

NYC Implements Wide-Ranging Pandemic Restrictions, Including Private Sector Vaccine Mandate

On the morning of December 6, 2021, Mayor Bill de Blasio announced major expansions to the “Key to New York City” program. The city will issue additional enforcement and reasonable accommodation guidance on December 15, 2021.

First-In-The-Nation Vaccine Mandate Issued for Private Sector Employees

Starting December 27, **all employees at private sector businesses must have received at least one dose of a COVID-19 vaccine.** The requirement will **not** be limited to businesses in certain industries or based on company size, and is estimated to apply to 184,000 businesses. Mayor de Blasio will have five days left in office when this new mandate becomes effective, so it remains to be seen whether the mandate will stay in place. If it does remain in place, the practical effect of this requirement is that it may encourage more employees to work remotely (depending on the upcoming guidance). However, for many New York City employers, many unvaccinated employees may not be able to perform their duties remotely. Further details will be announced on December 15, 2021.

Proof of Full Vaccination for Public Indoor Activities

Starting December 27, 2021, **people 12 and older participating in public indoor activities in New York City will be required to show proof they have received two doses** of the Pfizer or Moderna vaccine,¹ or the one dose of the Johnson & Johnson vaccine.

Public indoor activities includes restaurants, catering halls, hotel banquet rooms, bars, nightclubs, cafeterias, coffee shops, fast food restaurants, grocery stores with indoor dining and other indoor dining spaces, gyms, fitness centers, fitness classes, pools, dance studios and other indoor fitness studios, such as yoga or Pilates, movie theaters, music and concert venues, museums, aquariums and zoos, professional sports arenas, indoor stadiums, convention centers, exhibition halls, hotel meeting and event spaces, performing arts theaters, bowling alleys, arcades, pool and billiard halls, recreational game centers, and adult entertainment and indoor play areas.

According to prior NYC guidance, businesses can allow customers to enter the premises without proof to use the bathroom or for another reason that will take a small amount of time (for example, less than 10 minutes). These individuals must wear a face mask whenever they are unable to maintain six feet of social distance from other people. Employees working at these locations must also be vaccinated.

Proof of One COVID-19 Vaccination Dose for Indoor Public Activities for Children Ages 5-11

Starting December 14, 2021, children ages 5 to 11 must show **proof of one COVID-19 vaccination dose to participate in public indoor activities** (see above for public indoor activities).

Proof of One COVID-19 Vaccination Dose for Extracurricular Activities

Starting December 14, 2021, 5 to 11-year-old children will need **one COVID-19 vaccination dose to participate in high-risk extracurricular activities.** This includes sports, band, orchestra, and dance.

What Type of Proof Will Be Required?



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According to the program, acceptable proof of vaccination includes a CDC-issued vaccination card, the New York State Excelsior Pass, the Clear Health Pass, and the NYC COVID Safe App. NYC Guidance also explains that an official vaccine record, or a photo or hard copy of an official vaccination record of a vaccine administered outside the United States for one of the following vaccines: AstraZeneca/SK Bioscience, Serum Institute of India/COVISHIELD and Vaxzevria, Sinopharm, or Sinovac suffices.

What Next?

Additional guidance, once issued on December 15, 2021, will be helpful. However, given the short period of time (eight days) between the date guidance will be issued and the application date, it is best to begin to explore how the expansions of the program will affect your business with your employment counsel.

¹ Prior to this change, people 12 and older only needed to show proof of one dose of a COVID-19 vaccine.