

Client Alert

October 12, 2021

**United States District Court for
the Northern District of New York
Grants Preliminary Injunction
Maintaining Ability to Seek Religious Exemptions
to the State COVID-19 Vaccine Mandate**

Stating that “Plaintiffs have established that § 2.61 conflicts with longstanding federal protections for religious beliefs and that they and others will suffer irreparable harm in the absence of injunctive relief,” Federal Judge David Hurd ruled that New York must continue to allow health care workers to seek exemptions from a statewide COVID-19 vaccine mandate on religious grounds as a lawsuit challenging the requirement proceeds. The judge granted the preliminary injunction today and set forth that the state cannot take action against those who are religiously exempt or the employers who accept religious exemptions.

The ruling set forth that: “The Department of Health is barred from interfering in any way with the granting of religious exemptions from COVID-19 vaccination going forward, or with the operation of exemptions already granted; and the Department of Health is barred from taking any action, disciplinary or otherwise, against the licensure, certification, residency, admitting privileges or other professional status or qualification of any of the plaintiffs on account of their seeking or having obtained a religious exemption from mandatory COVID-19 vaccination,”

Judge Hurd pointed to the medical exemption included in § 2.61 that requires covered entities to make a reasonable accommodation, and agreed with the Plaintiffs’ position that the Defendants “have not shown that granting the same benefit to religious practitioners . . . would impose any more harm —especially when Plaintiffs have been on the front lines of stopping COVID for the past 18 months while donning PPE and exercising other proper protocols in effectively slowing the spread of the disease.”

In response to the ruling, Governor Hochul issued the following statement: “My responsibility as Governor is to protect the people of this state, and requiring health care workers to get vaccinated accomplishes that. I stand behind this mandate, and I will fight this decision in court to keep New Yorkers safe.”

In contrast, today a federal judge in Manhattan declined to block enforcement of New York City's vaccine mandate for public school employees, denying a request for a preliminary injunction from a group of 10 teachers, at least one of whom was denied a religious exemption from the policy.

There are several other cases pending, which we will continue to monitor and advise as soon as updates become available. Please contact our office with any questions regarding the decision, or the development of policies and procedures addressing the religious exemption process.

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