

# Home Care Developments

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## Hochul Extends State Mask Mandate to Feb 1

Governor Hochul has extended New York State's mask mandate for all businesses and venues to February 1. As we had previously reported, the mask mandate went back in effect on December 13 and was scheduled to expire on January 15, 2022. Businesses or venues that require proof of vaccination to enter are exempt from the mandate. As a reminder, the mandate applies to healthcare providers, irrespective of employee vaccination status.

## New Mayor Adams to Keep NYC Vaccine Mandate

New NYC Mayor Eric Adams has announced that he plans to keep New York City's vaccine mandate in place. Adams explained that his Winter 2022 COVID Plan will revolve around six "pillars," including that the private sector mandate will remain in effect "with a focus on compliance, not punishment." This is not materially different from the approach taken by DeBlasio's administration, which had stressed cooperation with businesses, not prosecution.



We will continue to monitor for further developments on this issue. In the meantime, NYC employers and, more specifically, City fiscal intermediaries are reminded of this mandate, which will continue to be in effect irrespective of the fate of OSHA's vaccination mandate at the United States Supreme Court.

## NY Hero Act Developments

The New York State Department of Labor (DOL) recently published a proposed regulation regarding the NYS HERO Act and the provisions surrounding workplace safety committees. As we had previously reported, the HERO Act requires employers with 10 or more employees to allow the employees to "establish and administer a joint labor-management workplace safety committee." Importantly, employers are not required to form such a committee on behalf of their employees. However, if employees choose to form a workplace safety committee, the employer has certain obligations surrounding the conduct of the safety committee. The committee must include both supervisory and non-supervisory employees, and the committee's size requirement is relative to the size of the operation. Meeting and training time related to the committee obligations must be paid by the employer, within reasonable limitations

outlined in the law.

The State will receive comments and feedback on the proposed regulation and, upon review of the comments and further analysis of the proposed regulation, a final regulation will be issued.

Please reach out to us if you have questions about the safety committees or, more generally, about your obligations under the Hero Act.

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## NYC Paid Sick Law Amended to Grant 4 Hours of PTO to Parents for their Child's Vaccination

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The New York City Council passed a bill amending its Earned Safe and Sick Time Act to require all private-sector employers to provide employees with 4 hours of paid COVID-19 child vaccination leave for each of their children, per vaccine injection. **The law took effect on December 24, but it applies retroactively to November 2, 2021**, which is the date the CDC authorized the COVID-19 vaccine for children ages 5-11. Here are the key points from this law (the "NYC Child Vaccination Leave"):

1. Leave must be granted for parents who (a) accompany their children to COVID-19 vaccine injections and/or (b) care for such a child who is experiencing temporary side effects from a COVID-19 vaccine injection.
2. The child must be under the age of 18 or the child must otherwise be incapable of self-care by reason of mental or physical disability.
3. A parent is entitled to four hours of paid leave per injection, per child. The NYC Child Vaccination Leave does not reduce the parent's own paid vaccination leave rights.
4. An employer cannot require the employee to work additional hours to make up for the original hours the employee was unavailable, or find a replacement employee to cover their missed working hours, because the employee used paid COVID-19 child vaccination time.
5. Employees may be required to provide "reasonable notice" of the need for leave, not to exceed 7 days, of the foreseeable need to take time off under this law.
6. An employer may require that the parent provide proof of the child's receipt of the vaccine injection within 7 days.
7. The NYC Child Vaccination Leave rights cannot be waived by a union for employees covered by the union's and employer's CBA.
8. The NYC Child Vaccination Leave expires on December 31, 2022.

If you have any questions about how to comply with these requirements, please do not hesitate to contact us.



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