



NEW YORK HERO ACT

*The New York Health and Essential Rights Act (New York Hero Act) was signed into law by Governor Cuomo, including a subsequent chapter amendment making technical changes. This law requires every employer to adopt an airborne infectious disease exposure prevention plan. Although you must adopt a written plan within the timeframe outlined below as well as to provide it to your employees, the plan does **not** need to go into effect immediately. As stated on the Department of Labor website (<https://dol.ny.gov/ny-hero-act>):*

"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."

Here are the steps involved in adopting a plan and sharing it with your employees:

* The New York State Department of Labor published standard model plans to their website on **July 8**. These include a generic model prevention standard and a model airborne infectious disease exposure plan, as well as industry-specific plans for construction, personal services, and retail, among others. Go to <https://dol.ny.gov/ny-hero-act> to find these templates.

* **Within 30 days** of the DOL publishing these standard plans and templates (which they did on July 8), employers are required to adopt a plan. You may either adopt the standards and the model plan as-is, or you may adopt an alternative prevention plan that exceeds or meets the minimum standards set forth by DOL.

* **Within 60 days** of the DOL publishing these standard plans and templates, you are required to provide copies of your adopted prevention plan to every employee (broadly defined).

* Once adopted, you must also provide a copy of your adopted plan to every newly hired employee upon hire.

* When and if your business or worksite must close in the future in response to an airborne infectious disease, you must again provide copies of the adopted prevention plan **within 15 days of reopening**.

* The plan must not only be provided in English but also in the employee's primary language. The prevention plan must also be posted in a visible and prominent location.

* This statute also permits employees to establish and administer joint labor-management workplace safety committees where employers have at least ten employees. This section of the law does not take effect until November 1, 2021.

Please refer to the New York State Department of Labor website at <https://dol.ny.gov/ny-hero-act> and/or consult legal counsel if you have specific questions.