

**ORDER OF THE BOARD OF HEALTH
TO AMEND THE REQUIREMENT FOR
COVID-19 VACCINATION FOR CITY EMPLOYEES
AND EMPLOYEES OF CERTAIN CITY CONTRACTORS**

WHEREAS, on March 25, 2020, the Commissioner of Health and Mental Hygiene (“Commissioner”) declared the existence of a public health emergency within New York City to address the continuing threat posed by COVID-19 to the health and welfare of City residents, and such declaration and public health emergency continue to be in effect; and

WHEREAS, pursuant to Section 3.01(d) of the Health Code, when urgent public health action is necessary to protect the public health against an existing threat and a public health emergency has been declared, the Commissioner is authorized to issue orders and take actions that are deemed necessary for the health and safety of the City and its residents; and

WHEREAS, on October 20, 2021, the Commissioner issued an “Order to Require COVID-19 Vaccination for City Employees and Certain City Contractors” that required all City employees, except certain Department of Correction employees and certain employees of some City contractors, to provide proof to the agency or office where they work that they had been vaccinated against COVID-19, and required certain employees of some City contractors to provide the same proof to their employer (the “October 20, 2021 Order”); and

WHEREAS, on October 31, 2021, the Commissioner issued a “Supplemental Order to Require COVID-19 Vaccination for City Employees and Employees of Certain City Contractors,” delaying until November 8, 2021, application of the October 20, 2021 Order for certain employees or contractors, and requiring additional City contractors not covered by the October 20, 2021 Order to ensure that certain of their employees, provide proof that they had been vaccinated against COVID-19 (the “October 31, 2021 Order”); and

WHEREAS, on November 1, 2021, the Board of Health ratified and continued both the October 20, 2021 Order and the October 31, 2021 Order; and

WHEREAS, as of February 1, 2023, 331,955 City employees, representing 96% of all City employees, have completed a primary series of vaccination, and high vaccination rates correlate with lower rates of hospitalization and death; and

WHEREAS, as of January 26, 2023, more than 6.6 million adults residing in New York City, representing 99% of all such adults, have received at least one dose of vaccination against COVID-19, and more than 5.9 million adults residing in New York City, representing 90% of all such adults, have completed a primary series of vaccination, and high vaccination rates correlate with lower rates of hospitalization and death; and

WHEREAS, the high rate of vaccination among adults in New York City has proven effective in lessening the burden of COVID-19 on the City’s healthcare system;

NOW THEREFORE BE IT RESOLVED, the Board of Health hereby orders that the October 20, 2021 Order, and the October 31, 2021 Order, as ratified and continued by the Board of Health on November 1, 2021, are hereby **AMENDED** as follows:

1. Paragraph 3 of the October 20, 2021 Order is **REPEALED**, so that a City employee who does not provide the required proof of vaccination as described in paragraph 2 of that Order no longer need be excluded from the premises at which they work.
2. Paragraph 4 of the October 20, 2021 Order, and paragraph 2 of the October 31, 2021 Order, are **MODIFIED**, so that a City human services contractor or other City contractor described in those paragraphs no longer needs to require their covered employees to provide proof of vaccination against COVID-19.

Dated: February 9, 2023