

E-Alert: **NY HERO Update: New York Department of Labor Releases Model and Industry-Specific Prevention Plans**

The NY Health and Essential Rights Act (“HERO Act”) signed into law on May 5, 2021, required the New York Department of Labor (“NY DOL”) to create an airborne infectious disease prevention standard and model airborne infectious disease prevention plan. On July 6, 2021, the NY DOL published a new Airborne Infectious Disease Exposure Prevention Standard, Model Airborne Infectious Disease Exposure Prevention Plan, and various industry-specific model plans. Employers can adopt the model standard for their industry or establish an alternative plan that meets or exceeds the standard’s minimum requirements.

The NY DOL model industry specific templates are for the following industries: agriculture, construction, delivery services, domestic workers, emergency response, food services, manufacturing and industry, personal services, private education, private transportation and retail. The standards and models are currently available in English and will be available in Spanish in the coming days. [Click here](#) to view the NY DOL templates.

EMPLOYER DEADLINES

- August 5, 2021- Employers must adopt the model standard or create an alternative airborne disease prevention plan that meets or exceeds the standard’s minimum requirements.
- September 4, 2021- Employers must provide their employees with a copy of the adopted airborne infectious disease exposure prevention plan and post it in a visible and prominent location within each worksite. All new employees must receive the exposure prevention plan upon hire and all employees must receive the plan within 15 days of a reopening due to an airborne infectious disease closure.

The NY DOL noted employers must adopt the prevention plans as required by the HERO Act, but the plans are not required to be in effect. The prevention plans must go into effect when an airborne infectious disease is designated as a highly contagious communicable disease that presents a serious risk of harm to the public health.

WORKPLACE SAFETY COMMITTEES

The HERO Act also requires employers with 10 or more employees to allow their employees to form a joint labor management workplace committee as of November 1, 2021.

The NY DOL will share more details about the HERO Act and recommends employers regularly check the dedicated website for updates.

Please feel free to contact us with any questions.

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