

***Confused about Vaccination and Mask Mandates in NY? We Got You Covered!***  
**CHEAT SHEET FOR EMPLOYERS**

In the last week and a half, a number of COVID19 vaccine mandates and mask mandates came into effect in New York and at the federal level. All of these moving parts can get very confusing. Read on for a quick cheat sheet about how these mandates apply, their geographical limitations and other pertinent information. All of the following mandates may implicate employers' NYS HERO ACT safety plans. As always, we are [here](#) for you, if you have questions or need help implementing these mandates at your workplace.

	<b><u>NYS Mask Mandate</u></b>	<b><u>NYC Vax-to-Work Mandate</u></b>	<b><u>OSHA ETS (Vaccinate or Test)<sup>1</sup></u></b>	<b><u>Key to NYC</u></b>
<b>Geographic scope</b>	New York State	NYC only	All states	NYC only
<b>Scope</b>	<b>Indoor public place</b> – defined as any indoor space that is not a private residence.	Any <b>non-governmental entity</b> in NYC that employs more than one worker in NYC. Does not apply to certain entities which may be covered by other local, state or federal mandates.	All <b>employers</b> with at least 100 employees company-wide.	Any <b>indoor entertainment</b> and recreational setting, event and meeting spaces, indoor food services or indoor gyms and fitness centers (with certain exclusions).
<b>Effective Date</b>	<i>December 13, 2021</i>	<i>December 27, 2021</i>	No citations issued for non-compliance before <i>January 10, 2022</i> . No citations for non-compliance with testing requirements before <i>February 9, 2022</i> .	<i>December 15, 2021</i> (as amended)
<b>Requirements</b>	<ul style="list-style-type: none"> <li>Masks <u>must be worn</u> by patrons and employees in</li> </ul>	<ul style="list-style-type: none"> <li>Workers must provide or have provided proof of</li> </ul>	<ul style="list-style-type: none"> <li>Employers must institute either a mandatory</li> </ul>	<ul style="list-style-type: none"> <li>Covered entities will not permit anyone 5 years or older,</li> </ul>

<sup>1</sup> Currently on emergency appeal to the U.S. Supreme Court.

	<p>all indoor public places that <b>do not have proof of vaccination for entry.</b></p> <ul style="list-style-type: none"> <li>• Businesses can choose to require proof of “full” vaccination prior to entry instead in which case masking is optional.</li> <li>• A business or venue must choose whether it will implement a full-course vaccine requirement or a mask requirement. Cannot mix-and-match.</li> <li>• Children between the ages of 5 and 11 can show proof of “partial” vaccination.</li> </ul>	<p>vaccination.</p> <ul style="list-style-type: none"> <li>• A covered entity must exclude from the workplace any worker who has not provided such proof, unless an exception due to a religious or medical accommodation applies, or a worker only ever enters the workplace for a quick and limited purpose.</li> <li>• If a worker is partially vaccinated, proof of the second dose must be no later than 45 days after the proof of the first dose was submitted.</li> <li>• <b>Includes outdoor worksites, but excludes work-from-home arrangements</b></li> <li>• Coworking spaces like WeWork are covered, but commercial landlords who do not operate such</li> </ul>	<p>vaccination policy <u>or</u> a weekly testing and mask policy for those who remain unvaccinated.</p> <ul style="list-style-type: none"> <li>• <b>Excludes exclusively outdoor worksites or work from home arrangements.</b></li> <li>• Provide up to 4 hours paid time off to receive vaccination as well as reasonable reasonable time and paid sick leave to recover from side effects experienced following each dose.</li> <li>• Employers are not required to pay for any costs associated with testing. However employer payment for testing may be required by other laws or union</li> </ul>	<p>employees and patrons alike to enter without being vaccinated and displaying proof of ID (if over 18).</p> <ul style="list-style-type: none"> <li>• Some limited exceptions for entry without proof of vaccination due to transient presence on premises.</li> </ul>
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		are not covered, except as the order applies to landlord's employees	agreements.	
<b>Religious/medical Accommodations</b>	N/A	Available	Available	Available
<b>Documentation Burden</b>	<ul style="list-style-type: none"> <li>• Postings suggested.</li> </ul>	<ul style="list-style-type: none"> <li>• Recordkeeping requirements</li> <li>• Posting/notification requirements, including affirmation of compliance by December 27, 2021.</li> </ul>	<ul style="list-style-type: none"> <li>• Recordkeeping requirements.</li> <li>• Posting/notification requirements, including benefits of vaccination.</li> </ul>	<ul style="list-style-type: none"> <li>• Recordkeeping requirements associated with the request and proof of vaccination or reasonable accommodation provided</li> <li>• Posting/notification requirement.</li> </ul>
<b>Penalties for non-compliance</b>	Begins at \$1,000 per violation	Begins at \$1,000 per violation.	Up to \$13,653 for each violation. More for repeated violations.	Begins at \$1,000 per violation.