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3 CONFERENCE COMMITTEE SUBSTITUTE FOR SB9
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8 SYNOPSIS: This bill would require employers to allow
9 employees to claim an exemption from the COVID-19
10 vaccination for medical reasons or because of
11 sincerely held religious beliefs upon submission of
12 a standard exemption form.

13 This bill would prohibit an employer from
14 terminating an individual for refusing a vaccine if
15 he or she submits a completed exemption form.

16 This bill would provide language for a
17 standard COVID-19 exemption form.

18 This bill would allow employees who are
19 denied an exemption to appeal to an administrative
20 law judge for the Department of Labor.

21 This bill would also provide a process for
22 an appeal of administrative law judge rulings.
23

24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to vaccines; to require employers to allow
2 employees to claim an exemption from the COVID-19 vaccination
3 for medical reasons or sincerely held religious beliefs; to
4 provide for submission of a standard form requesting the
5 exemption; to provide standard language for the exemption
6 form; to prohibit an employer from requiring a COVID-19
7 vaccine if an exemption form is completed and submitted; to
8 authorize appeals to an administrative law judge for the
9 Department of Labor for denials of exemptions; to require the
10 Department of Labor to adopt an emergency rule; to provide an
11 appeal of determinations by the administrative law judge; to
12 generally provide for compensation of employees; and to
13 provide for repeal of the act on a certain date.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) For purposes of this section, the
16 term "vaccination" means any injection intended to prevent the
17 spread of COVID-19 or minimize the effects of COVID-19,
18 irrespective of whether or not the injection meets the
19 classical definition of vaccine.

20 (b) An employer may not require any employee to
21 receive a vaccination as a condition of employment without
22 providing the employee the opportunity to be exempted from the
23 vaccination mandate for religious or medical reasons in
24 accordance with applicable law, rules, regulations, official
25 guidance, and this section.

26 (c) An employer shall exempt vaccination as a
27 condition of employment for any employee who has completed and

1 submitted the exemption form described in subsection (e). An
2 employer shall make this form readily available to all
3 employees to whom this section applies, along with directions
4 for submitting the form.

5 (d) When evaluating an employee's exemption request,
6 the employer shall liberally construe the employee's
7 eligibility for an exemption in favor of the employee,
8 consistent with applicable law.

9 (e) The exemption form must be completed and signed
10 by the employee and if applicable, signed by a health care
11 provider. The form shall read as follows:

12 "Any individual in the State of Alabama who is
13 subject to a requirement that he or she receive one or more
14 COVID-19 vaccinations as a condition of employment may claim
15 an exemption for medical reasons, because the vaccination
16 conflicts with sincerely held religious beliefs, or both.

17 You may request either a medical or a religious
18 exemption from the COVID-19 vaccination by completing this
19 form and submitting the form to your employer.

20 In the event your employer denies this request, you
21 have a right to file an appeal with the Department of Labor
22 within 7 days. Your employer will provide you with information
23 on how to file an appeal.

24 I am requesting exemption from the COVID-19 vaccine
25 requirements for one of the following reasons: (check all that
26 apply)

1 ___ My health care provider has recommended to me
2 that I refuse the COVID-19 vaccination based on my current
3 health conditions and medications. (NOTE: You must include a
4 licensed health care provider's signature on this form to
5 claim this exemption.)

6 ___ I have previously suffered a severe allergic
7 reaction (e.g., anaphylaxis) related to vaccinations in the
8 past.

9 ___ I have previously suffered a severe allergic
10 reaction related to receiving polyethylene glycol or products
11 containing polyethylene glycol.

12 ___ I have previously suffered a severe allergic
13 reaction related to receiving polysorbate or products
14 containing polysorbate.

15 ___ I have received monoclonal antibodies or
16 convalescent plasma as part of a COVID-19 treatment in the
17 past 90 days.

18 ___ I have a bleeding disorder or am taking a blood
19 thinner.

20 ___ I am severely immunocompromised such that
21 receiving the COVID-19 vaccination creates a risk to my
22 health.

23 ___ I have been diagnosed with COVID-19 in the past
24 12 months.

25 ___ Receiving the COVID-19 vaccination conflicts
26 with my sincerely held religious beliefs, practices, or
27 observances.

1 I hereby swear or affirm that the information in
2 this request is true and accurate. I understand that providing
3 false or misleading information is grounds for discipline, up
4 to and including termination from employment.

5 _____

6 Employee's Printed Name

7 _____

8 Employee's Signature

9 _____

10 Date

11 (Note: The following must be completed ONLY if
12 claiming the first medical exemption listed above.)

13 Certification by a licensed health care provider as
14 to the accuracy of information provided above:

15 _____

16 Name of Health Care Provider

17 _____

18 Signature of Health Care Provider

19 _____

20 Date"

21 (f) The submission of the completed form creates a
22 presumption that the employee is entitled to the exemption.

23 (g) (1) Notwithstanding the Alabama Administrative
24 Procedures Act, the Department of Labor, not more than 21 days
25 after the effective date of this act, shall adopt an emergency
26 rule establishing a process to permit an employee to file an
27 appeal of an employee's denial of a request for an exemption

1 with an administrative law judge or judges appointed by the
2 Secretary of Labor. The rule shall require an aggrieved
3 employee to file his or her appeal no later than the latter of
4 7 calendar days following the denial of a request for an
5 exemption or 3 business days following the adoption of the
6 rule. The rule shall also require the administrative law judge
7 to issue a ruling within 30 calendar days of receiving the
8 claim.

9 (2) An employee whose denial is upheld by an
10 administrative law judge, within 14 calendar days of the
11 ruling, may file an appeal with a court of competent
12 jurisdiction.

13 (h) (1) An employer who has denied an employee's
14 request may not terminate the employee on the basis of failing
15 to receive a vaccination for a period of 7 calendar days after
16 the denial was issued by the employer, or if an appeal was
17 made, until the administrative law judge or the court issues a
18 final ruling in the employer's favor.

19 (2) Notwithstanding subdivision (1), an employer
20 must compensate an employee whose request has been denied, at
21 the same rate of compensation the employee received prior to
22 submitting an exemption form, for a period of 7 calendar days
23 after the denial was issued by the employer, or if an appeal
24 was made, until the administrative law judge issues a ruling
25 in the employer's favor.

26 (i) Nothing in this section shall be construed to
27 alter or amend the ability of an employer to terminate an

1 employee for reasons other than the employee's COVID-19
2 vaccination status.

3 (j) This section does not create or imply a private
4 cause of action for employees who are terminated after
5 refusing to receive a vaccination mandated by their employer.

6 (k) Unless extended by an act of the Legislature,
7 this section shall be repealed on May 1, 2023.

8 Section 2. Notwithstanding subdivision (h) (2) of
9 Section 1, any employee whose request for exemption is denied
10 and who, before the date the Department of Labor has adopted
11 rules pursuant to subdivision (g) (1) of Section 1, fails to
12 receive a vaccination, must receive full compensation through
13 the last date on which the employee has the opportunity to
14 appeal the denial to an administrative law judge.

15 Section 3. The Legislature shall appropriate funds
16 necessary to cover the cost of administrative law judges to
17 implement Section 1.

18 Section 4. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.