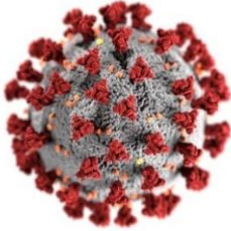




Understanding the NYS Vaccine/Testing Mandate and CDC Revised Mask Guidelines



WHAT IS THE NEW YORK STATE VACCINATION AND TESTING MANDATE?



On July 28, 2021, Governor Cuomo announced that New York State will review the new CDC guidelines on masking for areas with increased numbers of COVID cases, and that all State employees—about 130,000 people—will be required to get vaccinated for COVID-19 by Labor Day. State employees who do not get vaccinated will be required to be tested for COVID-19 on a weekly basis. Additionally, all patient facing healthcare workers must get vaccinated by Labor Day. There is no testing option for healthcare workers.

PEF released a statement on 7/28/21 that “PEF encourages our members to be vaccinated,” said President Wayne Spence. “The vaccines are proven to prevent the deadly COVID virus and they create a safer workplace. We agree with other unions that a vaccination mandate must be bargained between labor and management.” And further that while both public and private employers have the right to require COVID testing, any testing of state employees must not put the health of PEF members at risk.

<https://www.pef.org/blog/2021/07/28/pef-statement-on-new-yorks-vaccination-or-testing-mandate/>

What do we need to know about the Vaccine and Testing Mandate?

Right now there are a lot of unanswered questions about the Governor’s mandate including how it will be implemented, who will be impacted, what options are there, what safety measures will be in place, etc. PEF did not agree to the vaccine or testing mandates and we are not aware of the proposed details of the plan. We are working to engage the Governor’s team to learn more about the proposal and will vigorously advocate for our members best interests and rights. We are deeply concerned with the spread of COVID and will continue advocating at every level for a safe, healthy workplace.

Because inquiries on the new mandate touch on a variety of subjects, PEF has set up a special mailbox for members to submit comments or questions: covidvax@pef.org. Due to the high volume of inquiries we may not be able to respond to every email, but rest assured that PEF staff will review and ensure that member concerns are taken into consideration as we learn more about the Governor’s plans.

Please be sure to watch your non-work email, the PEF website and PEF Facebook page for up to date information on the status of this very important issue. To sign up for PEF email notifications, please visit the following link: <https://actionnetwork.org/forms/sign-up-for-email-notifications>

What are the CDC revised guidelines for masking?

In May 2021, the CDC issued guidance relaxing COVID control measures such as masking and social distancing for FULLY VACCINATED INDIVIDUALS. New York State adopted those guidelines and released revised guidance to State Agencies and Authorities on June 18, 2021. It is important to note that the requirements for UNVACCINATED INDIVIDUALS did not change in either the CDC or NYS guidelines - unvaccinated people had to continue to follow all COVID controls including masking and social distancing indoors, in the workplace, and in crowded outdoors events.

The CDC revised their guidance on July 27, 2021, citing new science on the high transmissibility of the Delta variant, and that fully vaccinated people infected by the delta variant after vaccination can also transmit the virus. The data also showed that more areas in the U.S. were experiencing higher than average COVID infection rates (or community transmission rates) primarily from the Delta variant, and there was an increase in hospitalizations and COVID fatalities in unvaccinated people.

As a result, the CDC issued revised interim guidance on masking including:

- **Unvaccinated** people continue to wear a mask and social distance when indoors and in crowded outdoor events.
- Fully vaccinated people to wear a mask in public indoor settings in areas of **substantial** or **high** transmission.
- Fully vaccinated people wear a mask **regardless of the level of transmission**, particularly if they are **immunocompromised or at increased risk** for severe disease from COVID-19, or if they have someone in their household who is immunocompromised, at increased risk of severe disease or not fully vaccinated.
- Fully vaccinated people who have a **known exposure** to someone with suspected or confirmed COVID-19 to be tested 3-5 days after exposure, and to wear a mask in public indoor settings for 14 days or until they receive a negative test result.
- K – 12 schools - universal indoor masking for all teachers, staff, students, and visitors to schools, **regardless of vaccination status**.

PEF's position on masking

At this point New York State has not issued any broad masking mandates, but is leaving it up to the Localities to do so. However GOER issued "REVISED GUIDANCE FOR STATE AGENCIES AND AUTHORITIES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY" on June 18th that directed state employees who are unvaccinated to continue masking in the workplace.

PEF continues to advocate for masking as part of layered approach to COVID controls including vaccination, ventilation, personal protective equipment (PPE), social distancing, hand hygiene,

and environmental cleaning and disinfection. If you have the virus, even if you are asymptomatic, you can still be contagious. Regardless of your vaccination status, masking is an effective control which helps protect the people around you from being exposed.

NYS Counties with increased rates

Find your county on the CDC or the New York Times COVID maps - which show the states and counties data for vaccination and infection rates. [CDC COVID Tracker](#) and [NYT Interactive COVID Map](#). The risk levels for counties in New York State have been very volatile - and in a little under a week the number of counties in the state at Substantial Risk went from just a few counties to more than half the state (as of 8/5/2021). With only three exceptions, the remainder of the state is at Moderate Risk (and heading for Substantial) or High Risk.

Some areas saw increases of 50% or more in positive cases. As positive cases go up in areas with low vaccination rates, the number of hospital admissions and fatalities rise as well.

Counties moving into the Substantial and High Risk designations triggers the CDC recommendation for masking regardless of vaccine status.

How do I know if I am in a Substantial or High risk area?

Community transmission rates are based on a rolling seven-day average of diagnostic based tests that show positive results for the virus, and the number of new cases per 100,000 people, which are separated into four community transmission categories: low, moderate, substantial or high.

- Low transmission
 - Fewer than 5% positive tests and Fewer than 10 new cases per 100,000 people
- Moderate
 - 5-7.999% positive tests and 10-49 new cases per 100,000 people
- Substantial
 - 8-9.99% positive tests and 50-99 new cases per 100,000
- High
 - 10+% positive tests and more than 100 new cases per 100,000

To Mask or not to Mask?

As Governor Cuomo is considering the CDC guidelines on a statewide level, he is recommending that Localities who reach the Substantial or High transmission rates use masking indoors regardless of vaccination status.

Even without a Local or Statewide mandate, residents should consider getting vaccinated if they are not already, and masking indoors regardless of vaccination status, especially when

their county is in the Substantial or High community transmission rate category, or if they are immunocompromised or in a high risk health category.

How Safe and Effective are the Tests?

The tests are safe and use non-harmful materials. While most people are uneasy about the long swab being a painful way to be tested, newer testing kits use short swabs for both the PCR test and Rapid test.

Self-administered tests are also effective. Test samples collected by people who swabbed their own nasal passages yielded results for the COVID-19 virus that were as accurate as samples collected by a health care worker, according to a small study by researchers at the Stanford University School of Medicine <http://med.stanford.edu/> .

Where Should I Get My COVID Information From?

Please be sure to get your information on COVID from reliable scientific and medical sources. You should consult with your treating physician or healthcare provider on vaccines and tests.

The CDC and WHO have a number of helpful FAQs on COVID

[CDC Get the Facts on COVID](#)

[WHO Mythbusters](#)

You may also find a number of factsheets and resources at the PEF COVID information page at:

<https://www.pef.org/media-center/covid-19/>

Or contact the PEF Health and Safety Department for more information.

This factsheet and many others were developed and produced by the NYS Public Employees Federation Health and Safety Department. If you have any questions or need assistance with workplace health and safety issue, please contact the PEF Health & Safety Department at 1-800-342-4306, ext. 254 or at HealthandSafety@pef.org.

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