



New York Employers Must Implement a Mask or Vaccine Requirement

Insights

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Employees and patrons of all New York business must wear a mask indoors effective December 13 unless the business implements a vaccine requirement. This new measure was announced this morning by Governor Hochul to address a rise in COVID-19 cases and hospitalizations and aims to curb outbreaks during the holiday season when more time is spent indoors and with crowds. The mandate will remain in effect through January 15, at which time the state will re-evaluate the conditions.

What Should You Do?

Accordingly, come Monday, businesses must ensure that everyone in the worksite wears a mask. Alternatively, employers can implement a vaccine mandate, requiring that all employees and customers present proof of that they are fully vaccinated in order to enter. More information on how to establish and enforce a mandate can be found here. Businesses that violate this measure face civil and criminal penalties, including fines of up to \$1,000 per violation.

The new measure comes on the heels of New York City's announcement that all employees of private sector businesses must be vaccinated in order to work in person effective December 27. New York City employers are anxiously awaiting additional guidance about the citywide vaccination requirement, which is expected to be released on December 15. Employers in New York now have just a few days to decide whether to require proof of vaccination or they must enforce mask wearing.

Conclusion

We will continue to monitor developments impacting New York employers, and will provide an update once more details about the mandate emerge, so make sure you are subscribed to Fisher Phillips' Insight System to get the most up-to-date information. If you have questions about how to ensure that your vaccine policies comply with workplace and other applicable laws, visit our Vaccine Resource Center for Employers or contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our New York City office or on our FP Vaccine Subcommittee.

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