

## **Alert** | Labor & Employment



July 2021

### **New York State Publishes HERO Act Model and Industry Plans for Returning to Work**

In May 2021, New York state passed a law governing certain health requirements in connection with returning to work after COVID-19. The New York Health and Essential Rights Act (NY HERO Act) as amended applies to occupational exposure to all airborne infectious diseases, not only COVID-19, and requires employers to adopt standards and procedures that meet its minimum requirements.

In July 2021, the New York State Department of Labor issued a **model plan** along with **11 industry-specific plans**. New York employers must adopt a plan based on the templates, or a similar plan that meets minimum standards, by Aug. 5, 2021, and must distribute the plan to employees by Sept. 4, 2021. Although employers must adopt plans by Aug. 5, employers need not put such plans into effect as of yet. According to the New York State Department of Labor website:

The airborne infectious disease exposure prevention plans must go into effect when an airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. **Currently, while employers must adopt plans as required by the law, as of the date of this writing no designation has been made and plans are not required to be in effect.**

Notwithstanding that the plan does not need to be put into effect yet, New York state employers should adopt a plan, provide the plan to employees, post the plan, and update their employee handbook, as applicable.

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