

# No More COVID-19 Vaccine Mandate for New York City's Private Sector

By Richard I. Greenberg, Jenifer M. Bologna & Henry S. Shapiro

September 21, 2022

## Meet the Authors



**Richard I. Greenberg**

(Rich)

Principal

(212) 545-4080

[Richard.Greenberg@jacksonlewis.com](mailto:Richard.Greenberg@jacksonlewis.com)



**Jenifer M. Bologna**

Principal

(914) 872-6869

[Jenifer.Bologna@jacksonlewis.com](mailto:Jenifer.Bologna@jacksonlewis.com)



**Henry S. Shapiro**

Beginning November 1, 2022, New York City private sector employees will no longer be subject to the COVID-19 vaccination mandate.

Mayor Eric Adams announced on September 20, 2022, that private employers in New York City will be able to make their own decisions on whether to require their employees to be vaccinated against COVID-19 in order to report to work effective November 1. Until that date, the mandate remains in effect and, subject to accommodations (generally and practically medical and religious accommodations), a New York City private sector employer cannot permit an unvaccinated employee to work in a New York City facility. Although the City will eliminate the vaccine mandate for the private sector, Mayor Adams and the City Department of Health and Hygiene Commissioner encourage employers to maintain vaccine policies once the vaccine mandate is lifted.

Beginning December 27, 2021, the [New York City Department of Health required](#) all public and private sector employees to be vaccinated against COVID-19 and provide proof of vaccination to their employers prior to entering the workplace or performing in-person work in New York City. To date, New York City is the only jurisdiction that continues to maintain an all-encompassing private sector vaccine mandate.

While vaccinations against COVID-19 for the private sector will no longer be required by New York City, until further notice, the public sector will continue to be subject to the vaccine mandate. Mayor Adams's announcement was met with dissatisfaction from City employees as they risk discipline for noncompliance with the New York City vaccine mandate.

Although it is unclear, absent further mayoral action, it appears the New York City contractor and social services mandates will remain in place. Under these mandates, the most recent being September 13, 2021, all private sector employees working under a City contract that interacted with the public or City employees were required to be fully vaccinated for COVID-19, subject to medical and religious accommodations. The mandate took effect even earlier (August 16, 2021) for those contract employees working in residential and congregate settings pursuant to a City contract.

In light of the latest announcement, private sector employers should consider both employee relations and legal implications should the business choose to eliminate a mandate. Employers, of course, should continue to be aware that the Occupational Safety and Health Act (OSHA) creates a continuing obligation for employers to maintain a [healthy and safe workplace](#) for their employees.

Please do not hesitate to reach out to your Jackson Lewis attorney with any inquires related to this development or related issues.

Principal  
(631) 247-4651  
Henry.Shapiro@jacksonlewis.com

## Related Services

COVID-19

National Compliance and Multi-State

Solutions

©2022 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.