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February 6, 2023

Hon. Catherine O'Hagan Wolfe, Clerk of the Court  
U.S. Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

Re: *New Yorkers for Religious Liberty, Inc. v. The City of New York*,  
No. 22-1801

To the Hon. Clerk of the Court:

This appeal is scheduled for argument on Wednesday, February 8, 2023 before Jacobs, Lee, Perez, C.JJ. Defendants-appellees write pursuant to Rule 28(j) to inform the Court that the City of New York has announced plans to make COVID-19 vaccination optional for current and prospective employees of the City and the Department of Education beginning February 10, 2023. *See* Exhibit A (Press Release). We will apprise the Court of any additional developments as they occur.

Respectfully submitted,

/s/ 

Susan Paulson  
Assistant Corporation Counsel

cc: Counsel of record (via ECF)

# Exhibit A

Skip Main Navigation

Menu

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Text Size

Search

## Secondary Navigation

Mayor Biography News Officials

# With Over 96 Percent of City Workers Fully Vaccinated, Mayor Adams Announces COVID-19 Vaccination Will Become Optional for City Workers

February 6, 2023

*Over 331,000 City Workers Now Fully Vaccinated, Keeping New Yorkers Safe, City Operations Running Throughout Pandemic*

*City Will No Longer Require Vaccination for DOE Visitors*

**NEW YORK** – New York City Mayor Eric Adams today announced that — with more than 96 percent of city workers fully vaccinated against COVID-19 — the city will make vaccination optional for current and prospective city workers effective February 10, 2023, following the expected ratification at the next Board of Health meeting. The COVID-19 vaccine mandate for city workers has helped keep New Yorkers safe and New York City operations running throughout the pandemic. With the vast majority of city workers and New Yorkers vaccinated, and more tools readily available to protect people from serious illness, the vaccine requirement for the primary series of shots has served its purpose, driving rates of vaccination up among the city’s workforce during a critical period in the pandemic.

“City workers stepped up tremendously throughout the pandemic,” said **Mayor Adams**. “From our health care frontline workers and first responders who saved lives, to the city employees who kept our streets clean, our schools open, and our streets safe, we owe city workers a debt of gratitude for their service during New York City’s darkest days. With more than 96 percent of city workers and more than 80 percent of New Yorkers having received their primary COVID-19 series and more tools readily available to keep us healthy, this is the right moment for this decision. I continue to urge every New Yorker to get vaccinated, get boosted, and take the necessary steps to protect themselves and those around them from COVID-19.”

“As we near our third year with COVID-19, we continue to evaluate existing measures and adjust them as needed,” said **Deputy Mayor for Health and Human Services Anne Williams-Isom**. “The city’s vaccine requirement is one such measure and has yielded significant results with 96 percent of city

workers vaccinated with the primary series. More broadly, across the city, over 80 percent of New Yorkers have had their initial two shots. In this context, we can adjust our guidance but continue to strongly encourage every New Yorker to take the steps that we know help keep us and our loved ones safe and healthy — getting vaccinated, getting boosted, wearing a mask when appropriate, getting tested when appropriate, staying home if sick, and maintaining good hand hygiene.”

“It’s clear these mandates saved lives and were absolutely necessary to meet the moment. We’re grateful that we can now, as we leave the emergency phase of the pandemic, modify more of the rules that have gotten us to this point,” said **New York City Department of Health and Mental Hygiene Commissioner Dr. Ashwin Vasan**. “We cannot overstate our appreciation for the millions of New Yorkers who made the necessary sacrifices to keep our city safe and save lives.”

Beginning February 10, 2023, the city will make the COVID-19 vaccination requirement optional for city employees, in addition to New York City Department of Education (DOE) employees. At this point, the city has fully processed and issued decisions for all pending reasonable accommodation appeals. While the approximately 1,780 former employees terminated for failing to submit proof of vaccination will not be able to automatically return to their previous positions, they will be able to apply for positions with their former agencies through existing city rules and regulations and hiring processes. The city will also end the vaccination requirements for nonpublic school, early child care, and daycare staff.

As part of this change, beginning February 10, 2023, visitors to Department of Education (DOE) school buildings will no longer be required to provide proof of at least one dose of the COVID-19 vaccine. This will allow students’ families and loved ones to attend school activities, celebrations, and events.

The necessary amendments to the city’s vaccination policy for current city employees and DOE visitors are expected to be made at the next Board of Health meeting on February 9, 2023.

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