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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
11/15/2021	.	
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The Committee on Judiciary (Polsky) recommended the following:

1   **Senate Amendment (with title amendment)**

2

3   Delete lines 128 - 157

4   and insert:

5   because of a sincerely held religious belief. A claim for an

6   exemption based on religious reasons is presumed to be because

7   of a sincerely held religious belief; however, if the employer

8   is aware of facts that provide an objective basis for

9   questioning either the religious nature or the sincerity of a

10 particular belief, practice, or observance relating to the

11 claimed exemption, an employer may request reasonably related

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12 additional information to support the claim. An employee's

13 failure to cooperate with an employer's request for additional

14 information may be used by the employer as a defense against a

15 complaint alleging that the employer improperly denied an

16 exemption to the employee under this paragraph.

17   (c) To claim an exemption based on COVID-19 immunity, the

18 employee must present to the employer an exemption statement

19 demonstrating competent medical evidence that the employee has

20 immunity to COVID-19, documented by the results of a valid

21 laboratory test performed on the employee. The Department of

22 Health shall adopt a standard for demonstrating competent

23 medical evidence of such immunity.

24   (d) To claim an exemption based on periodic testing, the

25 employee must present to the employer an exemption statement

26 indicating that the employee agrees to comply with regular

27 testing for the presence of COVID-19 at no cost to the employee.

28   (e) To claim an exemption based on employer-provided

29 personal protective equipment, the employee must present to the

30 employer an exemption statement indicating that the employee

31 agrees to comply with the employer's reasonable written

32 requirement to use employer-provided personal protective

33 equipment when in the presence of other employees or other

34 persons.

35   (2) Except as provided in paragraph (1)(b), if an employer

36 receives a completed exemption statement authorized by

37 subsection (1), the employer must allow the employee to opt out

38 of the employer's COVID-19 vaccination mandate.

39   (3) An employee may file a complaint with the Department of

40 Legal Affairs alleging that an exemption has not been offered or

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41 | has been improperly applied or denied in violation of this
42 | section. If the department investigates and finds that the
43 | exemption was not offered or was improperly applied or denied,
44 | it must notify the employer of its determination and allow the
45 | employer the opportunity to cure the noncompliance. If an
46 | employee fails to cooperate with an employer's request for
47 | additional information under paragraph (1)(b) and the department
48 | determines that the employer had an objective basis for
49 | questioning the exemption claimed under that paragraph and that
50 | the additional information requested was reasonably related to
51 | the claim, such determination is a defense to a charge of
52 | violating subsection (2).
53 |
54 | ================ T I T L E   A M E N D M E N T ================
55 | And the title is amended as follows:
56 | Delete lines 10 - 16
57 | and insert:
58 | Health to adopt certain rules; authorizing employers
59 | to request additional information from employees
60 | claiming an exemption based on religious reasons under
61 | certain circumstances; providing that an employer may
62 | use an employee's failure to comply with such request
63 | as a defense against certain complaints; requiring an
64 | employer to exempt an employee from a vaccination upon
65 | submission of a completed exemption statement form,
66 | with an exception; authorizing an employee to file a
67 | complaint with the Department of Legal Affairs;
68 | requiring the department to notify a noncompliant
69 | private employer and allow such employer the

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70   opportunity to cure a violation; providing employers a
71   defense against a specified violation;