

New York City Health Commissioner Issues Omicron Variant Masking Advisory

In the midst of uncertainty surrounding the efficacy of COVID-19 vaccinations against the Omicron variant, the Commissioner of Health & Mental Hygiene of the City of New York has issued an advisory that masks should be worn in most indoor and public settings. [The advisory](#) applies regardless of vaccination status or past COVID-19 infections, and covers building lobbies, offices, stores, and other common or shared spaces such as restrooms, hallways, elevators, and meeting rooms. However, it does not apply when an activity inconsistent with mask wearing is being performed, such as eating, drinking, or delivering a speech to an audience seated at least six feet away.

The guidance is advisory, not mandatory (although the HERO Act—covered in prior Patterson Belknap Client Alerts in [May](#), [July](#), and [September](#)—may require certain employers to mandate mask-wearing when a workforce is not fully vaccinated). Nevertheless, employers may wish to encourage or require employees to wear masks, at least when they are not in their offices or at their workstations, until additional information becomes available about the Omicron variant.

This alert is for general informational purposes only and should not be construed as specific legal advice. If you would like more information about this alert, please contact one of the following attorneys or call your regular Patterson contact.

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