

NEW YORK CITY TO END ITS VACCINE MANDATE FOR PRIVATE SECTOR EMPLOYERS

Hodgson Russ Labor & Employment Alert
October 21, 2022

Mayor Eric Adams recently announced that New York City will lift its vaccine mandate for private sector employees effective November 1, 2022.

As we [previously reported](#), the New York City Commissioner of Health and Mental Hygiene published an Order on December 13, 2021, that required virtually all private employers in New York City to ensure that their employees provided proof of vaccination against COVID-19 before entering the workplace. The Order provided limited exceptions to the vaccine mandate, though it did allow employers to provide reasonable accommodations to unvaccinated employees with medical or religious needs, including, for example, allowing such employees to report to work while wearing personal protective equipment or undergoing regular COVID-19 testing.

Enforcement of this mandate has been limited since the change in Mayoral administration, with Mayor Adams publicly stating that his administration had no plans to conduct inspections or fine employers for non-compliance. However, the Order has technically remained in effect since December 2021.

Now, effective November 1, 2022, the mandate will officially come to an end. Private employers in New York City will no longer be required to ensure that their workforces are vaccinated against COVID-19, and employees who have been excluded from the worksite due to the mandate may be permitted to return.

The elimination of the mandate does not prohibit private employers from establishing and enforcing their own COVID-19 policies, including vaccination requirements, subject to other legal obligations. Employers who wish to retain vaccine mandates should review and update their policies and consult with counsel to ensure that all such policies are compliant with applicable laws.

Employers should also continue to be mindful of vaccine mandates that may apply to their workforces under other applicable laws or regulations, including requirements that may apply to health care workers.

If you have questions regarding the termination of the New York City vaccine mandate and how it may affect your business and workforce, please contact [Glen P. Doherty](#) (518.433.2433), [Peter C. Godfrey](#) (716.848.1246), [Charles H. Kaplan](#) (646.218.7513), or any member of Hodgson Russ's [Labor and Employment Practice](#).

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