



# **Vaccine Mandate Updates**

## **MLC Briefing**

February 22, 2023

# Agenda

Topic	Presenter
Welcome Remarks	Renee Champion
Vaccine Mandate Updates	Office of Labor Relations Human Capital, DCAS Law Department
Q&A	



# Vaccine Mandate Updates

February 2023

## Summary of Policy Change

After careful consideration of the current health and safety guidelines and, in part, because of the high vaccination rates among City employees (more than 96%), the availability of vaccines to everyone 6 months and older, and the widely available bivalent boosters, effective 2/10/2023, the City with the Board of Health approval, made COVID-19 vaccination optional for current and prospective City employees.

Terminated permanent competitive and labor class employees (for failure to comply with the vaccine mandate) will have one year from date of termination to apply for reinstatement. If they were terminated on 2/11/2022, there will be a 30-day grace period for them to apply, meaning they will have to apply for reinstatement by 3/10/2023.

Employees that have retired or resigned will have to go through the traditional personnel process to be reinstated or rehired.



# What is still in effect?

Modified to Make Vaccination Optional	Still in Effect
<ul style="list-style-type: none"><li>• Commissioner of Health Order Requiring COVID-19 Vaccination for City Employees and Certain City Contractors <a href="#">boh-order-amend-covid-vaccine-req-city-employees.pdf (nyc.gov)</a> <a href="#">boh-order-amend-covid-vaccine-req-doe-employees.pdf (nyc.gov)</a> <a href="#">boh-order-rescinding-covid-19-vaccination-child-care-ei.pdf (nyc.gov)</a></li><li>• Executive Orders 75 and 76 Requiring COVID-19 Vaccination for New City Hires <a href="#">Executive Order 25   City of New York (nyc.gov)</a></li></ul>	<ul style="list-style-type: none"><li>• COVID-19 Leave Policy <a href="#">leave_guidance_applicable_to_employees_during_outbreak.pdf (nyc.gov)</a></li><li>• Leave Policy for Employees to Get Vaccinated <a href="#">600_4.pdf (nyc.gov)</a></li><li>• Excused Leave Policy to Accompany Children to Receive a COVID-19 Vaccine <a href="#">Mayor's Personnel Order No. 2021/2   City of New York (nyc.gov)</a></li><li>• Commissioner's Directive 2020-1 Regarding Face Coverings for City Personnel <a href="#">directive_2020_1.pdf (nyc.gov)</a></li><li>• The Mayoral COVID-19 emergency declaration remains in effect.<ul style="list-style-type: none"><li>○ Commissioner's Directive 2020-2 Concerning the Recruitment of Personnel <a href="#">directive_2020_2.pdf (nyc.gov)</a></li><li>○ Commissioner's Directive 2020-3 Concerning Extension for Time-Limited Titles <a href="#">directive_2020_3.pdf (nyc.gov)</a></li></ul></li></ul>

# Definitions

Reinstatements for employees who resigned/retired* (Rule 6.2.3) and terminated employees (Rule 6.2.6)	Rehires
<ul style="list-style-type: none"> <li>• Refers to reappointment to the former civil service title held by the employee.</li> <li>• Is a specific right available to employees with civil service protection.</li> <li>• Preserves certain rights and does not require them to take a civil service exam again.</li> </ul> <p>* Employees who resigned or retired after signing the waiver with the enhanced sick leave payout are not eligible for reinstatement.</p> <p>* City employees who executed extended LWOP waivers are permitted to seek reinstatement.</p>	<ul style="list-style-type: none"> <li>• Refers to the process to be taken for former employees to become active employees after termination.</li> <li>• Former employees are eligible for rehire by a City agency.</li> <li>• Employees start off again as new employees (new city start date).</li> </ul>

Permanent  
Civilian &  
Uniformed  
Employees

Labor Class  
Employees

Provisional  
Employees

Probationary  
Employees

All others  
including non-  
competitive  
employees

# Reinstatement for former Permanent Employees

Employees are eligible to reinstatement **subject to Agency discretion** if:

- Permanent Competitive or Labor Class Employee
- There must be an available vacancy
- Must not have signed a waiver for an enhanced sick leave payout
- Submitted request for reinstatement within one year of termination. (those terminated on 2/11/2022 will have a 30-day grace period and must apply by 3/10/2023).
  - For retirements and resignations
  - Requests must be made within four years of separation equal to time actually served in a labor class or permanent competitive title. Uniformed forces of police and fire department must be made within one year of separation.
- If Agency exercises discretion to reinstate the terminated employee must execute a waiver with respect to claims for backpay, civil service rights and status for the period of the dismissal.

## All Other Employees and Rehires - Not Eligible for Reinstatement

- Any Employee who is not otherwise eligible to be reinstated may apply to be rehired as a new employee (provisional, probationary, non-competitive, all others)
- Competitive class employees who were terminated while still on probation may request restoration to the civil service list, if still in existence.
- Employees who were terminated due to the vaccine mandate are eligible for rehire by any City agency, with the understanding they meet all conditions for employment in the rehire position and haven't otherwise signed a waiver indicating they will not return
- If rehired, employees will be treated as new hires for all purposes.



## Reasonable Accommodations

- Effective February 10, 2023, unvaccinated employees are no longer required to submit to weekly PCR testing or wear a face mask, except in circumstances outlined in the Commissioner's Directive 2020-1. [directive 2020 1.pdf \(nyc.gov\)](#)
- EEO Officers were directed to notify individuals who have a vaccine exemption reasonable accommodation that the accommodation is no longer necessary and ends effective February 10, 2023.
- Effective February 10, 2023, agency EEO Offices will deny reasonable accommodation requests seeking to be exempt from the COVID-19 vaccine requirement as moot since the COVID-19 vaccination is no longer required.
- Reasonable accommodations to work from home (ex. for employees with serious health issues) do not automatically end and will continue to be evaluated and reassessed on a case-by-case basis in accordance with Citywide EEO policy.

# Closing Remarks and Q&A

