

# The Latest on Vaccines and Other COVID News

Barbara E. Hoey

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In a one-line ruling on Monday, December 13, 2021, the U.S. Supreme Court dismissed the last of the legal challenges to the vaccine mandate for health care workers in New York. It also dismissed a challenge to a similar mandate for New York City Education Department employees, denied challenges to similar mandates for employees at Massachusetts General Hospital, and a challenge against a Maine mandate.

The New York plaintiffs, two groups of health care employees, sought an injunction against the mandate after the Second Circuit found it lawful. These Suits were brought in two courts, the Eastern and Northern Districts in New York, and ultimately were consolidated into one challenge. The argument was, by excluding religious exemptions, the New York mandate infringed on religious freedom. These New York plaintiffs claim that the vaccines offend certain religions, because they used fetal cell lines during testing. This theory has now been rejected by several courts.

This signals a trend by the high court, which is to honor mandates issued by individual state governments. This decision also clears the way for New York health care providers to confidently enforce the vaccine mandate, knowing that it has now been backed by the courts.

In related news, the EEOC has come out with [new guidance](#) stating that the symptoms of long-COVID can be a 'disability' as defined by the ADA. This is no surprise given the ADA's definition of a disability and the previous guidance which the EEOC had issued on this topic. We also covered this [story](#) back in August from guidance received from the U.S. Department of Health and Human Services Office for Civil Rights (HHS) and the U.S. Department of Justice Civil Rights Division (DOJ).

Also, we await guidance on New York City's vaccine mandate, which we hope will be issued before it goes into effect on December 27. More to follow when that guidance comes out, but, City employers who are not mandating vaccines should be notifying workers that they will likely need to at least get a first shot of the vaccine in order to report to work after December 27. Employers will also need a process for analyzing applications for religious and medical exemptions.