

Employment & Labor Law Alert

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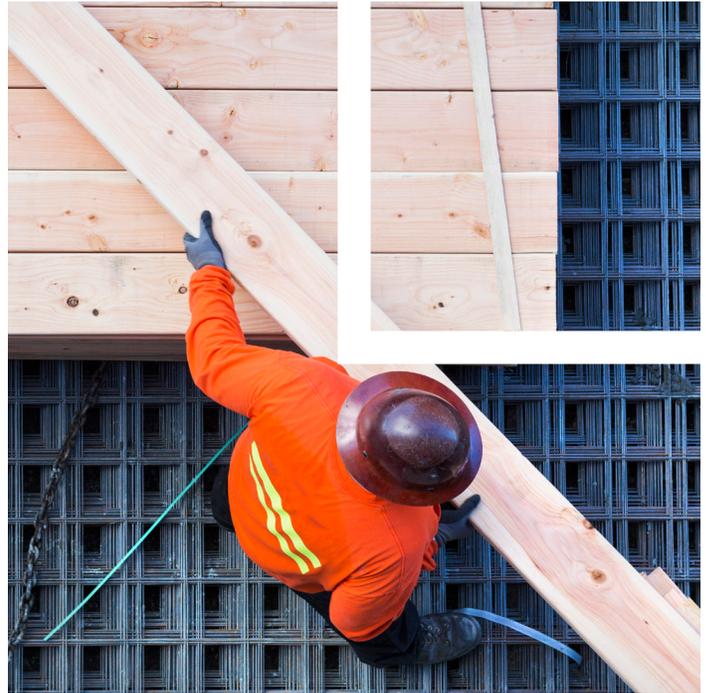
New York City Announces COVID-19 Vaccination Mandate for Private-Sector Employees

In a Monday morning surprise, Mayor Bill de Blasio announced that all private-sector employees in New York City will be required to be fully vaccinated against COVID-19 by Dec. 27. Mayor Bill de Blasio described the new mandate as the first of its kind in the country in his Dec. 6 [announcement](#). The city plans to issue guidance on enforcement of the mandate and reasonable accommodation on Dec. 15, along with additional information to help small businesses implement the requirements. The mandate will apply to employees working in person at approximately 184,000 businesses, according to the New York City Health Commissioner.

Accepted proof of COVID-19 vaccination in New York City includes a vaccination card issued by the Centers for Disease Control and Prevention, the New York State Excelsior Pass, the Clear Health Pass, and the NYC COVID Safe App.

At the same time, Mayor de Blasio announced an expansion to the current Key to NYC program, which mandates COVID-19 vaccinations for employees and customers at indoor dining, fitness, entertainment, and performance facilities, that will require children ages 5 to 11 to show proof of one vaccination dose to enter those venues as of Dec. 14. Individuals ages 12 and up will be required to show proof of two vaccine doses starting on Dec. 27, except for those who received the one-dose Johnson & Johnson vaccine.

While many of the details remain unclear pending the city's Dec. 15 guidance, it seems likely that the mandate will dovetail with the current Key to NYC program and that it likely will be structured similarly to [the Biden administration's OSHA vaccine mandate](#). Like the



federal mandate, which is currently on hold pending the outcome of litigation in the Sixth Circuit, the New York City employee vaccine mandate may well be challenged in the courts despite Mayor de Blasio's prediction that it will survive such efforts, calling the city's mandate "universal." What that means and its impact remain to be seen.

We will continue to monitor developments. Should you have any questions about how this mandate impacts your organization's planning and existing policies, please contact your Loeb relationship attorney.

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