

Judge Rules NY Must Allow Religious Exemptions to COVID Vax Mandate

A federal judge extended an order requiring New York to allow religious exemptions from its COVID vaccination mandate for healthcare workers, in a ruling that could help shape the legal grounds to counteract forceful vaccination.

The New American previously reported that on August 16, then-New York Governor Andrew Cuomo announced that staff at hospitals, nursing homes, and other long-term care facilities would be required to get their first dose of COVID jab by September 27 or face termination. The actual order, issued by the New York State Department of Health (DOH), allowed for “limited exceptions for those with religious or medical reasons.”

However, on August 26, the DOH board approved the implementation of emergency authorization of a vaccine mandate for all healthcare workers in the state, while also removing the planned religious exemption as an alternative to inoculation.

As a result, thousands of nurses and other healthcare workers across the state have lost their jobs or been suspended because of their refusal to comply with the state’s mandate to get experimental gene therapeutics, aka COVID vaccines. That, in turn, caused the disruption of healthcare services: Some of nursing homes stopped admitting new patients, and hospitals warned patients of longer waiting times, and some have suspended elective inpatient surgeries and have stopped accepting intensive-care patients from other hospitals.

On September 12, 17 medical professionals filed a complaint in the United States District Court for the Northern District of New York to halt enforcement of the state’s draconian vaccine mandate for healthcare workers, arguing the order invalidates legal protections for sincerely held religious beliefs.

The plaintiffs stated that they hold the sincere religious belief that they “cannot consent to be inoculated ... with vaccines that were tested, developed or produced with fetal cell line[s] derived from procured abortions.” Yet, the New York top

officials did not care.

On Tuesday, siding with the healthcare workers, the U.S. District Judge David Hurd in Utica, New York, issued a preliminary injunction that extended a September 14 restraining order, barring the state from sanctioning a healthcare facility that honored religious-exemption requests.

The judge ruled the mandate “clearly” conflicted with the individuals’ federally protected right to seek religious accommodation from their employers.

Per the ruling:

Plaintiffs have established that § 2.61 [an August 26 mandate] conflicts with longstanding federal protections for religious beliefs and that they and others will suffer irreparable harm in the absence of injunctive relief.... Plaintiffs have also satisfied the remaining elements necessary to obtain preliminary relief.

The decision also indicated that the health professionals are likely to succeed on their claims that the mandate violates their rights. It also noted that Title VII of the Civil Rights Act of 1964 requires employers “to entertain requests for religious accommodations and to ‘reasonably’ accommodate those requests absent a showing of undue hardship.” At the same time, the current state mandate “has effectively foreclosed the pathway to seeking a religious accommodation that is guaranteed under Title VII.”

The judge concluded that “the public interest lies with enforcing the guarantees enshrined in the Constitution and federal anti-discrimination law” and not the general “public health.”

While the ruling keeps the rest of the vaccine mandate in place, it reinstates the right of the healthcare workers to claim a religious exemption until the matter is fully settled in a trial.

Christopher Ferrara of the Thomas More Society, which represented the healthcare workers in the case, stated, “The court rightly recognized that yesterday’s ‘front line heroes’ in dealing with COVID cannot suddenly be treated as disease-carrying villains and kicked to the curb by the command of a state health bureaucracy.”

Commenting on the court decision, New York Governor Kathy Hochul, who was

one of the defendants, has said she does not believe a religious exemption is a valid reason to not get the COVID shot.

Calling the decision “disappointing,” Hochul claimed it would “impact our ability to help people.” The governor said she plans to appeal the ruling in the Second Circuit Court.

Listening to Hochul, one could experience cognitive dissonance. First, she falsely claimed that the unvaccinated healthcare workers pose a threat to those who seek medical help since the unvaxxed can infect them with COVID. Then later, the governor admitted the creeping number of “breakthrough” cases of COVID among the vaccinated and encouraged the eligible cohorts to get a booster shot, confirming the fact that the vaccinated can still catch the virus and spread it to others.

According to the New York Department of Health, as of October 6, 49,000 hospital workers have not been inoculated against COVID. A local media report adds that there are also tens of thousands of unvaccinated staffers at nursing homes and other select medical fields.

On September 27, in preparation for staffing shortages, the governor declared a state of emergency in the Empire State. On September 25, Hochul issued a “plan” to tackle the issue, which included making the healthcare workers fired due to the noncompliance with the vaccination mandate ineligible for unemployment insurance; calling on the feds to deploy medically trained National Guard members, as well as Disaster Medical Assistance Teams (DMATs); and allowing anyone who has a license in another state, or even another country, to take medical care of New Yorkers.

Source:

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