

# New York Updates COVID-19 Guidance Including Daily Health Screening Requirements

By Jenifer M. Bologna, Richard I. Greenberg, Christopher M. Valentino & Henry S. Shapiro

June 9, 2021

## Meet the Authors



**Jenifer M. Bologna**

Principal

(914) 872-6869

Jenifer.Bologna@jacksonlewis.com



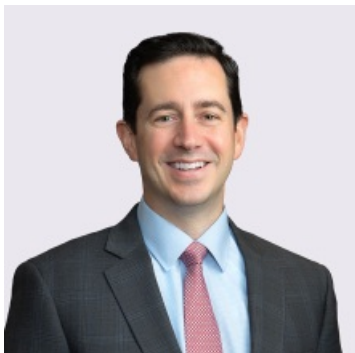
**Richard I. Greenberg**

(Rich)

Principal

(212) 545-4080

Richard.Greenberg@jacksonlewis.com



**Christopher M. Valentino**

On June 8, 2021, New York State updated the NY Forward Guidance for several industries, including office-based and food services employers, with changes that many people feel are overdue.

In addition to incorporating updated mask, physical distancing, and capacity rules that have been in place since New York adopted the Centers for Disease Control and Prevention (CDC) guidance for fully vaccinated individuals on May 19, 2021, the most significant modification to the NY Forward Guidance update is the change in screening questions. The guidance no longer requires employers to ask about symptoms, close contact, or COVID-19 infections that occurred in the last 14 days. Instead, the new daily health screening questions properly reflect the most current CDC and New York State Department of Health isolation and quarantine guidelines for COVID-19.

The following three screening questions are required:

1. Are you currently experiencing, or recently experienced (in the last 48 hours), any new or worsening COVID-19 symptoms?
2. Have you had close contact (being within six feet for at least 10 minutes over a 24-hour period) or proximate contact (as determined by health authorities) in the past 10 days with any person confirmed by diagnostic test, or suspected based on symptoms, to have COVID-19?
3. Have you tested positive through a diagnostic test for COVID-19 in the past 10 days?

Prior to June 8, the time period for all three questions was 14 days, which was premised on outdated COVID-19 public health authority guidance. In addition, if an employee had a preexisting condition that mirrored COVID-19 symptoms, such as migraines, they were required to answer the symptom screening question in the affirmative. The updated guidance permits employees to account for preexisting conditions.

Finally, the updated NY Forward Guidance now expressly provides an exemption from answering the close-contact question in the affirmative for employees who are either fully vaccinated or who have recently (in the last three months) fully recovered from COVID-19.

The updated guidance is a reminder to employers that the NY Forward Guidance is still applicable for businesses seeking to operate in person.

Jackson Lewis attorneys are closely monitoring updates and changes to legal requirements and guidance and are available to help weed through the complexities involved in state-specific or multistate-compliant plans.

Principal  
(631) 247-4653  
Christopher.Valentino@jacksonlewis.com

If you have questions or need assistance, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our COVID-19 team.



## Henry S. Shapiro

Principal  
(631) 247-4651  
Henry.Shapiro@jacksonlewis.com

## Related Services

### COVID-19

Disability, Leave and Health  
Management

### Workplace Safety and Health

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on employment and labor law since 1958, Jackson Lewis P.C.'s 1,000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged and stable, and share our clients' goals to emphasize belonging and respect for the contributions of every employee. For more information, visit <https://www.jacksonlewis.com>.