

NYC public school teachers make emergency Supreme Court application to block Mayor Bill de Blasio's COVID-19 vaccine mandate from going into effect at 5pm Friday....

NYC public school teachers make emergency Supreme Court application to block Mayor Bill de Blasio's COVID-19 vaccine mandate from going into effect at 5pm Friday

MailOnline

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Byline: Rachel Sharp For Dailymail.com

Body

- The group of teachers sent a petition to Justice Sonia Sotomayor requesting an emergency injunction to block the mandate
- They argue the mandate places an 'unconstitutional burden' on teachers and also 'threatens the education of thousands of children'
- Teachers across all public schools in the Big Apple have until 5pm Friday to get vaccinated against COVID-19 or risk losing their jobs
- Unlike most vaccine mandates, the rule does not allow unvaccinated employees to undergo weekly COVID-19 testing instead of getting the shot
- Bill De Blasio said Monday that 87% of all Department of Education employees in the city were already at least partially vaccinated, including 90% of teachers
- The New York Department of Education employs 148,000 school workers, including 75,000 teachers - meaning around 7,500 teachers could face the ax

New York City public school teachers have asked the Supreme Court for an emergency order to block Mayor Bill de Blasio's COVID-19 vaccine mandate from going into effect Friday.

The group of four teachers sent a petition to Supreme Court Justice Sonia Sotomayor arguing that the mandate not only places an 'unconstitutional burden' on the city's 148,000 school workers but also 'threatens the education of thousands of children.'

The petition argues that their rights are being violated because they do not have the option to undergo regular COVID-19 testing instead of getting the shot.

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Teachers across all public schools in the Big Apple have up until 5pm Friday to get vaccinated against COVID-19 or risk losing their jobs.

When the school day starts the following Monday - October 4 - all teachers and staff arriving for work across the city's public schools will have received at least their first dose of the vaccine.

Unlike most **vaccine mandates** put in place such as by the federal government and private businesses across the country, the rule does not allow unvaccinated employees to undergo weekly COVID-19 testing instead of getting the shot.

Instead, anyone still unvaccinated by the deadline, will be ousted from their jobs.

The New York **Department of Education** employs 148,000 school workers, including 75,000 teachers.

De Blasio said Monday that 87 percent of all **Department of Education** employees in the city were already at least partially vaccinated, including 90 percent of teachers and 97 percent of principals.

This means around 7,500 teachers - 10 percent of all those in the city's public schools - could be out of work by Monday.

Vaccination rates are lower - 82 percent - among other school workers, meaning thousands of support staff could also face the chop.

In the 12-page petition, filed Thursday, the group of teachers argues the City of New York, the **Department of Education**, and the **Department** of Health and Mental Hygiene 'created an Executive Order that places an unconstitutional burden on public-school teachers' - something they describe as the 'epitome of government overreach.'

The mandate 'forces unvaccinated public-school employees to go on unpaid leave for nearly a year', the petition says.

The group say the mandate unfairly forces teachers out of work when other city employees including those who are also in contact with children can instead opt for weekly testing.

They argue that teachers should also have the option to undergo COVID-19 testing rather than being forced to take the shot.

'As the number of unvaccinated is small compared to that of the vaccinated, there is no basis to mandate vaccines in lieu of weekly testing,' the petition said.

As well as the impact on school staff, the petition argues the mandate also 'threatens the **education** of thousands of children in the largest public-school system in the country and violates the substantive due process and equal protection rights afforded to all public-school employees.'

A spokesperson for the **Department of Education** pushed back on the petition telling CBS Local that the mandate is 'firmly grounded in science and the expertise of public health officials from across the nation.'

Sotomayor, who is the justice for the second circuit including New York, Connecticut and Vermont and so rules on emergency matters in the Big Apple, is expected to make a decision on the petition Friday - ahead of the vaccination deadline.

The last-ditch effort from the group comes after weeks of toing and froing over the mandate which saw a temporary block lifted Monday.

A Brooklyn judge earlier ruled in favor of the city, which led to a group of teachers filing an appeal.

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Last Friday, an appeals judge sided with the teachers, putting a block on the mandate going into effect.

This meant the city couldn't enforce the rule until a three-judge panel decided whether it was constitutional, forcing de Blasio to amend his rules and allow for weekly testing of staff.

But a panel of federal judges reversed this decision Monday evening, lifting the block and giving de Blasio's administration the green light to enforce the mandate.

The 2nd US Circuit Court of Appeals in Manhattan dissolved the temporary injunction Monday evening and denied the original motion.

De Blasio announced back in August that all school employees - including teachers, custodians and cafeteria workers - were required to get at least their first dose of the COVID-19 vaccination by September 27.

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New York City public school teachers ask Supreme Court to block vaccine mandate

CNN Wire

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Byline: By Ariane de Vogue, CNN Supreme Court Reporter

Dateline: (CNN)

Body

A group of public school teachers in New York asked the Supreme Court on Thursday to block the New York City vaccine mandate that is set to go into effect Friday afternoon.

In court papers, lawyers for the teachers say that New York City, as well as the Department of Education and the Department of Health and Mental Hygiene, have placed an "unconstitutional burden" on public school teachers.

New York city officials issued an order requiring Department of Education staff who "work in-person" in a school setting or building to submit proof of at least one dose of vaccination of Covid-19. The original deadline was September 27 and it did not permit the employees to undergo weekly testing in lieu of the vaccination.

The lawyers argue that instead of allowing teachers the opportunity to opt out of the vaccine mandate through weekly testing, the city's mandate "forces unvaccinated public-school employees to go on unpaid leave for nearly a year."

The challengers in the case give different reasons for not wanting to get the vaccine including a concern over the long-term effects of the vaccine.

They say the mandate "threatens the education of thousands of children in the largest public-school system in the country and violates the substantive due process and equal protection rights afforded to all public-school employees."

A federal appeals court initially put the mandate on hold, but later lifted the order.

This story has been updated with additional details.

By Ariane de Vogue, CNN Supreme Court Reporter

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New York City public school teachers ask Supreme Court to block vaccine mandate

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Justice Sotomayor rejects request to block New York City school vaccine mandate

CNN Wire

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Byline: By Ariane de Vogue, CNN Supreme Court Reporter

Dateline: (CNN)

Body

Justice Sonia Sotomayor on Friday denied a request from a group of New York City teachers to block the city's **vaccine mandate** for public school employees.

Sotomayor did not refer the request to the other Supreme Court justices, or comment on her action, likely signaling they agreed with her decision. In August, Justice Amy Coney Barrett likewise rejected an effort to block Indiana University's **vaccine mandate**.

In court papers, lawyers for the teachers argued that New York City, as well as the **Department of Education** and the **Department** of Health and Mental Hygiene, have placed an "unconstitutional burden" on public school teachers. They wanted the high court to block the mandate while the appeals process played out.

In August, New York city officials issued an order requiring **Department of Education** staff who "work in-person" in a school setting or building to submit proof of at least one dose of vaccination of Covid-19.

The lawyers argued that instead of allowing teachers the opportunity to opt out of the **vaccine mandate** through weekly testing, the city's mandate "forces unvaccinated public-school employees to go on unpaid leave for nearly a year."

The challengers in the case gave different reasons for not wanting to get the vaccine including a concern over the long-term effects of the vaccine. They say the mandate "threatens the **education** of thousands of children in the largest public-school system in the country and violates the substantive due process and equal protection rights afforded to all public-school employees."

A federal district court had declined to block the mandate holding that it "represents a rational policy decision surrounding how best to protect children during a global pandemic."

The court said that although there are other means of preventing the spread of Covid 19, "it is not shocking for the City to conclude that vaccination is the best way to do so, particularly at a time when viral transmission rates are high."

A federal appeals court initially put the mandate on hold, but later lifted the order.

This story has been updated with additional details.

Justice Sotomayor rejects request to block New York City school vaccine mandate

By Ariane de Vogue, CNN Supreme Court Reporter

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'If You're Not Vaccinated, Don't Come to Work'

'If You're Not Vaccinated, Don't Come to Work'

The New York Times

September 30, 2021 Thursday

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Body

As New York pushes forward with some of the toughest and farthest-reaching **vaccine mandates** in the nation, thousands of health care workers in the state appear to be willing to be fired rather than get vaccinated.

So, too, do thousands of people who work in New York City's public schools.

How sad that many of these vaccine holdouts are supported by their unions. Talk about a lack of solidarity.

For years, these unions defended the health and safety of their members. They fought for better wages and protected workers' rights. They built the middle class. Now they are fighting state and city **vaccine mandates** aimed solely at keeping workers and communities safe and healthy. So much for the old union idea that an injury to one is an injury to all.

At least city and state government officials have the best interests of the public in mind, even if some in the labor movement have forgotten which side they're on.

The state's mandate, requiring vaccination of health care workers, went into effect at midnight on Monday. The city's, which requires the same of all **Department of Education** employees, goes into effect at 5 p.m. on Friday. A court upheld the city mandate on Monday.

Some unions, like New York's nurses' union, took a reasonable approach, expeditiously negotiating over the **vaccine mandate** and fighting for other workplace safety measures related to the pandemic, like proper protective gear. Local 32BJ, a New York unit of the Service Employees International Union, which represents health care aides, janitors and many other lower-wage employees, has taken a similar approach and pushed hard to vaccinate its members.

But other New York unions have sought to stymie or delay the **vaccine mandates**. Some have argued that vaccination shouldn't be a condition of employment at all.

The city's teachers' union unsuccessfully sought to delay the mandate requiring teachers and other school workers to be vaccinated. The union's president, Michael Mulgrew, said the delay was necessary because of staffing shortages. Henry Garrido, the executive director of District Council 37, which represents cafeteria workers and others who work in schools, has fought the mandate altogether.

'If You're Not Vaccinated, Don't Come to Work'

Then there is Oren Barzilay. He is the president of District Council 37 Local 2507, which represents the city's emergency medical workers. For years, Mr. Barzilay fought a righteous battle to secure better pay for the city's overworked and underpaid corps. In July, he went on Fox News and spread disinformation about the vaccines' side effects and effectiveness.

Christell Cadet, a Fire **Department** paramedic in his union, feels differently. She was in a monthlong coma after getting sick with Covid-19 in March 2020.

"Had I gotten the vaccine last year, I might not have gone through everything I went through," Ms. Cadet told me. She says she is unable to return to work and is still slogging through a grueling recovery that includes pulmonary rehabilitation and speech therapy. Her father also developed Covid-19 and suffered a nonlethal stroke as a result.

After all the death and suffering of the past year and a half, it's little wonder that a large majority of New York State health care workers and New York City teachers are vaccinated.

Because New York unions are so large, the unvaccinated minority still represents tens of thousands of people. Though most of the state's union leaders have supported vaccination efforts, many are working to appease anti-vaccination members as well as get them vaccinated. They're trying to have it both ways by encouraging members to get vaccinated while also opposing, slow-walking or otherwise frustrating the mandates. Ideally, that energy would be better spent rallying their members around support for the vaccine. Or as some labor activists might say: "Don't mourn. Organize!"

Efforts that hamper the fight against Covid should be dismissed for what they are: dangerous and irresponsible. As with any vaccine, there will be a small number of people who are eligible for a narrow exemption. Otherwise, there can be no compromise.

Gov. Kathy Hochul and Mayor Bill de Blasio, like so many Americans, appear to have reached the limits of their empathy for vaccine holdouts.

"You have till Friday 5 o'clock," Mr. de Blasio said on Monday. "If you're not vaccinated, don't come to work." Ms. Hochul has also been resolute.

With legal challenges largely out of the way, the next concern is potential worker shortages. Mr. de Blasio has said the city will replace unvaccinated teachers with vaccinated substitutes. As of this week, about 90 percent of the city's public-school teachers were vaccinated. City officials say they expect the percentage will be even higher by the deadline. They also say they are confident they have enough substitutes to fill any gaps come Monday.

On Monday night, Ms. Hochul signed an executive order making it easier for licensed health care workers from other states and countries to work in New York in the event of any staffing shortages. The governor also said she was prepared to call upon vaccinated medical teams from the National Guard.

Good for Governor Hochul. Good for Mayor de Blasio. These workers have every right not to get vaccinated -- but they don't have the right to keep jobs in which they needlessly endanger those around them. Personal decisions carry consequences. With freedom comes responsibility.

The mandates are good public policy. They will protect children -- large numbers of whom have yet to become eligible for vaccination -- as well as people seeking medical care. The mandates will also help protect workers themselves.

Already, there is evidence that the mandates may have encouraged thousands of people to get vaccinated. On Aug. 15, the day before the state **vaccine mandate** for health care workers was announced, 70 percent of nursing home employees had received at least one vaccine dose. As of this week, 92 percent of them had, according to surveys conducted by the State Health **Department**.

In New York City's public hospital system on Monday, the number of unvaccinated workers fell to 5,000, from 8,000 the week before, the city said. By Tuesday, it said, the figure had dwindled still further.

'If You're Not Vaccinated, Don't Come to Work'

If unvaccinated employees and the unions who represent them are betting New York will back down, it's up to Ms. Hochul and Mr. de Blasio to show them otherwise.

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