

New York State Announces COVID-19 Vaccination Mandate for Healthcare Workers

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New York Governor Andrew Cuomo has [announced](#) that all healthcare workers in New York State must receive at least one dose of a COVID-19 vaccine by September 27, 2021. The mandate includes staff at hospitals and long-term care facilities, including nursing homes, adult care, and other congregate care settings. In connection with this announcement, the New York State Department of Health will issue Section 16 Orders requiring all hospital, long-term care facilities, and nursing homes to develop and implement a policy mandating employee vaccinations.

Consistent with guidance from the [EEOC](#), as well as under the New York State and New York City Human Rights Laws, requiring that employers consider the potential for reasonable accommodations to mandatory vaccination policies on the basis of disability or sincerely held religious beliefs, the announcement confirms that “limited exceptions [will be made] for those with religious or medical reasons” for not being vaccinated.

The announcement also suggests that additional mandates may be forthcoming. Specifically, the announcement states that “[the governor has] strongly urged private businesses to implement vaccinated-only admission policies, and school districts to mandate vaccinations for teachers. Neither will occur without the state legally mandating the actions — private businesses will not enforce a vaccine mandate unless it’s the law, and local school districts will be hesitant to make these challenging decisions without legal direction.”

This update follows Governor Cuomo’s earlier announcements requiring [MTA and Port Authority employees](#) and [state employees and patient-facing employees in state-run hospitals](#), to be vaccinated against COVID-19 by Labor Day. New York City [has also issued a mandate](#) requiring patrons and [workers of indoor dining, indoor fitness, and indoor entertainment venues](#) to have received at least one dose of a COVID-19 vaccine beginning August 17, 2021.

Healthcare employers taking steps to comply with the new mandate are reminded that, in accordance with New York State [Labor Law Section 196-c](#), employers are required to provide workers up to four hours of paid leave for each COVID-19 vaccine injection they receive, at the employee's regular rate of pay. Further, [OSHA's Emergency Temporary Standard](#) issued on June 21, 2021 requires that covered employers in work settings where employees provide health care or health care support services "support COVID-19 vaccination for each employee by providing reasonable time and paid leave ... to each employee for vaccination and any side effects experienced following vaccination."

More guidance on this mandate, including penalties for workers who remain unvaccinated, is expected to follow.

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