

October 19, 2021

Director Kiran Ahuja  
Office of Personnel Management  
Co-Chair Safer Federal Workforce Task Force

Administrator Robin Carnahan  
General Services Administration  
Co-Chair Safer Federal Workforce Task Force

Jeff Zients  
Assistant to the President  
Counselor to the President  
Covid-19 Response Coordinator  
Co-Chair Safer Federal Workforce Task Force

Co-Chairs Ahuja, Carnahan, and Zients,

I write with concern over the Safer Federal Workforce Task Force's ("Task Force") latest guidance implementing President Biden's vaccinate mandate for all federal employees. At best, they fail to provide adequate safeguards for the sincerely held beliefs of federal employees. At worst, they suggest a skepticism and contempt for religious beliefs. The guidance is also overbroad and riddled with woke propaganda. It should be withdrawn immediately.

On October 4, 2021, the Task Force which you co-chair issued updated guidance that finally addressed applications by federal employees for religious exemptions from President Biden's vaccine mandate.<sup>1</sup> Shortly after these were issued, there were reports that "although the president's mandate that all federal employees be vaccinated against COVID-19 allows for some religious and medical exemptions, agencies may still fire employees with otherwise valid exemptions if the employees are in certain types of jobs where no other safety protocol would be sufficient."<sup>2</sup>

Upon inspection, this certainly appears to be the case. The guidance correctly acknowledges that federal law requires individuals with sincerely held religious beliefs to

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<sup>1</sup> <https://www.saferfederalworkforce.gov/faq/vaccinations/>

<sup>2</sup> Erich Wagner, *White House: Some Feds With Valid Vaccine Exemption Requests Could Still Be Fired*, Executive Government (Oct. 5, 2021), <https://www.govexec.com/workforce/2021/10/white-house-some-feds-valid-vaccine-exemption-requests-could-still-be-fired/185862/>.

be exempt from vaccine mandates.<sup>3</sup> But the guidance then contemplates that “In some cases, the nature of the employee’s job may be such that an agency determines that no safety protocol other than vaccination is adequate. In such circumstances, the agency may deny the requested accommodation.”<sup>4</sup> In other words, even “[i]f an employee is not fully vaccinated due to a legally required exception,” that employee may be fired or vaccinated against his will.<sup>5</sup>

This contempt for religious liberty is confirmed by new forms you have circulated “for employees who are seeking an exception ... based on religion.”<sup>6</sup> These correctly provide an applicant with the opportunity to describe the nature of his or her objection and how it substantially burdens the free exercise of his or her religion. But this template goes on to require that applicants list “How long have you held the religious belief underlying your objection,” as well as a complete history of vaccines received and the specific objections to each of these. The complete list of seven questions evinces a skepticism and indeed a hostility to applicants who harbor sincerely held religious objections to the COVID-19 vaccine. I fear this will chill applications by civil servants to apply for religious exemptions.

The Task Force’s guidance is also palpably overbroad. For example, it provides that “[A]ll Federal employees ... without a legally required exception need to be fully vaccinated by November 22, 2021, regardless of where they are working.”<sup>7</sup> Improbably, “[e]mployees who are ... working remotely are not excused from this requirement, including because employees working offsite may interact with the public as part of their duties.”<sup>8</sup>

Further, the guidance appears to mandate vaccines for “people who are pregnant, breastfeeding, trying to become pregnant now, or trying to become pregnant in the future”—what we used to call expecting mothers.<sup>9</sup> The inclusion of woke language like this undermines the credibility of this guidance and suggests that it is part of an effort to target religious, conservative, and other civil service employees who do not subscribe to the far-left agenda.

The latest guidance should be rescinded immediately and replaced with clear accommodations for *all* civil service employees who hold sincerely held beliefs. At the very least, it should make clear that no federal employee will lose his job because of his sincerely held religious convictions.

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<sup>3</sup> <https://www.saferfederalworkforce.gov/faq/vaccinations/> (“Federal employees must be fully vaccinated other than in limited circumstances where the law requires an exception. In particular, an agency may be required to provide a reasonable accommodation to employees who communicate to the agency that they are not vaccinated against COVID-19 because of a disability or because of a sincerely held religious belief, practice, or observance.”).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> <https://www.saferfederalworkforce.gov/downloads/RELIGIOUS%20REQUEST%20FORM%20-%2020211004%20-%20MH508.pdf>

<sup>7</sup> <https://www.saferfederalworkforce.gov/faq/vaccinations/>

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

So that Congress can evaluate remedial legislation, please provide the following information by November 1, 2021.

1. What analysis have you or other agencies conducted to ensure that the updated guidance is valid under the Religious Land Use and Institutionalized Persons Act of 2000, Pub. L. 106-274, 114 Stat. 803 (2000) (codified at 42 U.S.C. §§ 2000cc *et seq.*). Please provide all such documentation.
2. Has the executive branch previously required applicants for religious exemptions to provide a complete list of their vaccination history? If not, when was this change made and by what office?
3. How many requests by federal employees for religious exemptions from the vaccinate mandate have been denied thus far?
4. How many employees with valid religious exemptions have been determined to hold a type of job where “no other safety protocol would be sufficient”?
5. If an employee is determined to have a valid religious exemption but holds a type of job where “no other safety protocol would be sufficient,” under your latest guidance, what are the consequences for that employee?
  - a. Are they subject to being fired, transferred, or receiving some other adverse employment action?
  - b. What protections are in place to ensure that their sincerely held religious beliefs are being appropriately accommodated?
6. Why are individuals working remotely required to be vaccinated?

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Josh Hawley  
United States Senator