



PHILLIPS LYTLE LLP CLIENT ALERT
FOR BNHRA MEMBERS
LABOR & EMPLOYMENT



JUNE 2021

New York State Issues New COVID-19 Guidance

On May 19, 2021, New York State adopted the Centers for Disease Control and Prevention's (CDC) "[Interim Public Health Recommendations for Fully Vaccinated People](#)" ("CDC Recommendations") and has issued [new reopening guidance](#) ("Guidance") for "most businesses and public settings." The Guidance is consistent with the CDC Recommendations and states that individuals who are fully vaccinated against COVID-19 no longer need to wear a mask or practice social distancing in most settings. (A person is fully vaccinated if at least 14 days have passed since receiving a one-dose vaccine or the second dose of a two-dose vaccine.) The Guidance does not define what places fall within the terms "most businesses and public settings," but it appears that the Guidance is intended to apply to all businesses, except those that are expressly excluded from its application, which include Pre-K to Grade 12 schools, public transit, homeless shelters, correctional facilities, nursing homes and health care settings. Individuals who are not fully vaccinated must generally continue to wear masks and practice social distancing. Businesses may, if they choose, require all vaccinated and unvaccinated persons to wear masks and practice social distancing as long as they adhere to all applicable federal and state laws and regulations concerning mask wearing.

Despite the Guidance's lifting of restrictions on mask wearing and social distancing for fully vaccinated persons, employers should remember that they must continue to follow New York State's industry-specific safety guidelines in all other respects, including:

- Conducting health screenings;
- Cleaning and disinfecting the workplace; and
- Engaging in contact tracing and notifying health authorities when a COVID-19 positive person is in close contact with others in the workplace.

It is expected that the current industry-specific guidelines will be replaced by the airborne infectious disease prevention plans that the New York State Department of Labor is required to issue under the New York Health and Essential Rights Act, or NY HERO Act. More information about the NY HERO Act can be obtained by reading our earlier [alert](#) on that law.

Additional Assistance

For further assistance, please contact any of the attorneys on our [Labor & Employment Practice Team](#) or the [Phillips Lytle attorney](#) with whom you have a relationship. ■



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 **Phillips Lytle LLP**

Albany Omni Plaza 30 South Pearl Street Albany, NY 12207-1537 (518) 472-1224

Buffalo One Canalside 125 Main Street Buffalo, NY 14203-2887 (716) 847-8400

Chautauqua 201 West Third Street Suite 205 Jamestown, NY 14701-4907 (716) 664-3906

Garden City 1205 Franklin Avenue Plaza Suite 390 Garden City, NY 11530-1629 (516) 742-5201

New York City 340 Madison Ave 17th Floor New York, NY 10173-1922 (212) 759-4888

Rochester 28 East Main Street Suite 1400 Rochester, NY 14614-1935 (585) 238-2000

Washington, DC 1101 Pennsylvania Avenue NW Suite 300 Washington, DC 20004-2514 (202) 617-2700

Canada The Communitel Hub 151 Charles Street West Suite 100 The Tannery Kitchener, Ontario N2G 1H6 Canada (519) 570-4800

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