

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

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Religious Exemptions May be Considered for Now – Federal Court Grants Preliminary Injunction on State Healthcare Vaccine Mandate

On Tuesday, Oct. 12, Judge David N. Hurd of the U.S. District Court for the Northern District of New York granted a preliminary injunction barring the Department of Health (DOH) from enforcing a recent COVID-19 vaccination mandate to the extent it eliminated healthcare workers' ability to seek a religious exemption.

By way of background, in September, 17 New York healthcare workers sued the State of New York to enjoin enforcement of the DOH mandate that they be vaccinated against COVID-19, to the extent the mandate required their employers to deny or revoke religious exemptions to the COVID-19 vaccine. The employees sought relief from the Court, arguing that various constitutional rights had been violated by the lack of an available religious exemption.

As we previously reported [here](#), on Sept. 14, 2021, Judge Hurd issued a temporary restraining order (TRO) in this case, granting similar relief, but only on a temporary basis until he issued a decision on the employees' motion for a preliminary injunction. Yesterday, the Judge issued that decision and granted the employees' motion.

In a written decision, Judge Hurd found that the employees had established a likelihood of success on several of their constitutional arguments, including their claims under the Supremacy Clause and the Free Exercise Clause. He also found that the employees would suffer irreparable harm if the preliminary injunction was not issued.

Judge Hurd's decision is effective immediately, and bars the DOH from: (1) enforcing any requirement that employers deny or revoke religious exemptions from COVID-19 vaccinations; (2) interfering with the granting of such religious exemptions; and (3) taking any adverse action against persons for seeking or obtaining such religious exemption. Importantly, however, Judge Hurd did note in his decision that an appeal might be forthcoming and "may very well be appropriate."

It is also important to note that Judge Hurd's decision does not preclude hospital and nursing home employers from considering, and potentially denying, religious exemption requests if appropriate. Rather, the Judge's Order states that the DOH cannot prohibit these employers from even considering employee religious exemption requests.

If you have any questions or need Bond's help, please contact [Adam P. Mastroleo](#), Dustin Dorsino, or any attorney in Bond's [Labor and Employment](#) or [Health Care](#) practices with whom you are regularly in contact.



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