

On October 25, 2021 the EEOC issued additional technical assistance regarding employee requests for exemption from an employer vaccination mandate based on religious exemption.

The key updates to the technical assistance are summarized below:

- Employees and applicants must inform their employers if they seek an exception to an employer's COVID-19 vaccine requirement due to a sincerely held religious belief, practice, or observance.
- Title VII requires employers to consider requests for religious accommodations but does not protect social, political, or economic views, or personal preferences of employees who seek exceptions to a COVID-19 vaccination requirement.
- Employers can ask employees to explain the religious nature of their belief, as well as how their religious belief conflicts with COVID-19 vaccination requirements.
- Employees should not assume that an employer already knows or understands the religious nature of their belief.
- Employers may ask for an explanation of how the employee's religious belief conflicts with the employer's COVID-19 vaccination requirement.
- While the sincerity of a religious belief is not normally in dispute, the employee's sincerity in holding a religious belief is "largely a matter of individual credibility."
- Requests for religious exemption can be questioned or refused
 - **When an employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief.**
 - **When an objection to COVID-19 vaccination is not based on religion.**
 - **When an employee is not credible.** The EEOC clarifies that while the sincerity of a religious belief is not normally disputed, employee credibility can be considered when the employee has acted in a manner inconsistent with the professed belief; when there is a particularly desirable benefit that is likely to be sought for non-religious reasons; when 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); or when the employer otherwise has reason to believe the accommodation is not sought for religious reasons.
 - **When an employee refuses to cooperate**

The EEOC also provided guidance on the "undue hardship" analysis, and clarifies that when conducting an "undue hardship" analysis for religious accommodation, costs to be considered include not only direct monetary costs but also the burden on the conduct of the employer's business — **including the risk of the spread of COVID-19 to other employees or to the public**. The EEOC also explains that while an employer cannot rely on speculative hardships, employers can consider the number of employees who are seeking a similar accommodation (i.e., the cumulative cost or burden on the employer).

For more information go to the EEOC site at [What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws | U.S. Equal Employment Opportunity Commission \(eEOC.gov\)](https://www.eeoc.gov/what-you-should-know-about-covid-19-and-the-ada-the-rehabilitation-act-and-other-eEO-laws)