

Newly Enacted "NY Hero Act": What Employers Need to Know - *Client Newsletter*

Article
7.28.21

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Effective June 4, 2021, the New York State Legislature enacted the Health and Essential Right Act (the "Hero Act") that mandates all New York private employers with 10 or more employees to adopt an airborne infectious disease exposure prevention plan. Implementation of such plan will take place only when the New York State Commissioner of Health designates that an airborne infectious disease presents severe risk of harm to the general public. However, by August 5th, 2021, employers must establish a plan and such plan must be distributed to employees by September 4th, 2021.

The New York State Department of Labor (the "NYSDOL") established The Airborne Infectious Disease Exposure Prevention Standard (the "Standard") that requires employee awareness for physical distancing, respiratory etiquette, face coverings, hand hygiene, cleaning and disinfection, and the prohibition of social etiquette behaviors such as hugging and shaking hands. In addition, a stay home policy for employees who develop symptoms of the infectious disease and a health screening for employees at the beginning of their shifts are required.

The NYSDOL provided different models for different industries, which employers may use for their own line of businesses. Private employers may establish and implement their own plans that meet or exceed the Standard. The Standard and the NYSDOL Model Plan may be found here, respectively:

The Airborne Infectious Disease Exposure Prevention Standard (ny.gov) (the Standard)

NY Hero Act, Model Airborne Infectious Disease Exposure Prevention Plan (Model Plan)

For more information about the Hero Act and how it may apply to your business, please contact the attorneys at Pashman Stein Walder Hayden, P.C.