undue hardship.

I respectfully request an exemption from the Covid-19 Vaccination Requirement as it violates my sincerely held religious beliefs, practice, and observance.

Sincerely,

[name of employee]