

LABOR AND EMPLOYMENT

INFORMATION MEMO

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Second Circuit Clarifies Standards for Religious Accommodations in Employment Cases

The U.S. Court of Appeals for the Second Circuit recently clarified how courts must evaluate an employee's claimed religious beliefs when assessing requests for religious accommodations. In *Gardner-Alfred v. Federal Reserve Bank of New York*, 143 F.4th 51 (2d Cir. 2025), the court provided guidance on the evidentiary standards governing claims arising from COVID-19 vaccination mandates and related religious accommodation requests and/or exemptions. The decision emphasizes that disputes over the sincerity of an employee's religious beliefs are typically fact-intensive and should not be resolved by courts at summary judgment where genuine credibility issues exist.

Factual Background

The Federal Reserve Bank of New York (the Bank) implemented a policy requiring all employees to be fully vaccinated against COVID-19, subject to medical and/or religious exemptions. Both named plaintiffs, Diaz and Gardner-Alfred, sought religious exemptions, which the Bank denied, and they were terminated thereafter.

Both plaintiffs sued under the Religious Freedom Restoration Act (RFRA), the Free Exercise Clause of the First Amendment, and Title VII, each of which requires proof that their objections stemmed from "sincerely held religious beliefs," and that the Bank's vaccination policy burdened or conflicted with those beliefs. The district court granted summary judgment in favor of the Bank on all claims, concluding that neither plaintiff had submitted sufficient evidence to establish the sincerity of their beliefs.

The District Court's Ruling

As to Plaintiff Gardner-Alfred, the district court found that her claimed 20-year membership in the Temple of the Healing Spirit was unsupported by any meaningful details. She could not identify any other members, any events she attended or otherwise verify her involvement. The court also pointed to evidence that she had purchased a generic vaccine-exemption package available online. Based on the record, the court concluded that no reasonable jury could find her beliefs sincere.

The district court reached a similar conclusion with respect to Plaintiff Diaz, emphasizing evidence of secular motivations for avoiding vaccination, inconsistent conduct with her stated beliefs and the fact that her pastor declined to support her exemption request. In the alternative, the district court ruled that no substantial religious conflict existed because the Pfizer and Moderna mRNA vaccines do not contain, and are not manufactured with, aborted fetal cells.

The Second Circuit's Split Decision

On appeal, the Second Circuit affirmed summary judgment against Plaintiff Gardner-Alfred but vacated and remanded as to Plaintiff Diaz's claims.

For Plaintiff Gardner-Alfred, the court described the case as one of the “rare circumstance[s]” in which a plaintiff’s testimony was so contradictory, incomplete and unsupported that it raised “only a sham issue of fact,” and no reasonable jury could find that her beliefs were sincere.

Plaintiff Diaz’s case was different. The Second Circuit held that while the evidence could raise doubts about her sincerity, the evidence did not compel a single conclusion. Instead, the record permitted competing reasonable inferences, which must be resolved by a jury—not a court.

In reaching that conclusion, the Second Circuit emphasized several key principles:

1. **Mixed motives do not defeat sincerity.** A jury could find that Plaintiff Diaz had both secular and religious objections to the vaccine yet still acted based on a sincerely held religious belief.
2. **Inconsistent conduct is not dispositive.** The court emphasized that “even the most sincere practitioner may stray from time to time.”
3. **Clergy disagreement is not determinative.** Plaintiff Diaz’s pastor refused to sign her exemption letter, but the court held that sincerity turns on the employee’s own beliefs – not the views of her religious leaders.
4. **Use of a third-party religious organization’s letterhead does not automatically undermine sincerity.** A jury could view Plaintiff Diaz’s persistence after her pastor’s refusal as evidence supporting sincerity.

Because reasonable jurors could reach different conclusions, the Second Circuit held that the question of Plaintiff Diaz’s sincerity must be decided by a jury at trial, rather than by the court on summary judgment.

Practical Takeaways for Employers

The Second Circuit’s opinion provides several signals and lessons for employers evaluating religious accommodation requests:

1. **Summary judgment on sincerity will remain rare.** Courts will only resolve sincerity as a matter of law in exceptional cases with overwhelming evidence of insincerity.
2. **Inconsistent behavior alone is insufficient.** Employers should not assume that deviations from religious practices defeat a claim.
3. **Mixed motives do not negate religious beliefs.** The presence of mixed motives does not eliminate legal protection.
4. **Employers should document but not overreach.** Employers should ask appropriate clarifying questions and carefully document the interactive process, while avoiding any attempt to assess the validity or correctness of an employee’s religious doctrine. Courts will closely scrutinize employer conduct that appears to cross the line from evaluating sincerity into acting as a theological gatekeeper.

If you have any questions or would like additional information, please contact **Samuel Dobre, Jason Kaufman, Kymberley Walcott-Aggrey** or the Bond attorney with whom you are regularly in contact.

