

# New York State and New York City COVID-19 Compliance Update

By Jenifer M. Bologna, Richard I. Greenberg & Henry S. Shapiro

December 10, 2021

## Meet the Authors



**Jenifer M. Bologna**

Principal  
(914) 872-6869  
Jenifer.Bologna@jacksonlewis.com



**Richard I. Greenberg**

(Rich)  
Principal  
(212) 545-4080  
Richard.Greenberg@jacksonlewis.com



**Henry S. Shapiro**

Employers continue to have to keep up with changing COVID-19 standards nationwide. New York is one example.

On a state-wide level, on December 10, 2021, [Governor Kathy Hochul announced](#) a mandate that requires masks to be worn in all indoor public areas at all times, absent an implemented COVID-19 vaccination policy. The requirement applies to all staff and all patrons over the age of two. This mandate goes into effect December 13, 2021, and will be reevaluated based on the circumstances (presumably, transmission rates) on January 15, 2022. Businesses that are already subject to vaccine mandates, such as hospitality establishments in New York City, need not change their practice. This new mandate, however, likely will affect the retail industry tremendously. Regardless of whether this mandate applies to workplaces not opened to the public, it appears to be generally consistent with the state's employer obligations under the [Health and Essential Rights \(HERO\) Act](#). Adopted in response to the COVID-19 pandemic, the purpose of the HERO Act is to protect workers against exposure and disease during an airborne infectious disease outbreak. It is unclear if the state will issue clarifying guidance.

On a city-wide level, on December 6, 2021, outgoing [Mayor Bill de Blasio announced](#) plans for a COVID-19 vaccine mandate affecting private sector employees with an effective date of December 27, 2021. Additional guidance will be issued by the Mayor's office on December 15, 2021, which is expected to address many of the open questions. There is currently no indication of whether incoming Mayor Eric Adams supports the mandate.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help employers weed through the complexities involved with state-specific or multistate-compliant plans.

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our [COVID-19 team](#).

Principal  
(631) 247-4651  
Henry.Shapiro@jacksonlewis.com

## Related Services

COVID-19

Disability, Leave and Health  
Management

Workplace Safety and Health

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.