



LABOR & EMPLOYMENT PRACTICE GROUP

Meltzer Lippe is home to a large, experienced Labor and Employment Law Practice Group.

We are an integral component to the human resource chain and the first stop before taking action that impacts the employee – employer relationship.

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NYC Guidance Regarding COVID-19 Vaccination Mandate

On December 15, 2021, New York City (“NYC”) issued guidance regarding Mayor Bill de Blasio’s COVID-19 vaccine mandate for private-sector employees. Below is a summary of the guidelines:

- The order is applicable to all “workplaces” which is defined as “any place where work is performed in the presence of another worker, or member of the public.”
- By December 27, 2021, workers must provide proof of at least one dose of a COVID-19 vaccination to their employers. Workers must provide proof of a second dose within 45 days of the first dose or be excluded from the workplace.
- Employers are required to keep a record of each worker’s proof of vaccination.
- Employers must exclude from the workplace any worker who fails to comply, unless a worker is exempt due to a religious or medical accommodation or the employee enters the workplace for a “quick and limited purpose.”
- By December 27, 2021, employers must post an attestation issued by the NYC Department of Health and Mental Hygiene confirming compliance with the mandate.
- By December 27, 2021, workers seeking an accommodation based on a sincerely held religious belief, a medical condition, or who are victims of domestic violence, sex offenses, or stalking must apply for a reasonable accommodation.
- Employers can permit the person requesting an accommodation to come to work while the request is pending, but the request should be promptly assessed.
- Employers are required to keep track of all requests for accommodations and NYC has issued a checklist for employers to manage and document same.
 - For medical requests, employers can request a doctor’s note and grant either permanent or temporary exemptions, depending on the reason for the request.
 - For religious requests, the law protects “religious, ethical or moral beliefs that are sincerely held with the strength of religious views,” but not “social, political, or economic views, or personal preferences.”
 - For victims of domestic abuse, sex offense, or stalking, employers can request a note from a social worker, doctor, lawyer, or clergy member.
- Employers must have vaccination records and reasonable accommodation forms (including determinations) available to offer to NYC inspectors, if necessary.

Employers with questions relative to the foregoing are encouraged to contact Jonathan D. Farrell, Larry R. Martinez or Daniel F. Carrascal at Meltzer, Lippe, Goldstein & Breitstone, LLP. at jfarrell@meltzerlippe.com, lmartinez@meltzerlippe.com or dcarrascal@meltzerlippe.com.

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