

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

SEPTEMBER 14, 2021

Federal Court Issues TRO Enjoining Omission of a Religious Exemption from the Emergency Public Health Vaccination Regulations

The federal District Court for the Northern District of New York issued a temporary restraining order (TRO) on Sept. 14, 2021, enjoining New York State officials from enforcing emergency regulations imposing a vaccination mandate for certain healthcare workers to the extent that the regulations do not allow for a religious exemption to the mandate. The TRO is available [here](#). As reported [here](#) previously, the emergency regulations, which were issued on August 26 by the Public Health and Health Planning Council under the New York State Public Health Law, apply to hospitals, nursing home and home health agencies, among other entities. The emergency regulations were notable for not including provisions for a religious exemption or any test out provisions. The court's TRO places the lack of a religious exemption provision on hold, pending the outcome of the proceeding.

The TRO goes into effect immediately, although the court noted that the TRO will not have practical effect until September 27, which was the earliest date for a vaccination requirement under the regulations. The order requires that the State officials let the court know if they will oppose the injunction and if they will oppose it, the State officials will have to file their opposition papers by September 22. Oral argument has been set for September 28 at 10:00 a.m., which suggests the court will not revisit the TRO or rule on an injunction until that time. Practically speaking, this will create some uncertainty for employees and covered healthcare entities as to whether a religious exemption to the vaccine requirement may need to be honored after that time.

We will continue to provide any updates on these regulations and their enforcement as they develop. For any further questions on this matter, please contact [Peter A. Jones](#), any attorney in Bond's [Labor and Employment](#) or [Health Care](#) practices, or the Bond attorney with whom you are regularly in contact.

