



THE GAVEL PROJECT

EST. 2021

Drafted by Ryan Heath, Esq. (Prior to Starting TGP)

To whom it may concern:

On August 20, 2021, Arizona Attorney General Mark Brnovich issued Opinion Number 121-007 (“Opinion”).¹ The Opinion was addressed to the Honorable Kelly Townsend of the Arizona Senate and focused on the question of whether an Arizona employer can require a COVID-19 vaccine as a condition of employment.

Concerning this inquiry, General Brnovich opined that, “in the absence of a restriction under state or federal law on an employment practice, or under the terms of a collective bargaining agreement *or other employment contract*, employers are free to impose whatever conditions of employment they determine to be most appropriate, particularly in at-will employment relationships which are predominant in Arizona.”

The Opinion further notes, however, that “religious” exemptions must be made. He continued, federal law broadly defines what constitutes “religious practices,” which include “moral or ethical beliefs as to what is right and wrong which are sincerely-held with the strength of traditional religious views. 29 C.F.R. § 1605.1. The fact that no religious group espouses such beliefs or the fact that the religious group to which the individual professes to belong may not accept such belief will not determine whether the belief is a religious belief of the employee or prospective employee. *Id.*”

On September 2, 2021, Attorney General Mark Brnovich issued a press release titled “General Brnovich: City of Tucson’s COVID-19 Vaccine Mandate Violates State Law.” The last paragraph of that release concerns religious exemptions for “Private Employers,” it states:

The AGO recently issued a legal opinion regarding whether an employer can require a COVID-19 vaccine as a condition of employment. Private businesses must allow for certain exemptions for employees (religious and medical) when it comes to the COVID-19 vaccine. *A sincerely-held religious belief includes a moral or ethical belief against receiving a COVID-19 vaccination that has the strength of a traditional religious view.* The sincerity of that belief should be judged based on

¹ <https://www.azag.gov/press-release/ag-brnovich-city-tucson-covid-19-vaccine-mandate-violates-state-law>

THE GAVEL PROJECT

EST. 2021

the employee's words and conduct about the COVID-19 vaccine arises and not based on prior words or conduct.

Although not binding, the Attorney General's Opinion is correct. Accordingly, I expect to be exempt from _____'s COVID-19 Vaccination Mandate due to my moral and ethical objections to this illegal, unjustified, and abhorrent policy. I will not receive a COVID-19 vaccination as a term of my continued employment. You have no right to unilaterally change our existing employment contract.

Should you need supporting documentation to justify your exempting me from your repugnant policy, I suggest you consider the reasoning outlined here:

<https://arizonadailyindependent.com/2021/08/30/phoenix-childrens-hospital-board-threatened-with-class-action-lawsuit-over-covid-19-mandate/>, which I adopt as my own.

I am not your slave. I am your employee, and you may not do what you wish with my body.