



# Meltzer, Lippe, Goldstein & Breitstone, LLP

December 14, 2021

## 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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## New York State Vaccination or Mask Mandate for Indoor Public Places

On December 10, 2021, Governor Kathy Hochul announced masks will be required to be worn in all indoor public places in New York State unless businesses and venues implement a vaccine requirement.

- The mandate is in effect from December 13, 2021 through January 15, 2022, at which time the State will re-evaluate next steps.
- An “indoor public place” is defined as any indoor space that is not a private residence, including indoor entertainment venues, concert halls, indoor sports stadiums, recreational spaces, restaurants, office buildings, shopping centers, grocery stores, pharmacies, houses of worship and common areas in residential buildings.
- Venues must implement either a mask mandate or a vaccine requirement.
- Businesses and venues are not allowed to do a “combination” requirement, meaning they must choose whether to implement a full-course vaccine requirement or a mask requirement.
- Whichever policy a business chooses must apply to all patrons, employees, visitors and guests throughout the establishment at all times.
- Businesses and venues that implement a mask mandate must ensure all individuals (regardless of vaccination status) past their second birthday and medically able to tolerate a face covering wear a mask at all times while indoors, except when eating, drinking or alone in an enclosed room.
- Establishments that implement a vaccine requirement must ensure that anyone twelve years of age or older is “fully vaccinated” before entering.
  - Fully vaccinated, according to the Centers for Disease Control, is defined as fourteen days past an individual’s last vaccination dose in their initial vaccine series.
  - Children between the ages of five to eleven must only show proof of at least one dose of the vaccine before entering places with a vaccine requirement.

Employers should determine whether they are going to implement a mask mandate or a vaccine requirement in their places of business. Meltzer Lippe is well versed in the legislative developments pertaining to COVID-19 mask and vaccine mandates. Employers with questions relative to the foregoing are encouraged to contact Jonathan D. Farrell, Larry R. Martinez or Daniel F. Carrascal at [jfarrell@meltzerlippe.com](mailto:jfarrell@meltzerlippe.com), [lmartinez@meltzerlippe.com](mailto:lmartinez@meltzerlippe.com) or [dcarrascal@meltzerlippe.com](mailto:dcarrascal@meltzerlippe.com).

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