

Employment & Labor Law Alert

March 2022

It's 'Ovah?': New York State and City Continue to Unwind Key COVID-19 Requirements

New York State and New York City have recently scaled back several COVID-19-related requirements for employers. These recent developments add to the growing trend during the past several months in which mask mandates, vaccine requirements, quarantine periods and other restrictions have been pared back.

HERO Act COVID-19 Designation Ended

The state's designation of COVID-19 as a "highly contagious communicable disease that presents a serious risk of harm to public health" under the New York State Health and Essential Rights Act ([the HERO Act](#)) ended March 17. Private employers are no longer required to implement the workforce safety plans they adopted in accordance with the Act. This means that most private employers in New York (with the exception of certain employers in high-risk sectors such as health care and congregate care settings that are subject to ongoing federal and state requirements) are no longer mandated to implement COVID-19-related safety protocols, such as daily health screenings, although they may choose to do so.

Employers are still required to maintain workplace safety plans and distribute the plans to employees as well as post them in the workplace and include them in employee handbooks. The New York State Commissioner of Health also could at any time redesignate COVID-19 as a "highly contagious communicable disease," which would then trigger implementation of the workforce safety plans.

Key to NYC Lifted

New York City discontinued its "[Key to NYC](#)" vaccination requirements as of March 7, no longer mandating that dining, entertainment and fitness venues ensure that



patrons five years old and older provide proof that they are fully vaccinated with an approved COVID-19 vaccination in order to participate in certain indoor activities. The city noted on the [NYC Health COVID-19 Alert page](#) that it may consider reimposing the Key to NYC vaccination requirements if the level of community spread of COVID-19 increases. While no longer mandated, New York City businesses may choose to continue to require proof of vaccination for patrons, and may still require both employees and patrons to wear masks. And although patrons are not required to show proof of vaccination, New York City employees who perform in-person work or interact with the public during the course of business (such as restaurant employees) are still required to be vaccinated.

NYC Vaccine Mandate Lifted for Professional Athletes and Performing Artists

Most recently, New York City Mayor Eric Adams lifted New York City's private employer vaccine mandate for professional athletes and performing artists. As described in our prior alerts ([here](#) and [here](#)), New York City's private-sector vaccination order requires all private

Attorney Advertising



LOS ANGELES
NEW YORK
CHICAGO
NASHVILLE

WASHINGTON, DC
SAN FRANCISCO
BEIJING
HONG KONG

[loeb.com](#)

employers that operate in New York City or have more than one employee in New York City to verify that their employees are vaccinated against COVID-19, subject to reasonable religious and medical accommodations. Previously, professional athletes and performing artists who travel to the city to play or perform, but do not reside in the city, were exempt. With the March 24 Emergency Executive Order issued by Mayor Adams, this exemption was extended to all professional athletes and performing artists, including those who reside in the city. At present, however, the remainder of the New York City private employer vaccination mandate remains in effect, including for office workers.

Employers should remain mindful of those requirements that do remain in place and continue to monitor for revised guidance as the situation evolves.

Read our previous client alert on mask and vaccination mandates [here](#).

Related Professionals

Ian Carleton Schaefer ischaefer@loeb.com
Mark Goldberg mgoldberg@loeb.com
Lauren Richards lrichards@loeb.com

This is a publication of Loeb & Loeb and is intended to provide information on recent legal developments. This publication does not create or continue an attorney client relationship nor should it be construed as legal advice or an opinion on specific situations.

© 2022 Loeb & Loeb LLP. All rights reserved.
6935 REV1 03-31-2022