



Enforcing Mask-Wearing for All CUNY Employees

Effective August 16, 2021, everyone at CUNY regardless of their vaccination status must:

- Wear a face mask inside all CUNY campuses and office buildings. This includes while working in a non-enclosed space such as a cubicle or other open seating, regardless of physical distance from others.
- Wear a mask outdoors on campus when unable to maintain physical distance from others.

The only exceptions to wearing a mask inside are:

- If a fully vaccinated person is alone in an enclosed space such as an office or conference room.
- In a classroom if a faculty member is able to keep social distance from everyone else in the class, he or she may choose to not wear a mask.
- Briefly eating or drinking.

CUNY's guidelines have been adopted from the CDC guidance released on July 27, 2021, which recommends universal indoor masking for all teachers, staff, students, and visitors, regardless of their vaccination status, in areas of substantial or high transmission, which currently includes all of New York City.

Additionally, the Occupational Safety and Health Administration (OSHA) updated their guidance as of August 13, 2021 for all employers, which now recommends that employers continue to protect unvaccinated and vaccinated workers by requiring them to wear masks in indoor settings in areas of high community transmission. *These changes come as preliminary evidence suggests that fully vaccinated people who do become infected with the Delta variant can be infectious and can also spread the virus to others.*

In an effort to keep everyone safe and encourage mask use, all campuses should ensure that they have:

- Clear signage before and after employees enter the premises to ensure the rules are easy to understand and visible.
- Free masks available for employees that did not bring their own.
- The updated rules and policies easily accessible to all employees to avoid any further confusion.

FAQs

1. If I have disclosed my vaccination status and/or tested negative for COVID, why am I being required to wear a mask in the workplace?

CUNY has an obligation to protect the health of employees in the workplace. In light of the rapidly changing landscape and rising infection rates in vaccinated and unvaccinated people due to the delta variant, CUNY will continue to follow the guidelines issues by the CDC and OSHA in an effort to stop the spread of the virus to others.

2. What can CUNY do if employees are unwilling to wear masks in the workplace?

If an employee refuses to wear a mask that has been required by CUNY guidelines, the manager should first attempt to educate and explain the requirements to the employee as outlined above. If the employee still resists, managers should work with HR and Labor to pursue corrective/disciplinary measures to ensure compliance.

3. What are examples of some corrective/disciplinary measures that can be taken if an employee continues to refuse mask-wearing in the workplace?

If an employee continues to be non-compliant regarding the mask mandate, this should be addressed in similar fashion to other forms of policy violation. To ensure adherence to collective bargaining agreements and CUNY guidelines, managers should work with HR and Labor to appropriately address and document the situation. Examples of corrective action include but are not limited to being sent home without pay, and formal disciplinary action up to and including termination.

4. What can employees do if they are unable to wear a mask due to an underlying health condition?

If an employee is unable to wear a mask due to an underlying health condition that is protected by the ADA, the employee may request a reasonable accommodation. The employee should contact their campus Human Resources office to discuss the request and any modifications or alternatives, in accordance with the Reasonable Accommodations and Academic Adjustments policy/procedure.

Additional Resources:

<https://www.cuny.edu/coronavirus/get-back-faqs/>

<https://www.osha.gov/coronavirus/safework>

<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>

<https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-mask-mandates-resistance.aspx>

<https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/osha-updates-guidance-on-protecting-unvaccinated-workers.aspx>

<https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

<https://www.cuny.edu/about/administration/offices/hr/covid-19-and-employee-accommodations/#1599754153809-2d421665-7dc9>