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December Tip of the Month: New York City Announces Vaccine Mandate for All Private Sector New York City Employers

On December 6, 2021, New York City Mayor Bill DeBlasio announced sweeping new vaccine requirements for NYC employers and residents, including a "first-in-the-nation" requirement that *all* private-sector employers mandate that their employees receive the COVID-19 vaccination, without a standard testing alternative. According to Mayor DeBlasio, the mandate will take effect on December 27, with additional enforcement, implementation, and reasonable accommodation guidance expected on December 15. For the moment, however, various details remain undetermined, including whether the mandate will apply to remote employees, what accommodations or exemptions will be recognized, and what consequences employees and/or employers will face for noncompliance.

The mayor also announced that the city's "Key to NYC" vaccination rules for dining and entertainment will now apply to children ages 5 to 11, all of whom must have at least one vaccine dose in order to enter New York City restaurants and theaters starting December 14. Additionally, the vaccine requirement for adults will be increased from one vaccine dose to two doses starting on December 27, with the exception of adults who initially received the one-shot Johnson & Johnson vaccine.

As with the federal government's attempt to require vaccinations through the Occupational Safety and Health Administration's Emergency Temporary Standard—the enforcement of which remains blocked by a federal court decree—it is expected that the New York City mandate will face immediate legal challenges. NYC employers must nonetheless promptly take steps to prepare for the possibility of these new vaccine mandates.

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