

NEW YORK

New York HERO Act Ends COVID-19 Designation as an Infectious Disease

On March 17, 2022, the New York State Department of Health (DOH) [ended](#) the designation of COVID-19 as an airborne infectious disease that presents a serious risk of harm to public health under the [Health and Essential Rights Act](#) (NY HERO Act).

The NY HERO Act covers all private employers in the state. The act was signed into law on May 5, 2021, and was amended on June 11, 2021.

HERO Act Requirements

The NY HERO Act established extensive new workplace health and safety protections in response to the COVID-19 pandemic. However, the purpose of the NY HERO Act includes protecting employees against exposure and disease during future airborne infectious disease outbreaks.

The two main components of the act include:

- Establishing an exposure prevention plan; and
- Allowing employees to establish and administer joint-labor management workplace safety committees.

Employers can comply with plan requirements under the NY HERO Act by adopting the [model plan](#) published by the DOH or establishing an alternative plan that meets or exceeds the model plan's requirements.

Moving Forward

As a result of the new designation of COVID-19, private sector employers are no longer required to implement their workforce safety plans under the NY HERO Act. However, if another airborne infectious disease that presents a serious risk of harm to public health is designated, employers will need to implement their safety plans, provide a copy of their plans to their employees and post them in a visible, prominent location where employees can see them.

Finally, employers should note that other provisions of the act, such as the joint-labor safety committee requirement, remain in effect.

Important Dates

May 5, 2021

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June 11, 2021

The NY HERO Act was amended.

March 17, 2022

The DOH ended the designation of COVID-19 as an airborne infectious disease that presents a serious risk of harm to public health under the NY HERO Act.

Private employers no longer have to implement their workplace safety plans under the NY HERO Act.

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