

# Recommended process for seeking exemptions from workplace vaccine mandates

## 1. Document Everything

When facing 'vaccine' mandates, throughout the process, as you interact with your employer, document all interactions. Make copies of all documents sent or received pertaining to the accommodation process around your exemption from the Covid vaccines. This puts you in best position should you have to take legal action down the road

## 2. Personal meeting to review Constructive Notice

As soon as you can, share the Constructive (legal) Notice with your HR, your manager or whoever is the appropriate party at your workplace. Ask to have a conversation about the Notice. If your workplace is open to a personal meeting with you, have a friendly conversation about the implications of the information presented in the Constructive Notice with the appropriate party. Explain the laws as you understand them and the actual legal risks and liabilities your employer faces. Be polite but firm with your employer that you expect them to follow the law! To help you be confident in the information you share, please use the Constructive Notice Summary document. The purpose of the personal meeting is to see if your employer is actually open to new information and may be motivated to work with you once they better understand the law and their significant liability under the mandates.

## 3. Formal Legal Notice

If the personal meeting doesn't happen or didn't go well, make sure to send a copy of the Constructive Notice and your Statement of Declination (or your own written statement of Religious or Medical Exemption). Send the two documents via Certified Mail to make sure that you get proof of delivery. For extra security, you can send the documents by registered mail with a Return Receipt requested. We have also provided a powerful [Cover Letter](#) you can use along with the other two documents

## 4. Exemption Denied

If your exemption is denied or you are being put on involuntary unpaid leave or reassigned to a lower pay position, you are being discriminated against and need to take steps to preserve your rights to file for wrongful termination. Filing an EEOC Complaint is required before you can file suit alleging a violation of federal law. This is why filing an EEOC complain is the next step you should complete at <https://www.eeoc.gov/filing-charge-discrimination>. The Complaint form will need to include a description of your religious accommodation request regarding your sincerely held religious beliefs to not take these COVID shots along with the employer's response and the termination date. Please note that you generally have 180 days to file a complaint against a private employer.

## 5. Exempt but Accommodations are Unreasonable

If you are offered accommodations but they do not seem reasonable, you need to request reconsideration from your employer. Reasonable accommodations are your right and the EEOC expects there to be a conversation between employee and employer to arrive at a workable arrangement. If in the end you are not able to agree on reasonable accommodation, then you are in the same situation as someone wrongfully terminated in that you are being discriminated against. Look to directions in Section 4 above

## 6. Exempt but No Accommodations Available

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If you have been told that you are exempt but no accommodation is available because of undue hardship to the Employer, request proof. What accommodations were considered and what were the related costs? What measures were used to determine excess risk from your being unvaccinated and what are the numbers/statistics backing this up? Next you should counter by proposing what you regard as a reasonable accommodation (for example working from home or symptom screening). The Supreme Court, in *US Airways v. Barnett* established that once the employee has shown that the accommodation s/he needs is "reasonable," the burden shifts to the employer to provide case-specific evidence proving that reasonable accommodation would cause an undue hardship in the particular circumstances.

## 7. Preserving your rights

If you are told you are being terminated, assume you are still employed until you receive a written and signed notice of termination. If you do not have it in writing, insist on getting your termination in writing regardless of any verbal harassment and intimidation you might experience. If you are being pressured to sign a voluntary resignation, reiterate that you have no intention of resigning and the employer has to give you a signed, written notice with a reason for the termination.

## 8. Are you eligible for unemployment?

Early indications show that employees terminated due to declining covid vaccination will receive unemployment (we cannot guarantee that policies will not change in the future). File with Washington State ESD as soon as you are terminated at [ESD.WA.gov](http://ESD.WA.gov). After a one week period, you should start receiving unemployment benefits, while concurrently ESD will be confirming with your employer about the reason for your termination. If your employer contests, your eligibility, you will have a chance to respond. If the employer continues to dispute, then the matter will go to a hearing, giving you another chance to make your case.

## 9. Filing a lawsuit

If you are interested in Pro Se representation, send us an email at [wrc@protonmail.com](mailto:wrc@protonmail.com)

## 10. Throughout the Process

Think of the whole process as a negotiation. If you do not understand the laws your employer is bound by and what you can reasonably expect or ask for, then you are at a disadvantage. That is why the absolutely best thing you can do as a starting point is to get informed by reading the EEOC document that spells out the Religious Non-Discrimination rules for every workplace in the country. You can also take a look at the Civil Rights Act of 1964 Title VII, the federal law upon which the EEOC bases its rules. See both documents below

- [EEOC Section 12 – Religious Discrimination](#)
- [TITLE VII OF THE Civil Rights Act of 1964](#)