

Federal Court Confirms that Failing to Accommodate an Employee's Religious Objections to a Vaccine Requirement Can Violate Title VII

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On June 12, 2024, the United States Court of Appeals for the Sixth Circuit confirmed that, under certain circumstances, an employer may commit religious discrimination by enforcing a vaccination mandate against an employee/job applicant who has refused vaccinations for religious reasons. *Lucky v. Landmark Medical of Michigan, P.C.*, Case No. 23-2030 (6th Cir. June 12, 2024). Najean Lucky, a non-denominational Christian, applied for a management position with an in-home medical provider. During the interview, the employer asked her if she had been vaccinated for COVID-19. Lucky responded that she had not, because of her religious beliefs. The employer immediately ended the interview, stating that it would not make any accommodation to its vaccination requirement for Lucky's religious beliefs.

Lucky sued for religious discrimination under Title VII. Although the trial court initially dismissed her suit, the Court of Appeals reinstated it. In doing so, the Court held that Lucky's allegations, if true, established a claim of religious discrimination. The Court emphasized that Lucky had asserted that her refusal to take the COVID-19 vaccine was "an aspect of her religious observance or practice or belief" and that courts cannot "question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants' interpretation of those creeds." The Court sent the case back to the trial court for discovery and, perhaps, trial.

Key Takeaways

Lucky confirms that, under certain circumstances, Title VII may require employers to accommodate an employees' refusal to become vaccinated if that refusal is connected to the employer's religious beliefs. However, this does not mean that an accommodation is necessary in *all* circumstances. *Lucky* coexists with the Supreme Court's recent decision in *Groff v. DeJoy*, 600 U.S. 447 (2023), which holds that an employer need not accommodate a religious belief if doing so "would result in substantial increased costs in relation to the conduct of its particular business."

Whether this standard is met depends on “all relevant factors in the case at hand, including the particular accommodations at issue and their practical impact in light of the nature, size and operating cost of an employer.”

Thus, employers must take a nuanced, comprehensive approach to decide whether an accommodation for an employee’s religious belief is appropriate. This includes when the religious belief results in a refusal to become vaccinated. But because courts will not second-guess the sincerity of the employee’s belief, neither should the employer when deciding the accommodation request.

Lucky also illustrates the need for proactive measures if an employer believes that a vaccination mandate is necessary for its business operations. If the employer’s policy does not include a religious exception, the employer must be able to articulate why a religious exception would result in substantial increased costs in relation to the conduct of its particular business.

Employers are encouraged to consult with legal counsel to discuss their options and strategies if an employee seeks a religious accommodation or if the employer imposes a vaccination requirement.

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