

New COVID-19 Vaccination Workplace Requirements: How Boards of Cooperatives and Condominiums Comply

No later than December 27, 2021, all workers in New York City must provide proof to their employers that they have received at least one dose of a COVID-19 vaccine, under an order recently issued by the commissioner of the New York City Department of Health and Mental Hygiene. Workers will thereafter have 45 days to show proof of a second dose. Boards of cooperatives and condominiums are employers, regardless of the number of workers they employ.

A “worker” includes a full- or part-time staff member, employer, employee, intern, volunteer, or contractor of a covered entity. That means all service employees, whether permanent or seasonal, must provide proof of vaccination including, but not limited to, doorpersons, handypersons, superintendents, and parking attendants, as well as outside contractors/vendors such as painters, plumbers, burner/boiler, HVAC and elevator technicians, pest control providers, and swimming pool operators.

There is an exception to the proof of vaccination requirement for workers who enter the building for a quick and limited purpose. Examples of such limited purposes include using the restroom, making a delivery, or receiving an assignment before leaving to work alone. Reasonable accommodations may be made for those workers who qualify for a medical or religious exemption from being vaccinated. There is, however, no alternate testing option in lieu of the vaccine mandate under this New York City order.

Each building or private employer must verify and keep a record of workers’ proof of vaccination (or reasonable accommodation), and such documentation must remain confidential and be kept separately from other employee personnel files. An affirmation of compliance with the commissioner’s vaccine requirements must also be posted in a conspicuous, public-facing location within the workplace (and each separate workplace if multiple locations) no later than December 27, 2021.

To avoid violations and fines, boards should discuss with their managing agent or general counsel procedures to ensure compliance with the commissioner’s orders requiring proof of vaccination in the workplace.



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