

New York City's New Vaccine Mandate for Private Sector Employees and Key to NYC Expansions

December 9, 2021

On December 6, 2021, New York City Mayor Bill de Blasio [announced](#) new COVID-19 policies to go into effect this month. These include a new vaccine mandate applicable to private sector employees, as well as an expansion to the Key to NYC program. A transcript of the Mayor's announcement can be found [here](#).

New Vaccine Mandate for Private Sector Employees

The COVID-19 vaccine mandate for private sector workers requires that all private sector employees receive one dose of a COVID-19 vaccine before the mandate takes effect on **December 27, 2021**. It applies to any in-person employment in New York City, affecting about 184,000 businesses. Although the regulations have not yet been released, it appears that this mandate will not be applicable to those working remotely or at State-related entities such as CUNY or the MTA.

Moreover, there will not be a testing alternative available. Vaccination can be proven through a CDC issued vaccination card, the New York State Excelsior Pass, the Clear Health Pass, or the NYC COVID Safe App.

More information regarding the implementation and enforcement of this mandate will be released on **December 15, 2021**. Guidance on reasonable accommodations and penalties for noncompliance is expected to be addressed at that time.

It is unknown how the mayor-elect, Eric Adams, will approach this mandate. Adams will take office on January 1, 2022.

Key to NYC Expansions

The Key to NYC program, which previously required employees and patrons ages 12 and up to have received one dose of a COVID-19 vaccine to partake in indoor dining, fitness, and entertainment and performance venues, will be expanded on **December 27, 2021**. All employees and patrons ages 12 and up will now be required to show proof of two doses of a COVID-19 vaccine (unless the individual received the Johnson & Johnson vaccine). A complete list of activities for which proof of vaccination is required can be accessed [here](#).

Additionally, beginning on **December 14, 2021**, children ages 5-11 will be required to show proof of at least one dose of the COVID-19 vaccine to partake in indoor dining, fitness, and entertainment and performance venues.

Children ages 5-11 will also be required to show proof of one dose of the COVID-19 vaccine to partake in high-risk extracurricular activities such as sports, band, orchestra, and dance.

These are relatively new issues which continue to evolve in these unprecedented times of the COVID-19 pandemic. We will continue to follow the progress of how the law advances and issue future alerts on relevant developments.

If you have questions about any implications the mandate has for your business, feel free to contact Jennifer A. McLaughlin at (516) 357-3889 or jmclaughlin@cullenllp.com, James G. Ryan at (516) 357-3750 or jryan@cullenllp.com, Jennifer E. Seeba at (516) 296-9173 or jseeba@cullenllp.com, Dina L. Vespia at (516) 357-3726 or dvespia@cullenllp.com, or Thomas B. Wassel at (516) 357-3868 or twassel@cullenllp.com.

Thank you to Samantha Schneider for her assistance with this client alert.

Please note that this is a general overview of the law and no content within this excerpt constitutes legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient.

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