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Tennessee Expands Employee Protections Relating to COVID-19 Vaccine Mandates

Law and the Workplace Blog on **March 16, 2022**

Tennessee Governor Bill Lee has signed into law a bill that expands protections for employees who are subject to employer COVID-19 vaccine mandates.

The new law supplements existing state law that prohibits private employers and other entities from compelling or otherwise taking "adverse action" against a person to compel the person to provide proof of vaccination if the person objects to receiving a COVID-19 vaccine "for any reason." The law defines "adverse action" to include denying employment or discharging, threatening or otherwise discriminating against an employee "in any manner that affects the employee's employment, including compensation, terms, conditions, locations, rights, immunities, promotions, or privileges." The existing law gives applicants and employees a right to seek injunctive relief and to recover compensatory damages and reasonable attorneys' fees for violations.

Effective March 11, 2022, the *new* Tennessee law provides that "[a]n employer that requires a person to provide proof of vaccination or requires an individual receive the COVID-19 vaccine must grant the person an exemption to the policy if: (1) the person provides a valid reason for a medical exemption supported by a statement that has been signed and dated by a licensed healthcare provider; or (2) the person states that the person has a religious belief which prevents the person from complying with the policy." For an exemption based on religious belief, the law prohibits the employer from requiring an individual to provide further proof beyond their initial statement in order to be granted an exemption. Notably, unlike federal law, there is nothing in this new law that enables employers to deny such exemption requests because the exemption would cause an undue hardship for the employer or otherwise create a direct threat to the employee or others in the workplace.

Employers also are required to provide a response to requests for an exemption within two (2) business days, and must not deny a request without a written explanation explaining why the request was denied. The law further prohibits employers from discharging, threatening to discharge, or reducing the compensation of a person who requests and is granted an exemption.

Violations of the new law are punishable by a civil penalty of $10,000.

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