

Vax and Mask Update – January 1, 2022

Happy New Year. We hope everyone enjoyed the holiday season.

As we all return to work, here's what employers need to know about COVID-19 and the latest workplace rules. Please note that this is the state of the law as of this writing, but that legal challenges and executive orders are keeping this an ever-changing landscape. We will do our best to stay on top of it for you.

NYC EMPLOYERS

Mayor Eric Adams took office on Saturday, and shortly thereafter said that he will maintain the current vaccine mandate in effect for all employees in New York City. This means that all people who perform in-person work or who interact with the public must have 2 doses of the vaccine (if Moderna or Pfizer) by February 10, 2022 and were already required to have had one dose to be admitted to the workplace. Employers must verify proof of vaccine, maintain records for each employee, and must sign and pose an affirmation that they are in compliance with the mandate. Though the Mayor has said his Administration will focus on compliance rather than penalty, the law allows for fines starting at \$1,000.

STATEWIDE MASK REQUIREMENT

New York State requires that ALL indoor venues (including offices and other places of business, including vehicles) have one of two mandatory policies: They must either require all who enter to be vaccinated (and provide proof of vaccine), or they must require that everyone, regardless of their vaccine status, wear masks at all times. If the office does not require proof of vaccination as a condition of entry, everyone must wear masks at all times status except when eating, drinking, or alone in an enclosed room. When first implemented, this mandate was going to be reevaluated on January 15. The mandate has been extended until February 1 (and will probably be extended again). As for enforcement, the State has said it will not issue penalties until January 10, giving employers a chance to comply first. After that, violating employers are subject to fines starting at \$1,000.

THE NEW OSHA REGULATION

If you have more than 100 employees, you must have a vaccine mandate or require weekly testing of all non-vaccinated employees. OSHA says they won't start enforcing the vaccine law with penalties until January 10 as long as employers are exercising "reasonable, good faith efforts" to comply, and that they will focus on compliance in the meantime. They have said they will hold off on enforcing the testing mandate and protocol requirements until February 9. To be in compliance, there are, in addition to the vaccine status monitoring and testing protocol, record-keeping, notification, and information distribution requirements.

ONE LAST THING

Finally, a reminder that COVID leave is still in effect and must be offered ON TOP OF AN EMPLOYEE'S OTHER LEAVE if they have an order from the proper authorities.

If we can help you with any of your labor and employment compliance needs, please let us know.

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