



Office of Children and Family Services

KATHY HOCHUL
Governor

SHEILA J. POOLE
Commissioner

November 23, 2021

Dear Provider:

This letter contains important health and safety updates for your child care program. Please read this information carefully as it contains information regarding proof of vaccination against COVID-19 requirements for all staff in child care settings in New York City.

Child care programs serve children under the age of 5 who are not yet eligible for vaccination. Thus, COVID-19 prevention strategies remain critical to protect children and staff. On November 17, 2021, the Commissioner for Health and Mental Hygiene issued an [Order](#) regarding ongoing concerns that a public health emergency continues in New York City. In accordance with the Commissioner of Health and Mental Hygiene's new Order (the Order), the Office of Children and Family Services (OCFS) is issuing this guidance document that is applicable to all staff in OCFS licensed/registered or enrolled legally exempt group programs in New York City. All staff members as outlined in the Commissioner's Order are required to be in compliance with the [Order](#) no later than December 20, 2021. The only exception is for those staff who require a reasonable accommodation otherwise required by law. However, an unvaccinated staff member with a reasonable accommodation will not be allowed to work with children in person.

After December 20, 2021, every child care program in New York City that is regulated under Article 43 or 47 of the Health Code, is required to be licensed or registered by the State Office of Children and Family Services or is an enrolled legally exempt group child care program pursuant to the Social Services Law, must exclude from the premises any staff member who has not provided proof of vaccination against COVID-19.

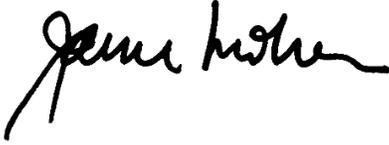
Furthermore, all staff members hired on or after December 20, 2021 at any child care program in New York City, licensed/registered or legally exempt group regulated by OCFS, must provide proof of vaccination against COVID-19 to their employer on or before their start date, except those staff who require a reasonable accommodation otherwise required by law. However, a reasonable accommodation may not allow an unvaccinated staff member to work with children in person.

Each child care program must securely maintain staff member records of proof of vaccination against COVID-19. These records may be kept electronically or on paper. These records must include the following:

- a) each staff member's name and start date
- b) the type of proof of vaccination submitted, the date such proof was collected, and whether the person is fully vaccinated, as defined in this Order
- c) for any staff member who submits proof of the first dose of a two-dose vaccine, the date by which proof of the second dose must be provided, which must be no later than 45 days after the first dose
- d) for any staff member who did not submit proof of COVID-19 vaccination because of a reasonable accommodation, the record must indicate that such accommodation was provided, and the child care program must separately maintain records stating the basis for such accommodation and the supporting documentation provided by the staff member in accordance with applicable laws, including the Americans with Disabilities Act.

OCFS would like to thank you for your continued commitment to the health and safety of the children in your program throughout this challenging time. If you have any questions, please reach out to your regulator.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Molnar". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Janice M. Molnar, Ph.D.
Deputy Commissioner
Division of Child Care Services