



## Vaccination and Mask Requirements for Child Care Programs

The Commissioner of the New York City Department of Health and Mental Hygiene (NYC Health Department) has ordered staff working in child care programs to be vaccinated against COVID-19, and for staff and children age 2 and older to wear a face mask. Review this document to learn about these new requirements and how to comply.

As of Monday, December 20, 2021, all staff working in a child care program must have submitted proof that they have received at least one dose of a COVID-19 vaccine. This means that on December 20, 2021, staff who have not received their first vaccine dose cannot deliver in-person child care program services.

Programs operating under a contract with the NYC Department of Education (DOE) or Department of Youth and Community Development (DYCD), and those located in DOE or charter schools are already complying with these requirements. Expanding these requirements to all child care programs is a critical next step to protect the safety of children, families and staff.

### What child care programs are covered by the mandate?

- Child care programs regulated under the NYC Health Code
  - Group child care centers (Article 47)
  - School-based programs (Article 43)
- Child care programs authorized by the New York State (NYS) Office of Children and Family Services (OCFS)
  - Family day care
  - Group family day care
  - School age child care
  - Enrolled legally exempt group child care programs

### Who is required to be vaccinated?

All staff, contractors, volunteers or interns who **work in-person** at a child care program (collectively, “staff”). This includes:

- All employees of the child care program
- Graduate, undergraduate or high school students placed by their educational institution at a child care program as part of an academic program
- Specialists providing support services, therapy, special education or other services at a child care program
- People employed by a contractor of a child care program, including independent contractors, who work in-person at a location providing child care services

Staff hired on or after November 17, 2021, must provide proof that they have received at least one dose of an approved COVID-19 vaccine before their start date and must receive their second dose no later than 45 days later. The Order does **not** include household members or people who are on-site briefly for a limited purpose, such as for a delivery or pickup, or to perform a repair.

### **Which vaccines are approved?**

Acceptable vaccines are those authorized or approved by the Food and Drug Administration (FDA) or authorized for emergency use by the World Health Organization (WHO), and those part of a U.S.-based clinical trial. Acceptable vaccines:

- Pfizer-BioNTech (also known as COMIRNATY, Tozinameran) (two-dose series)
- Moderna (also known as Takeda, Spikevax) (two-dose series)
- Johnson & Johnson/Janssen (single-dose)
- AstraZeneca (also known as Covishield, Vaxzevria) (two-dose series)
- COVAXIN (Bharat Biotech International) (two-dose series)
- Sinopharm-BIBP (Beijing Institute of Biological Products) (two-dose series)
- Sinovac (CoronaVac) (two-dose series)
- Novavax, for people participating in the clinical trial only (must confirm receipt of active vaccine (not placebo))

### **What documentation does my child care program need to maintain?**

Each child care program must securely maintain electronic or paper records of staff members' proof of vaccination. These records must be kept current and made available to the NYC Health Department upon request. The program must maintain a report that tracks the following information:

- 1. Name of staff member and start date at the program**
- 2. Type of proof of vaccination** submitted, which may include:
  - CDC Vaccination Card. A digital photo or photocopy of this card is also acceptable.
  - NYC Vaccination Record or other official immunization record, including from a health care provider. A digital photo or photocopy of this is also acceptable.
  - NYC COVID Safe App (iOS) printout or screenshots
  - CLEAR Health Pass printout or screenshots
  - NYS Excelsior Pass/Excelsior Pass Plus
- 3. Date that proof of vaccination was received**
- 4. Whether the staff member is currently fully vaccinated**
  - To be fully vaccinated, at least two weeks must have passed since the person received the second dose in a two-dose vaccine, or a single dose of the Johnson & Johnson vaccine. People who received two different vaccines are considered fully vaccinated if both vaccine products are authorized or approved by the FDA or WHO.
  - For existing staff members who have received the first dose of a vaccine that requires two doses, they must get the second dose by February 4, 2022.

- For staff members who have not received the second dose of a two-dose series at the time of initial reporting, the provider must later receive proof of and record the **date that the second dose was received**.
5. For any staff who did not submit proof of COVID-19 vaccination because they were granted a reasonable accommodation, the record must indicate that such accommodation was provided.
- The program must separately maintain records stating the basis for a reasonable accommodation determination and the supporting documentation provided by the staff in accordance with applicable laws, including the Americans with Disabilities Act. Any accommodation cannot include the staff person being present in-person with children.

At this time programs are not required to track staff who have received booster shots.

Here is an example of the vaccine information to collect for your staff:

Staff Name	Start Date	Type of Vaccine Proof	Vaccine Product	Date of Vaccine Dose 1	Date of Vaccine Dose 2 (not required for Johnson & Johnson)	Date of Proof of Vaccine	Currently Fully Vaccinated
John Doe	1/10/2020	NYS Excelsior	Pfizer	3/3/2021	4/5/2021	4/15/2021	Yes
Jane Doe	2/27/2018	NYC COVID Safe app	Moderna	10/26/2021	Required by 12/6/2021	11/1/2021 (dose 1)	No
Tim Smith	4/5/2019	CDC card	Johnson & Johnson	11/10/2021	N/A	11/12/2021	Yes

#### Where can I find information about the COVID-19 vaccine?

For more information on COVID-19 vaccines, visit [nyc.gov/covidvaccine](https://nyc.gov/covidvaccine). The COVID-19 vaccines are safe, effective and free. Information about locations where New Yorkers can receive a vaccine for COVID-19 can be found at [nyc.gov/vaccinefinder](https://nyc.gov/vaccinefinder) or by calling 877-VAX-4-NYC (877-829-4632). Staff can also request in-home vaccination by visiting [nyc.gov/homevaccine](https://nyc.gov/homevaccine) or calling 877-VAX-4-NYC (877-829-4632).

**What is the mask requirement?**

All staff and children who are over age two and can medically tolerate a face mask must wear one while at a child care program and during off-site trips and excursions. The face mask should cover the mouth and nose at all times, except when eating or drinking, or when sleeping or napping. Children under age two should **never** wear a mask. People may use alternative face coverings (such as face masks that are transparent at or around the mouth) based on the developmental needs of a child. Programs authorized by NYS OCFS are currently complying with this NYS mandate.

**How will the vaccination and mask requirements be enforced?**

The NYC Health Department will enforce through routine inspections. Failure to comply may result in a summons subject to a \$1,000 fine.

**Questions?**

If you have questions please call or email your assigned representative, call your borough office or email **[childcareinfo@health.nyc.gov](mailto:childcareinfo@health.nyc.gov)**. For more information, visit **[nyc.gov/health](https://nyc.gov/health)** and search for **child care operators**.

**The NYC Health Department may change recommendations as the situation evolves.**

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