

## Practical Guidance for **Employees** Seeking Religious Exemption from Vaccine Mandates

Vaccine mandates are becoming increasingly prevalent among both public and private employers in New York and at least half of the states in this country. Nevertheless, the Constitution, federal statutes, and New York State laws require employers to provide exemptions from such policies to employees who raise objections that are religious in nature and sincerely held. One effective way to inform your employer of your sincerely held religious objections to its vaccination mandate is to pen a notarized personal statement, accompanied by a letter from a religious official who can attest to your deeply held beliefs.

The following is a list of items relevant to an application for a religious exemption from a vaccine mandate. In addition to items an applicant might consider including in a personal statement, we present various items that a religious official may include in an accompanying statement. Please disregard any items on these lists that are inapplicable to you. Also please note that your statement does not have to include everything listed to be sufficient under the law, and your employer **may not** condition your eligibility for a religious exemption upon your submission of a clergy letter. Your application must only contain sufficient evidence to demonstrate that your beliefs are 1) religious in nature and 2) sincerely held, i.e., not feigned or contrived. Included after the information related to these statements are sample employer denial and approval letters.

### **Applicant's Statement**

#### *Description of Religious Background, Beliefs, and Practices*

- The number of years you have been a member of your faith tradition
- If you were educated at a religious school, specify the name of the school and how long you were in attendance
- A description of your religious journey
- The frequency with which you attend religious services or gatherings
- Religious practices in which you engage (i.e., prayer, study, rituals) and how frequently you engage in them
- Your involvement in your religious organization or community
- How your religious beliefs impact other aspects of your life including diet, dress, actions that you abstain from, etc.

### *Description of Religious Objection*

- A detailed explanation regarding why your sincerely held **religious** beliefs, practices, or observances conflict with the Covid-19 vaccination. Consider including verses from sacred texts or citations to specific religious authority. Please note that you should not include social, medical, cultural, political, economic, philosophical, or personal beliefs.
- If your religious reasons for not taking the vaccination involve not putting anything into your body that is unclean, describe other foods, medicines, products, etc. that you do not ingest or use because they are similarly unclean.
- If your objection is based on religious beliefs related to abortion, state other foods, medicines, or products that you do not ingest or use because they are similarly related to abortion.
- If you have objected to other vaccines (such as the flu shot) based on sincerely held religious beliefs, describe and explain your objection.

*Reminder: A letter does not have to include everything listed above (or even most things listed above) to be sufficient under the law. It must only contain sufficient evidence to demonstrate that the individual's beliefs are 1) religious in nature and 2) sincerely held.*

### **Religious Official's Statement**

A religious official's statement should attest to the following:

- The religious official's background and credentials (i.e., when and by whom he or she was ordained, where the religious leader officiates or teaches and the number of years he or she has served there)
- The individual's membership in the religious official's institution, the extent of the authority the religious official holds over the individual (if applicable), as well as the extent of the individual's involvement with the religious institution
- The religious official's religious views concerning Covid-19 vaccines, including verses from sacred texts that support the religious official's views regarding the Covid-19 vaccines
- A confirmation that the individual's beliefs related to taking the Covid-19 vaccine are 1) religious in nature and 2) sincerely held.
- Any other details about the applicant's religious practices to which the religious official can attest (including whether he or she regularly attends the religious institution or is involved in the religious community)
- If possible, the statement should be notarized.

### **Administrative Approval Letter**

Dear [EMPLOYEE NAME],

We have reviewed your request for a religious exemption dated [DATE]. Your exemption request is approved, subject to the following accommodation, which is consistent with present CDC standards. [STATE ACCOMMODATION]

### **Administrative Denial Letter**

Dear [EMPLOYEE NAME],

We have reviewed your request for a religious exemption dated [DATE]. Your exemption request is denied because [STATE BASIS, i.e., a determination that the employees' religious beliefs were not religious in nature or sincerely held].