

Exemptions to COVID-19 Vaccine Mandates by Employers

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According to guidance released by the U.S. Equal Employment Opportunity Commission on Dec. 16, 2020, employers have the legal right to mandate that their employees receive the COVID-19 vaccine. An employer may require COVID-19 vaccination based on job related health and safety requirements and business necessity. For businesses in which there is greater possible exposure to COVID-19 for employees and the public, the stronger the employer's case will be for mandating that employees be vaccinated. For instance, it is common for health care and childcare workers to mandate vaccination for employees. If an employee refuses to get the vaccine, an employer has the legal right to terminate that individual's employment. There are, however, certain exceptions where that is not the case.

The two primary exceptions to COVID-19 vaccine mandates by employers involve religious exemptions and medical/disability-based exemptions. [Title VII of the Civil Rights Act of 1964](#) establishes that individuals have a right to be free from discrimination on the basis of religion. If any employee has a genuine religious objection to vaccination, employers are required to accommodate that religious objection unless doing so would impose an undue hardship on the employer. If an employer, however, can show an employee is claiming a religious objection but is really requesting the exemption for non-religious reasons, the employer could rightfully deny the employee's request to be exempt from vaccination. The other primary exception to COVID-19 vaccine mandates, involve medical/disability-based exemptions. This includes the employee having a medical reason or disability that establishes that vaccination would be harmful to the employee. This includes individuals who are allergic to the vaccine or have other medical conditions that would create a serious risk of physical harm to the individual if the individual received the COVID-19 vaccine. Establishing this may require providing medical documentation to the employer and engaging in the interactive dialogue regarding disability accommodations that is required by the Americans with Disabilities Act ([ADA](#)).

While the procedure to apply for these exemptions may vary from employer to employer, there are limits to the documents that an employer can request from you. When evaluating whether to issue a religious-based or disability-based vaccine exemption the employer will review each request on a case-by-case basis to determine whether the request should be approved. These decisions can be influenced by small factors that you may not think to address or realize are important. For this reason, if you are looking to file a request for a vaccine exemption, it is highly beneficial to have the assistance of a lawyer on your side who can help to ensure that you present the best possible information for the best chance at approval.

Please feel free to contact our office at [\(508\) 880-6677](tel:508-880-6677) to speak with one of our experienced attorneys today about how we can assist you evaluating your situation and requesting possible COVID-19 vaccine mandate exemption from your employer.

Religious and Disability Exemptions from COVID-19 Vaccine Mandates at Universities, Colleges, and Schools



During these unprecedented times, many Universities, Colleges, and other education institutions have implemented COVID-19 vaccine requirements for students and faculty returning this fall. Higher Education Institutions have routinely required vaccines such as rubella, meningitis, and chickenpox. Unlike in the employment context where the Equal Employment Opportunity Commission (“EEOC”) has provided guidance on vaccine mandates for the COVID-19 vaccine, there is less federal guidance on how higher education institutions should go about implementing these mandates. There [...]