

# INSTRUCTIONS TO CLAIM A COVID-19 VACCINE EXEMPTION

The Alabama legislature recently passed a law (Act 2021-561) regarding COVID-19 vaccinations and an employee's right to request an exemption to any COVID-19 vaccination mandate. Under the law, an employer that requires its employees to receive a COVID-19 vaccination as a condition of employment must provide access to a universal exemption request form, along with instructions for submitting the form. These forms are available at no charge online at: [VAXEXEMPTION.ALABAMA.GOV](https://vaxexemption.alabama.gov).

## To complete the Exemption Request:

- ⇒ Employee completes the exemption form (including obtaining a medical professional's signature, if applicable).
- ⇒ Employee returns the form to their employer (employees are also encouraged to retain a copy for their personal records).
- ⇒ Employer retains the form for the employee's file.
- ⇒ Employer either approves or denies the exemption request. The employer shall evaluate the request and liberally construe the employee's eligibility for exemption in favor of the employee.
  - According to Section 1(c) of Act 2021-561, the employer shall exempt vaccination as a condition of employment for any employee who has properly completed and submitted the exemption form.
- ⇒ An employer who has denied an employee's request may not terminate the employee on the basis of failing to receive a vaccination for a period of seven calendar days after the denial is issued by the employer, or if a request for review was made, until the administrative law judge or the court issues a final ruling in the employer's favor.
- ⇒ If denied, the employer provides the employee with instructions on how to request an administrative review and must compensate the employee at the same rate of compensation the employee received prior to submitting an exemption form, for a period of seven calendar days after the denial was issued by the employer, or if a request for review is made, until the administrative law judge issues a ruling in the employer's favor (no more than 30 additional calendar days). While the decision to keep an employee physically on the job during this period is at the discretion of the employer, compliance regarding compensation is mandatory.

## To complete a Request for Review:

- ⇒ Employee submits the denied form to the administrative law judge for review via [VAXEXEMPTION.ALABAMA.GOV](https://vaxexemption.alabama.gov). The administrative law judge will issue a ruling within 30 days and will notify both the employee and employer of the decision via email\*.
- ⇒ Once an application for review is received, a notice will be sent to the employer (via email\*) notifying them that a request for review has been filed. The employer will then have three business days to provide any pertinent information to the administrative law judge for consideration regarding an employee's exemption claim.

**\* A VALID EMAIL ADDRESS FOR BOTH THE EMPLOYER AND THE EMPLOYEE IS REQUIRED TO SUBMIT A REQUEST FOR REVIEW.**

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