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COVID-19 NYC Mandatory Employee Vaccination Law 2021

Stephen Lasser · Wednesday, December 22nd, 2021

COVID-19 Vaccination Mandates Extended to NYC Private Sector Businesses

On December 13, 2021, the NYC Commissioner of Health and Mental Hygiene issued a new order extending Covid-19 vaccination requirements to non-governmental business entities, effective December 27, 2021.

These mandates apply to any “covered entity” which is described as (1) a non-governmental entity that employs more than one worker in New York City (“NYC”) or maintains a workplace in NYC; or (2) a self-employed individual or sole practitioner who works at a workplace or interacts with workers or the public in the course of their business.

Provided this applies to you, effective December 27, 2021, your workers are required to provide proof of vaccination against COVID-19 along with a form of identification, such as a driver’s license or passport, for your records. For non-employee workers, such as hired contractors, you are required to request that their employers confirm the contractor’s proof of vaccination and maintain a record of that request and confirmation. Employees, as a substitute for vaccination, may apply for a reasonable accommodation based on their religious beliefs or medical condition, which you must consider promptly and in good faith. If an accommodation is granted to an employee, such employee is required to be tested twice weekly, and must wear a mask during all work hours. Workers who fail to comply with vaccination or testing requirements must be prevented from entering and working in the workplace but may work remotely, if possible, and are allowed to enter the workplace quickly and for limited purposes, such as collecting assignments. If your employees are members of a labor union, you should consult your collective bargaining agreement representative for specific details regarding proper protocol to follow.

Finally, you must fill out and post in a conspicuous location by December 27, 2021, an attestation form provided by the Department of Health and Mental Hygiene affirming that you are in compliance with all requirements. Additional guidance regarding the specificities of these new requirements as well as a pdf of the attestation sign can be found online at www.nyc.gov/vaxtowork.

NYC inspectors will begin enforcing the order on December 27, 2021. Businesses that refuse to comply or do not properly keep records regarding their workers vaccination or accommodation status may face fines of \$1,000.00 and escalating penalties. If you have any questions or concerns, please refer to the link above, speak to your human resource advisor or feel free to contact this office.

This newsletter is for basic informational purposes and should not be used as a substitute for specific legal advice for your particular circumstances.

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