

LEGAL ALERT

July 30, 2021

IMPORTANT REMINDER FOR EMPLOYERS – COMPLIANCE WITH NEW YORK HEALTH AND ESSENTIAL RIGHTS ACT (NY HERO ACT) IS AUGUST 5TH, 2021

NYS DOL has provided guidance to employers on the immediate requirements for compliance with the NY HERO Act, as previously covered in our [last alert](#). By August 5, 2021, employers must have adopted airborne infectious disease exposure plans. Employers face a \$50 per day penalty in place for failure timely to adopt a plan. Employers can create a plan following [NYS DOL standards](#) or use a [Model Plan](#) created by the NYSDOL.

The plan must be communicated to employees and posted in a visible location by September 6, 2021. The DOL emphasized that, while employers must now adopt a plan within the statutory deadline, there is no current requirement to activate such plans, as the Commissioner of Health has not designated any particular airborne infectious disease (including COVID-19) as a highly contagious communicable disease that presents a serious risk of harm to the public health.

Please reach out to Phillips Nizer's Labor and Employment Practice attorneys for compliance support.

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