

FRASIER, FRASIER & HICKMAN, LLP

ATTORNEYS AT LAW

THOMAS DEE FRASIER, P.C.
(1924-2001)
JAMES E. FRASIER, P.C.
STEVEN R. HICKMAN
JOHN W. FLIPPO
FRANK W. FRASIER, P.C.
GEORGE M. MILES
KATHRYN H. BLACK
MAUREEN M. JOHNSON
ADAM R. BURNETT

29 September 2021

Dale Danker, President
TWU, Local 514
11945 East Pine
Tulsa, OK 74116

In re: Employment and Covid Vaccine

Dear President Danker:

The Local has asked for our official legal opinion concerning the ability of American Airlines to mandate employees to have the vaccine for Covid. As American Airlines has not yet announced its position and as the law is still somewhat in flux, this letter considers various options.

American Airlines has indicated that it considers itself a federal contractor. On September 9, 2021, the President issued an executive order requiring vaccination of all employees, unless one of the two exceptions discussed below is met. It also requires wearing a mask (over mouth and nose) in indoor settings, vaccinated or not, and requires the unvaccinated to maintain a distance of at least six feet from all others.

Even apart from the executive order, it appears that OSHA is going to implement the requirement of vaccination or weekly testing. However, it appears that American Airlines will not be limited by this and may be able to require vaccination and not admit to testing.

Finally, regardless of federal requirements, American Airlines could, as some employers have done, implement an across-the-board Covid vaccine requirement on its own.

Each of the above options recognizes two possible exceptions.

The first possible exception is a medical exception. How much of the employee's private medical information the company can delve into to get this is undefined, but it is probably not very limited, since it could require the employee to give up related medical records for the company's medical personnel to review.

The second potential exception is a religious one. Again, what documentation the company might request is undefined. In any event, the requirement of a religious accommodation is so much weaker than a medical accommodation so as to all but disappear: the company need make no accommodation unless the burden on it is very minimal. Since a religious accommodation would require (under the proposed OSHA regulations) weekly testing (on the clock), the company would probably not be required to give a religious exemption. Also, because the unvaccinated present

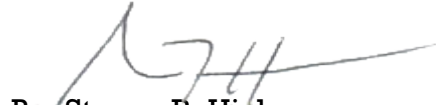
a greater threat of spreading the disease, the burden of a religious accommodation is beyond minimal.

The bottom line is that it appears that an employer can require the vaccination or refuse to allow people to work, unless the person has a documented medical condition that makes vaccination unwise.

If you have further questions or need clarification, please let us know.

Sincerely,

FRASIER, FRASIER & HICKMAN, LLP

A handwritten signature in black ink, appearing to read 'SRH', is written over the printed name of Steven R. Hickman.

By: Steven R. Hickman

SRH/vls