



EMPLOYMENT LAW ALERT

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New York Adopts CDC Guidance for Fully Vaccinated Individuals

On May 17, 2021, Governor Cuomo announced that beginning on Wednesday, May 19, 2021, fully vaccinated individuals will no longer be required to wear a mask or physically distance in most businesses and public settings. This announcement comes days after the CDC released its "Interim Public Health Recommendations for Fully Vaccinated People," which provides new guidelines for vaccinated and unvaccinated individuals. New York State will be following the CDC's guidelines, and vaccinated individuals will be able to step into a greater sense of normalcy.

Pre-K to 12 schools, public transit, homeless shelters, correctional facilities, nursing homes and healthcare settings will be required to follow the State's existing COVID-19 health and masking guidelines until more New Yorkers are fully vaccinated. Unvaccinated individuals, under both CDC and State guidance, must continue to wear masks in all public settings.

Additionally, capacity limits on businesses will be removed on May 19, 2021. However, businesses are limited by the space available for patrons to continue to properly maintain the required distance of 6 feet where vaccination status of patrons is unknown. Where all patrons provide proof of vaccination, or where there is a separate designated part of the establishment for vaccinated individuals, businesses may eliminate the 6-foot social distancing requirement. To facilitate compliance with these new guidelines, New York State permits individuals to provide proof of their vaccination status in paper form, or through its Excelsior Pass, which provides a secure way for individuals to present digital proof of COVID-19 vaccination or negative test results.

Small-scale events, with an outdoor capacity of no more than 500 and an indoor capacity limited to 250 attendees, will be able to apply the revised masking rules. However, the Department of Health strongly recommends masks and social distancing of 6 feet in indoor settings where vaccination status is unknown.

For large-scale events, event venues must separate sections for individuals who are vaccinated, and for those who are either unvaccinated or whose vaccination status is unknown. Those who are vaccinated may be spaced directly next to each other at 100% capacity, while all others must wear a mask and maintain the 6-foot social distancing requirement.

As vaccination rates continue to increase and infection rates decrease, we anticipate further guidance will be promulgated by federal, state and local authorities. Accordingly, it is important for companies to stay aware of their obligations and ensure their policies and practices remain compliant.

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