

New York City Announces Vaccine Mandate for All Private Employers and Additional Expansions to Current Rules

Earlier today, Mayor Bill de Blasio announced a COVID-19 vaccine mandate for all private employers in New York City. The [mandate](#)—which is described as a “first-in-the-nation” policy and is expected to apply to about 184,000 businesses—will take effect on December 27, 2021.

At a press conference this morning, Mayor de Blasio stated that the new rules will require businesses to mandate that in-person employees have at least one COVID-19 vaccine dose by December 27, with no testing alternative. The mandate will apply only to in-person employment (not to employees who are fully remote) and to businesses that employ at least one person. The Mayor also clarified that the mandate will allow for exemptions based on valid medical or religious reasons. On December 15, 2021, the City will issue detailed standards for the mandate, including additional guidance regarding enforcement and reasonable accommodations, as well as resources to support small businesses with implementation. The Mayor’s announcement did not specify penalties for businesses that fail to enforce the mandate, but we expect this information to be released on December 15 or at a later date.

In addition to announcing the new vaccine mandate for private employers, Mayor de Blasio also set forth major expansions to vaccine-related requirements already in place in the City. Beginning on December 27, all individuals ages 12 and older will be required to show proof of *two* vaccine doses (instead of one) to enter certain indoor locations (including indoor dining, fitness, entertainment, and performance venues)—with an exception for those who have received the Johnson & Johnson vaccine. Additionally, as of December 14, enhanced vaccination requirements will apply to children ages 5 to 11.

Today’s announcement was prompted by a significant uptick of coronavirus cases in the City over the past few weeks, as well as the emergence of the Omicron variant and the potential for further transmission during the winter months and upcoming holiday gatherings. Mayor de Blasio called today’s mandate and additional expansions a “preemptive strike” against COVID-19. New York City currently has vaccine mandates in place for City employees, childcare providers, and non-public school employees. Most recently, on December 2, 2021, the City announced that employees at religious and other private schools would be required to be vaccinated against the coronavirus. Such employees must have at least one vaccination dose by December 20, 2021.

To ensure compliance with the vaccine mandate announced today, all private employers with New York City employees working in-person should be prepared to revise their policies—no later than December 15, 2021, when the City’s detailed guidance will be released—to require that such employees have at least one dose of the COVID-19 vaccine (or the single dose of the Johnson & Johnson vaccine) by December 27, 2021. Employers should also notify their employees of any policy updates or changes, and may wish to give their employees notice as soon as possible that they will be complying with the new mandate. It is not yet clear whether the new mandate will be challenged in court, which may result in a delay of the mandate going into effect, but we will provide additional updates regarding the new employer vaccine mandate as information becomes available.

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