

PSC-CUNY Agreement
Medical and Religious Exemptions to COVID-19 Vaccine Mandate

Employees seeking a medical or religious exemption from the vaccine mandate must submit their request via CUNYFirst by no later than May 18, 2022, identifying the primary CUNY college or constituent unit at which they are currently employed. A three-person panel, comprised of at least one representative from the college's Human Resources Office, and a representative(s) from the college's Office of Legal Affairs and/or Office of Diversity and Compliance, will review the application, make a determination, and enter it into CUNYFirst, which will notify the employee at his/her CUNY email address to log into CUNYFirst to access the decision. Decisions of the primary unit will apply CUNY-wide. An employee whose medical or religious exemption is denied will have six weeks from the date of notification to comply with the vaccine mandate.

Criteria and standards for medical and religious exemptions shall be those set forth in Appendix A. These criteria and standards will be posted on the CUNY coronavirus website (<https://www.cuny.edu/coronavirus/>) and applied CUNY-wide.

Neither CUNY nor any CUNY constituent unit will take adverse employment actions against employees for failure to comply with the vaccine mandate until no sooner than six weeks following the denial of a timely filed application for a medical or religious exemption. Unless and until the PSC and the University reach agreement otherwise, the 2017-2023 collective bargaining agreement continues to govern matters of employee discipline.

Employees who are granted a medical or religious exemption remain on payroll and continue to work. Those who are required to work in University workplaces are urged to wear masks in indoor public spaces and shall be required to test on-site for COVID more frequently than University guidelines require of vaccinated employees. They may, in addition, be subject to restricted access to various College/University facilities. If as a result of restricted access the employee cannot perform their work, a suitable alternative will be arranged.

Appendix A

I. Medical Exemption

- A. Full medical exemptions to the vaccine mandate shall be considered where an employee has:
1. Documented anaphylactic allergic reaction or other severe adverse reaction to any COVID-19 vaccine— e.g., cardiovascular changes, respiratory distress, or history of treatment with epinephrine or other emergency medical attention to control symptoms. Generally, does not include gastro-intestinal symptoms as the sole presentation of allergy. OR
 2. Documented allergy to a component of the vaccine—does not include sore arm, local reaction, or subsequent respiratory tract infection. OR
 3. Other documented contraindication as delineated in CDC clinical considerations, with the understanding CDC guidance can be updated to include new considerations over time.
- B. Temporary medical exemptions or deferrals to the vaccine mandate shall be based on the following valid reasons to defer or delay COVID-19 vaccination for some period:
1. Within the isolation period after a COVID-19 infection.
 2. Within ninety (90) days of monoclonal antibody treatment of COVID-19.
 3. Treatments for conditions as delineated in CDC clinical considerations, with understanding CDC guidance can be updated to include new considerations over time, and/or determined by a treating physician with a valid medical license responsible for the immunosuppressive therapy, including full and appropriate documentation that may warrant temporary medical exemption for some period of time because of active therapy or treatment (e.g., stem cell transplant, CAR T-cell therapy) that would temporarily interfere with the patient's ability to respond adequately to vaccination.
 4. Pericarditis or myocarditis not associated with COVID-19 vaccination or pericarditis or myocarditis associated with COVID-19 vaccination.
 5. Other contraindication as documented by a licensed physician.
- Length of delay for these conditions may vary, and employees must get vaccinated after the designated period unless they satisfy any of the criteria for a full medical exemption, described above.
- C. There are cases in which, despite an employee having sought and received the full course of the vaccination, he or she is unable to mount an immune response to COVID-19 due to preexisting immune conditions. In these circumstances, employees may request a medical accommodation in accordance with existing procedures.

II. Religious Exemption

A religious exemption may be granted if an employee holds sincere religious beliefs that are contrary to the practice of vaccination, and provides a signed statement explaining why an exemption is being requested. Employees may be required to provide documentation to support the exemption request. Requests shall be denied where the objection is personal, political or philosophical in nature. Requests for exemptions will be reviewed in accordance with the standards established by Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the New York City Human Rights Law, and any other applicable federal, state, and local laws.