

MSF CLIENT ALERT

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New York City Mandates COVID-19 Vaccines for Certain Indoor Activities

In a surprising turnaround from statements the prior day stating that New York City would not reimpose broad mask mandates as recommended by the CDC, New York City announced that it will mandate vaccination for a wide variety of indoor activities for both employees and patrons including indoor dining, gyms and entertainment.

August 3, 2021

On August 3, 2021, New York City (the “City” or “NYC”) announced that it will require individuals to be vaccinated against COVID-19 in order to participate in certain indoor activities. This requirement includes both employees and patrons of covered establishments. The requirement goes into effect on August 16, 2021, but the City will not commence inspections for compliance and enforcement until September 13, 2021.

The mandate covers indoor dining, fitness, and entertainment (e.g., Broadway shows, movie theaters, concerts, etc.). Establishments can maintain their own policies for outdoor activities (e.g., individuals will still be able to dine outdoors without proof of vaccination unless the restaurant requires proof of vaccination for outdoor dining as well). The mandate will be promulgated pursuant to orders issued by the Mayor and the Health Commissioner. Proof of vaccination can be shown through a vaccination card or government issued smartphone app, such as New York’s Excelsior Pass

The mandate has not yet been finalized and we anticipate that the final policy, as well as any regulations, will include further detail on the requirements, including penalties for failure to comply and accommodations for individuals under the age of 12 and those unable to be vaccinated due

to disability or sincerely held religious belief. We will provide a further update once the mandate is finalized.

What Do NYC Employers Need to Do Now?

Covered employers in NYC should prepare for implementation of this mandate for both patrons and employees. With respect to employees, covered employers should immediately survey their workforce to determine whether any employees remain unvaccinated and advise them about this mandate. Employers should advise employees that they should receive their first dose of the COVID-19 vaccination on or before August 16, 2021 subject to required reasonable accommodations. Covered employers should also track all employees’ vaccination status in order to ensure compliance with the vaccination requirement for employees.

With respect to patrons, employers should begin considering how to implement the mandate subject to final rules and designate employees who will be responsible for reviewing vaccination status of patrons prior to allowing them entry to the premises.

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Please contact an attorney in MSF's Employment Group if you need assistance with respect to this information.



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