

Major Defeat for Vaccine Mandates as Judge Rules NY Police Officers Fired Over Refusing COVID Shot Must be Reinstated



The New York Police Department's largest union [experienced a major victory](#) on Friday when a judge ruled police officers fired for refusing to get the COVID vaccine have to be "reinstated to the status they were as of the date of the wrongful action."

In a shocking decision, Manhattan Supreme Court Judge Lyle Frank [ruled the city's vaccine mandate](#) on the Police Benevolent Association (PBA) was invalid "to the extent it has been used to impose a new condition of employment" on the union.

The mandate was also invalid because it issued enforcement beyond "monetary sanctions" allowed by law, Frank wrote. It

would be a “gross overstatement” of the city’s Department of Mental Health and Hygiene to say it could enforce the vaccine mandate through termination, unpaid leave or suspension, he added.

While it’s unclear [how many PBA members](#) lost their jobs because of the mandate, a City Hall spokesperson [told CBS News](#) that more than 1,750 city employees were fired for refusing to get the vaccine.

Frank said in the ruling a key reason why the mandate was illegal is because the city didn’t collectively bargain with the PBA, which represents some 24,000 NYPD members.

“To be unequivocally clear, this Court does not deny that at the time it was issued the vaccine mandate was appropriate and lawful,” the ruling states. But the city hadn’t “established a legal basis or lawful authority for the DOH to exclude employees from the workplace and impose any other adverse employment action as an appropriate enforcement mechanism of the vaccine mandate.”

A new condition of employment would have to be included in a collective bargaining agreement between a labor union and the city, the judge wrote.

“This decision confirms what we have said from the start: the vaccine mandate was an improper infringement on our members’ right to make personal medical decisions in consultation with their own health care professionals,” PBA President Pat Lynch said in a statement. “We will continue to fight to protect those rights.”

Earlier last week, a judge also ruled that 43-year-old NYPD police officer, Alexander Deletto, couldn’t be fired for refusing to get the shot after his request for a religious exemption was denied without explanation.

The two rulings could set precedents for other unions in

various city departments, to the extent the mandate isn't codified in their collectively bargained labor agreements.

New York City officials announced on Sept. 24 they will [appeal the judge's ruling](#) that they lacked the legal authority to fire members of the city's largest police union for violating a COVID vaccination mandate. An appeal could immediately freeze the judge's ruling.

The COVID vaccine mandate was originally enacted in October 2021 under former Mayor Bill de Blasio. Mayor Eric Adams in the spring rolled back the mandate so that unvaccinated athletes and performers like the Brooklyn Nets' Kyrie Irving could play in New York but kept the mandate for police officers in place.