

# NYC Teachers Who Refused COVID Vaccine Must Get Jobs Back With Back Pay, Judge Rules

## The group of teachers sued the city after they were fired.

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A group of teachers in New York City who were fired after they refused to take the COVID vaccine must be given their jobs back along with back pay, a New York judge ruled Wednesday.

State Supreme Court Judge Ralph Porzio ruled that the decision to fire 10 employees of the New York City Education Department and deny them religious exemptions was unlawful, arbitrary, and capricious.

The group of school principals, teachers, and other educators sued the city after they were fired. “This Court sees no rational basis for not allowing unvaccinated classroom teachers in amongst an admitted population of primarily unvaccinated students,” Porzio wrote in his 22-page opinion.

“As such, the decision to summarily deny the classroom teachers amongst the Panel Petitioners based on an undue hardship, without any further evidence of individualized analysis, is arbitrary, capricious, and unreasonable. As such, each classroom teacher amongst the Panel Petitioners is entitled to a religious exemption from the Vaccine Mandate,” the judge wrote.

The 10 public school employees are entitled to their positions plus back pay in salaries, benefits, pensions, and seniority, the court ruled. New York City's COVID vaccine mandate for public school workers only ended on February 10. The mandate began on October 1, 2021. The court's decision only applies to the 10 educators who sued, but thousands of other education workers lost their jobs due to the vaccine mandate, according to Fox News.

The petitioners had wanted to make their lawsuit a class action suit, but the judge denied that request. Seven other petitioners were also requesting an exemption along with their jobs back with back pay, but the judge denied their requests. One of those denied was a group called Teachers for Choice, which opposes forced vaccination.

“Although the petitioners’ overall position is that the citywide panel did not provide relief to the vast majority of initial DOE applicants, and specifically that these petitioners did seek that review, the record before this court is insufficient to make any determination as to those claims,” Porzio wrote in his ruling.

The city had argued that “granting reasonable accommodation to classroom teachers could not be done without preventing a risk to the vulnerable and still primarily unvaccinated student population,” according to court documents.

The judge also cited New York City Mayor Eric Adams’ decision to scrap the vaccine mandate for athletes and entertainers as evidence that the vaccine mandate for public school teachers was arbitrary and unreasonable. The same judge ruled last year in favor of a Staten Island firefighter who was fired for refusing to take the COVID vaccine.

“Hindsight is a powerful tool,” Porzio wrote in that decision. “The pandemic today is not what it was a year, or even two years ago. Being vaccinated does not prevent an individual from contracting or transmitting COVID-19.”

Scores of public and private employers across the country implemented a vaccine mandate for employees when the COVID vaccine became available. Many U.S. workers across industries who requested exceptions for religious or health reasons were denied their requests.

The Biden administration also attempted to require employers with at least 100 employees to require the vaccine, but the Supreme Court blocked that mandate early last year after The Daily Wire and others sued the administration.