

New York Health Care Workers Take Plea to US Supreme Court

New York health care professionals have asked for emergency relief from the U.S. Supreme Court in their lawsuit against Gov. Kathy Hochul, Department of Health Commissioner Dr. Howard A. Zucker, and Attorney General Letitia James against the state's unlawful COVID shot mandate.

The health care workers have alternatively also asked the high court to review the case. The case goes to Justice Sonia Sotomayor for review.

The "Mandatory COVID-19 Vaccination Policy" applies to health care workers in all "hospitals, nursing homes, diagnostic and treatment centers, adult care facilities, certified home health agencies, hospices, long-term home health care programs, AIDS home care programs, licensed home care service agencies and limited licensed home care service agencies." On Aug. 16, 2021, Gov. Hochul announced that the state will now require health care workers to accept or receive one of the three currently available COVID-19 injections to remain employed in the health care profession. The deadline for them to become fully vaccinated was Monday, Sept. 27, 2021, for hospital employees and Oct. 7, 2021 for other facilities.

Though Gov. Hochul's announcement initially indicated that there would be "limited exceptions for workers with religious or medical reasons," the state's Public Health and Health Planning Council eliminated an exemption and accommodation for religious reasons on Aug. 6. In fact, under the state's rule change, the only exemptions permitted in New York will be for medical reasons documented by a physician or certified nurse practitioner.

However, state officials cannot override federal law or the

federal Constitution. New York's purported guidance and attempts to remove federal protections and even religious exemptions available under federal law are causing direct and irreparable harm. All health care workers are protected by Title VII of the Civil Rights Act which does provide for religious exemptions and accommodations and mandates that employers provide them. Against a government mandate, all health care workers are also protected by the First Amendment.

Liberty Counsel founder and Chairman Mat Staver said, "All New York health care workers have the legal right to request reasonable accommodation for their sincerely held religious beliefs, and forcing COVID shots without any religious exemptions is unlawful." {eo}

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