

NEW YORK CITY TO ADOPT VACCINE MANDATE FOR PRIVATE SECTOR WORKERS AND EXPAND “KEY TO NYC” RESTRICTIONS TO UNVACCINATED CHILDREN AGED FIVE TO ELEVEN YEARS

Hodgson Russ Labor & Employment Alert
December 8, 2021

On December 6, 2021, New York City Mayor Bill de Blasio announced the first in the nation, city-wide COVID-19 vaccine mandate, along with an extension of the “Key to NYC” indoor activity restrictions to children aged five to eleven.

Effective December 27, 2021, all private sector workers in New York City will be subject to a COVID-19 vaccination mandate, which is expected to affect nearly 184,000 NYC businesses. By that date, employees will be required to have received at least one dose of a COVID-19 vaccine. Opt-out testing is not anticipated to be an alternative method of compliance. The City is expected to issue enforcement and reasonable accommodation guidance on December 15, 2021, along with additional resources to support small businesses with implementation.

Under the existing “Key to NYC” program, persons aged 12 and over are required to show proof of at least one COVID-19 vaccination dose in order to engage in public indoor dining, indoor fitness, and certain indoor entertainment and recreational activities. In addition, those over 18 must show identification. Employees in those venues must also be vaccinated. Effective December 14, 2021, vaccination proof requirements will become applicable to children between the ages of five and eleven at those venues and to participate in “high-risk extracurricular activities,” such as sports, band, orchestra, and dance. And beginning December 27, 2021, individuals aged 12 and older will be required to show proof of full vaccination (i.e., completion of a two-dose series or single dose of Johnson & Johnson) to access the aforementioned venues. Acceptable proof of vaccination will include a CDC-issued vaccination card, the New York State Excelsior Pass, the Clear Health Pass, and/or the NYC COVID Safe App. More details about the “Key to NYC” requirements can be found on the New York City Department of Health website [here](#).

We will be closely monitoring the situation for the compliance and enforcement details and will continue to provide client alerts once more information is available.

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If you have questions regarding the NYC vaccine mandate and how it may impact your business, please contact [Charles H. Kaplan](#) (646.218.7513), [John Godwin](#) (716.848.1357), [Monaliza Seepersaud](#) (646.218.7542), or any member of Hodgson Russ’s [Labor & Employment Practice](#).