

# THEATRICAL TEAMSTERS LOCAL UNION NO. 817

## INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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THOMAS J. O'DONNELL  
PRESIDENT

FRANCIS J. CONNOLLY, JR.  
SECRETARY - TREASURER

### NYC VACCINE MANDATE – WHAT IT MEANS FOR YOU

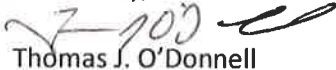
Beginning December 27<sup>th</sup>, workers in New York City who perform in-person work must show proof they have received at least one dose of a Covid-19 vaccine. Businesses may not allow any unvaccinated workers to come to the workplace. A workplace is considered any location- including a vehicle- where you work in the presence of another person. Businesses may check each worker's proof of vaccination before they enter the workplace.

Employers who produce in NYC have indicated to me they will abide by the ordinance. I was in Los Angeles December 17<sup>th</sup> through December 20<sup>th</sup>, and expressed concern with the mandate at a time when we are at full employment. Actors who are not based in NYC are exempt from the mandate, but not the ones who live here. Some companies share that concern, believe the RTW protocols are effective, but have stated they must comply.

What is incoming Mayor Eric Adams stance on the mandate? I've asked city council members and as well as Manhattan Borough President Mark Levine (I serve on his transition committee). The answer has been that Mayor Adams is playing it close to the vest, especially in the midst of this explosion of the omicron variant.

Currently, we can find no suits filed by the private sector. It should be noted that the legal challenge to the order as it pertained to school employees was shot down in federal court. We will continue to monitor and report developments as they apply to production in NYC, however, at this time you must assume you will need to be properly vaccinated to go to work. Have a blessed and healthy Christmas.

Fraternally,



Thomas J. O'Donnell  
President  
Local 817 IBT

**ALLIANCE OF MOTION PICTURE AND TELEVISION PRODUCERS**

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Carol A. Lombardini  
President

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**VIA EMAIL**  
(tj@local817.com)

December 21, 2021

Thomas O'Donnell  
President  
Local #817/I.B.T. Theatrical Drivers and Helpers  
817 Old Cuttermill Road  
Great Neck, New York 11021

**Re: Executive Order Issued by Mayor de Blasio in New York City**

Dear Tom:

Please be advised that the Companies represented by the AMPTP which are signatory to the COVID-19 Return to Work Agreement as of July 19, 2021 with DGA, IATSE, SAG-AFTRA, and Teamsters/Basic Crafts will be moving to comply with the Executive Order issued by Mayor de Blasio of New York City pursuant to which the Commissioner of Health and Mental Hygiene has issued an Order to Require COVID-19 Vaccination in the Workplace, effective as of December 27, 2021.

Please contact me should you wish to discuss this subject.

Sincerely,



Carol A. Lombardini

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**ORDER OF THE COMMISSIONER  
OF HEALTH AND MENTAL HYGIENE  
TO REQUIRE COVID-19 VACCINATION IN THE WORKPLACE**

**WHEREAS**, on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98 declaring a state of emergency in the City to address the threat posed by COVID-19 to the health and welfare of City residents, and such Order remains in effect; and

**WHEREAS**, on March 25, 2020, the New York City Commissioner of Health and Mental Hygiene declared the existence of a public health emergency within the City to address the continuing threat posed by COVID-19 to the health and welfare of City residents, and such declaration and public health emergency continue to be in effect; and

**WHEREAS**, the COVID-19 virus continues to spread and mutate, and on November 26, 2021, the World Health Organization (“WHO”) declared a new variant of COVID-19, named Omicron, a variant of concern and preliminary evidence suggests an increased risk of reinfection and spread across the world, including to the United States; and

**WHEREAS**, on November 26, 2021, New York State Governor Kathy Hochul issued Executive Order No. 11 to address new emerging threats across the State posed by COVID-19, finding that New York is experiencing COVID-19 transmission at rates the State has not seen since April 2020 and that the rate of new COVID-19 hospital admissions has been increasing over the past month to over 300 new admissions a day; and

**WHEREAS**, COVID-19 spreads when an infected person exhales the virus and these are breathed in by other people or land on their eyes, noses, or mouth, with people closer than 6 feet from the infected person most likely to get infected, making the risk of COVID-19 transmission greater in workplace settings because of close proximity to others and the sharing of office space and facilities such as restrooms, elevators, lobbies, meeting and break rooms, and other common areas; and

**WHEREAS**, the WHO and the U.S. Centers for Disease Control and Prevention (“CDC”) have advised all individuals to take measures to reduce their risk of COVID-19, especially the Delta and Omicron variants, including vaccination, which is an effective tool to prevent the spread of COVID-19 and benefits both vaccine recipients and those they come into contact with, including persons who for reasons of age, health, or other conditions cannot themselves be vaccinated; and

**WHEREAS**, a study by Yale University demonstrated that the City’s vaccination campaign was estimated to have prevented about 250,000 COVID-19 cases, 44,000 hospitalizations and 8,300 deaths from COVID-19 infection since the start of vaccination through July 1, 2021, and the City believes the number of prevented cases, hospitalizations and death has risen since then; and that between January 1, 2021, and June 15, 2021, over 98% of hospitalizations and deaths from COVID-19 infection involved those who were not fully vaccinated;

**WHEREAS**, a system of vaccination that requires employers to implement vaccination policies for their employees will potentially save lives, protect public health, and promote public safety; and

**WHEREAS**, on September 9, 2021, President Biden issued an Executive Order stating that “It is essential that Federal employees take all available steps to protect themselves and avoid spreading COVID-19 to their co-workers and members of the public,” and ordering each federal agency to “implement, to the extent consistent with applicable law, a program to require COVID-19 vaccination for all of its Federal employees, with exceptions only as required by law”; and

**WHEREAS**, on August 16, 2021, Mayor Bill de Blasio signed Emergency Executive Order No. 225, the “Key to NYC,” which requires the employees, as well as patrons, of establishments providing indoor entertainment, dining, and fitness to show proof of at least one dose of an approved COVID-19 vaccine, and such Order, as reissued in Emergency Executive Order No. 316 on December 13, 2021, is still in effect; and

**WHEREAS**, on August 24, 2021, I issued an Order requiring that Department of Education employees, contractors, and visitors provide proof of COVID-19 vaccination before entering a DOE building or school setting, and such Order was re-issued on September 12 and 15, 2021, and subsequently amended on September 28, 2021, and such Orders and amendment were ratified by the Board of Health on September 17, 2021 and October 18, 2021; and

**WHEREAS**, on September 12, 2021, I issued an Order requiring that staff of early childhood programs or services provided under contract with the Department of Education or the Department of Youth and Community Development provide proof of COVID-19 vaccination, and that Order was ratified by the Board of Health on September 17, 2021; and

**WHEREAS**, on October 20, 2021, I issued an Order requiring that City employees provide proof of vaccination to their agencies or offices by October 29, 2021 or be excluded from their workplace, and on October 31, 2021, I issued a supplemental Order, and both Orders were ratified by the Board of Health on November 1, 2021; and

**WHEREAS**, on November 17, 2021, I issued an Order requiring COVID-19 vaccinations for staff of child care programs, as defined therein, and in early intervention programs, and such Order was ratified by the Board of Health on November 19, 2021; and

**WHEREAS**, on December 2, 2021, I issued an Order requiring COVID-19 vaccinations for all nonpublic school staff and volunteers; and

**WHEREAS**, pursuant to Section 558 of the New York City Charter (the “Charter”), the Board of Health may embrace in the Health Code all matters and subjects to which the power and authority of the Department of Health and Mental Hygiene (“the Department”) extends; and

**WHEREAS**, pursuant to Section 556 of the Charter and Section 3.01(c) of the Health Code, the Department is authorized to supervise the control of communicable diseases and

conditions hazardous to life and health and take such actions as may be necessary to assure the maintenance and protection of public health; and

**WHEREAS**, Section 17-104 of the New York City Administrative Code (“Administrative Code”) directs the Department to adopt prompt and effective measures to prevent the communication of infectious diseases such as COVID-19, and in accordance with Section 17-109(b) of Administrative Code, the Department may adopt vaccination measures to effectively prevent the spread of communicable diseases; and

**WHEREAS**, pursuant to Section 3.01(d) of the Health Code, I am authorized to issue orders and take actions that I deem necessary for the health and safety of the City and its residents when urgent public health action is needed to protect the public health against an existing threat and a public health emergency has been declared pursuant to such section; and

**NOW THEREFORE**, I, Dave A. Chokshi, MD, MSc, Commissioner of the Department of Health and Mental Hygiene, finding that a public health emergency within New York City continues, and that it is necessary for the health and safety of the City and its residents, do hereby exercise the power of the Board of Health to prevent, mitigate, control and abate the current emergency, and hereby order that:

1. Beginning December 27, 2021, workers must provide proof of vaccination against COVID-19 to a covered entity before entering the workplace, and a covered entity must exclude from the workplace any worker who has not provided such proof, except as provided in paragraph 5.
2. Covered entities shall verify workers’ proof of vaccination. Covered entities shall:
  - a. maintain a copy of each worker’s proof of vaccination and, if applicable, a record of reasonable accommodation(s) as described in (b)(iv); *OR*
  - b. maintain a record of such proof of vaccination, provided that such record shall include:
    - i. the worker’s name; and
    - ii. whether the person is fully vaccinated; and
    - iii. for a worker who submits proof of the first dose of a two-dose vaccine, the date by which proof of the second dose must be provided, which must be no later than 45 days after the proof of first dose was submitted; and
    - iv. for a worker who does not submit proof of COVID-19 vaccination because of a reasonable accommodation, the record must indicate that such accommodation was provided, and the covered entity must separately maintain records stating the basis for such accommodation and any supporting documentation provided by such worker; *OR*
  - c. check the proof of vaccination before allowing a worker to enter the workplace and maintain a record of the verification.

For a non-employee worker, such as a contractor, a covered entity may request that the worker's employer confirm the proof of vaccination in lieu of maintaining the above records. A covered entity shall maintain a record of such request and confirmation.

Records created or maintained pursuant to this section shall be treated as confidential.

A covered entity shall, upon request by a City agency, make available for inspection records required to be maintained by this section, consistent with applicable law.

3. No later than December 27, 2021, a covered entity shall affirm on a form provided by the Department compliance with the requirements of paragraph 2 of this Order and post the affirmation in a conspicuous location.
4. For purposes of this Order:
  - a. "Covered entity" means:
    - i. a non-governmental entity that employs more than one worker in New York City or maintains a workplace in New York City; or
    - ii. a self-employed individual or a sole practitioner who works at a workplace or interacts with workers or the public in the course of their business.
  - b. "Fully vaccinated" means at least two weeks have passed after an individual received a single dose of a COVID-19 vaccine that requires only one dose, or the second dose of a two-dose series of a COVID-19 vaccine approved or authorized for use by the Food and Drug Administration or World Health Organization, or any other circumstance defined by the Department in its guidance associated with this Order.
  - c. "Proof of vaccination" means one of the following documents demonstrating that an individual has (1) been fully vaccinated against COVID-19; (2) received one dose of a single-dose COVID-19 vaccine; or (3) received the first dose of a two-dose COVID-19 vaccine, provided that a worker providing proof of only such first dose provides proof of receiving the second dose of that vaccine within 45 days after receiving the first dose:
    - i. A CDC COVID-19 Vaccination Record Card or other official immunization record from the jurisdiction, city, state, or country where the vaccine was administered, or from a healthcare provider or other approved immunizer who administered the vaccine, that provides the person's name, vaccine brand, and date of administration. A digital photo or photocopy of such record is also acceptable.
    - ii. New York City COVID Safe App showing a vaccination record;
    - iii. A valid New York State Excelsior Pass/Excelsior Pass Plus;
    - iv. CLEAR Health Pass; or

- v. Any other method specified by the Commissioner as sufficient to demonstrate proof of vaccination.
- d. “Worker” means an individual who works in-person in New York City at a workplace. Worker includes a full- or part-time staff member, employer, employee, intern, volunteer or contractor of a covered entity, as well as a self-employed individual or a sole practitioner.

Worker does not include:

- i. an individual who works from their own home and whose employment does not involve interacting in-person with co-workers or members of the public;
  - ii. an individual who enters the workplace for a quick and limited purpose; or
  - iii. non-City residents who are performing artists, college or professional athletes, or individuals accompanying such performing artists or college or professional athletes who do not have to display proof of vaccination pursuant to the Key to NYC program, Emergency Executive Order No. 316 and successor Orders.
- e. “Workplace” means any location, including a vehicle, where work is performed in the presence of another worker or member of the public.
5. Nothing in this Order shall be construed to prohibit reasonable accommodations for medical or religious reasons.
6. This Order shall not apply to covered entities or individuals who are already subject to another Order of the Commissioner of the Department, Board of Health, the Mayor, or a State or federal entity that is in effect and requires them to maintain or provide proof of full vaccination or to individuals who have been granted a reasonable accommodation pursuant to such requirement.
7. This Order shall take effect immediately, and remain in effect until rescinded, subject to the authority of the Board of Health to continue, rescind, alter, or modify this Order pursuant to Section 3.01(d) of the Health Code.

Dated: December 13, 2021

  
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Dave A. Chokshi, MD, MSc  
Commissioner