



Governor's Office of Employee Relations

KATHY HOCHUL
Governor

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Director

MEMORANDUM

September 3, 2021

TO: Directors of Human Resources (HR) Management

FROM: Michael Volforte

SUBJECT: Updated Guidance for State Agency Telecommuting, COVID-19 Health Precautions, and Vaccination

This memorandum updates and expands guidance for State agencies regarding increased in-person presence in the workplace and COVID-19 health precautions that was previously issued. Additionally, this memorandum provides information on (1) recent emergency regulations issued by the Department of Health (DOH) pertaining to mandatory vaccination for certain state employees and (2) the vaccination or testing requirement for other executive agency state employees.

State Agency In-Person Presence and Telecommuting Program

Pursuant to GOER's June 18, 2021 memorandum entitled, "State Agency and Authority In-Person Presence and Telecommuting Program," COVID-19 specific accommodations were set to expire and agencies were expected to return to pre-pandemic, in-person workplace presence on September 7, 2021. This date is now extended until October 12, 2021. All other aspects of the June 18, 2021 memorandum and GOER-approved agency-specific telecommuting programs remain in place.

Use of Masks in State Offices and Facilities

In accordance with DOH's June 18, 2021 guidance entitled, "Revised Guidance for State Agencies and Authorities during the COVID-19 Public Health Emergency," fully vaccinated individuals within State agencies did not have to wear masks, which was consistent with the Centers for Disease Control and Prevention's (CDC) guidance at the time.

However, given changes in the CDC [guidance](#) and the resurgence in COVID-19 cases due to the Delta variant, State agencies occupying offices and facilities – including both

State-owned and -leased properties – that are either (1) located in a county with high or substantial transmission of COVID-19 as [determined](#) by the CDC or (2) located in a jurisdiction that is subject to a local government issued mask mandate(s) or order(s) shall require individuals who are indoors to wear masks regardless of vaccination status. This requirement shall apply to employees, contractors, vendors, visitors, clients, and all other individuals who enter the indoor premises of such properties.

Effective immediately for State agencies with workplaces in areas that are subject to indoor masking due to CDC transmission risk or local government order(s), all individuals must wear masks when indoors, regardless of vaccination status, except when:

- *alone in an office or room*
- *working at their desk or workstation*
- *actively eating or drinking*

This mask provision applies to state agency workplaces that do not already have a superseding mask requirement in place (e.g., health care facilities, nursing homes, public transit, correctional facilities, etc.).

Additional information on the applicable CDC guidance and links to access the latest county-level CDC transmission levels are available at <https://coronavirus.health.ny.gov/cdc-guidance>

Mandatory Vaccination Requirement for State Health and Direct Care Facilities

Effective September 27, 2021, pursuant to emergency regulations issued by DOH specific to State-operated health facilities, congregate living facilities, and other identified covered entities, all employees of covered entities who have not been granted a medical exemption must have received at least their first dose of COVID-19 vaccine.

Agencies covered by these regulations shall inform their employees that the penalty for failure to be vaccinated has yet to be determined. Affected agencies shall await further guidance on application of penalties for employees who do not comply with this requirement.

Vaccination or Testing Requirement for Other State Offices and Facilities

For all other state executive agency employees who are not covered by the DOH emergency regulations referenced above, the previously announced vaccination or weekly testing requirement is now scheduled to take effect on October 12, 2021. State agencies will receive further guidance on implementation of this protocol soon.

If you have any questions on the above guidance or protocols, please contact GOER. Thank you for your continued engagement and support in serving New Yorkers and combatting the COVID-19 pandemic.

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