

LAW OF THE LAND Reference Card

Please keep this card, which includes lawful information about your unalienable Rights endowed by your Creator. We the People secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish the Constitution for the United States of America.

The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. "All laws which are repugnant to the Constitution are null and void." Marbury vs. Madison, 5 U.S. 137, (1803)



Effective Date: **September 17, 1789**

United States Code (U.S.C.)	U.S.C.	Chapter	Section
Civil Rights Act	42	21	§ 2000e(j) § 2000e-2(a)(I)
Americans with Disabilities	42	126	§ 12112(a)
Arizona Revised Staute (A.R.S.)	A.R.S.	A.R.S.	A.R.S.
Labor/Employment Practices & Working Conditions	23	2	§ 23-206
Public Health and Safety/Public Health Control	36	6	§ 36-682

FOLD

Under federal and AZ state law, employers who mandate COVID-19 vaccination must provide reasonable accommodations to employees who cannot obtain the COVID-19 vaccine due to a disability or a sincerely held religious belief. Employers must accommodate such employees by using other safety measures. If an employee holds a sincerely-held religious belief that would prevent the employee from receiving a COVID-19 vaccine, then an employer cannot subject the employee to an adverse employment action but must instead provide a reasonable accommodation so long as doing so does not create an undue hardship. A sincerely held religious belief about receiving COVID-19 vaccine, includes a moral or ethical belief against receiving a COVID-19 vaccination that has the strength of a traditional religious view. And the sincerity of that belief should be judged based on the employee's words and conduct at the time the conflict about the COVID-19 vaccine arises and not based on prior words or conduct, particularly related to the employee's prior views or conduct about non-EUA vaccinations. An employer's inquiry into the sincerity of an employee's sincerely-held religious belief should be narrowly tailored and no more intrusive than necessary.

U.S.C. 42 Chapter 21 Title VII (Civil Rights Act of 1964) ("Title VII")

Title VII prohibits employment discrimination on the basis of protected traits identified in 42 U.S.C. § 2000e-2(a)(I), it is "an unlawful employment practice for an employer...to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin." Under Title VII, "religious practice is one of the protected characteristics that cannot be accorded disparate treatment and must be accommodated."

42 U.S.C. § 2000e(j) religion includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. A claim for religious discrimination can be asserted under several different theories, including disparate treatment and failure to accommodate. Only if the employer can show that no accommodation would be possible without undue hardship is it excused from taking the necessary steps to accommodate the employee's religious beliefs.

29 C.F.R. § 1605.1 defines religious practices to include moral or ethical beliefs as to what is right and wrong which are sincerely-held with the strength of traditional religious views.

U.S.C. 42 Chapter 126 Title I (Americans with Disabilities Act) ("Title I")

Title I prohibits employment discrimination by a "an employer" in 42 U.S.C. § 12112(a). The ADA prohibits an employer from discriminating against a qualified individual with a disability because of the disability. For an employee who cannot receive a vaccine because of a disability-related reason, the employer must consider alternatives to a mandatory vaccine that will allow the employee to perform the essential functions of his or her position, unless the employer can establish that an unvaccinated employee poses a "direct threat" to the health or safety of the employee or others in the workplace.

A.R.S. § 23-206 Employers; accommodations required

If an employer receives notice from an employee that the employee's sincerely held religious beliefs, practices or observances prevent the employee from taking the COVID-19 vaccination, the employer shall provide a reasonable accommodation unless the accommodation would pose an undue hardship and more than a de minimus cost to the operation of the employer's business.

A.R.S. § 36-682. Article application; exceptions

This article does not do either of the following: 1. limit an individual's ability to request that the individual's own vaccination records be provided to that individual or to a third party to whom the individual requests the records be released; and 2. prohibit a health care institution licensed pursuant to chapter 4 of this title from requiring the institution's employees to be vaccinated.

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