



PHILLIPS LYTLE LLP CLIENT ALERT
FOR BNHRA MEMBERS
LABOR & EMPLOYMENT



OCTOBER 2021

Activation of New York HERO Act Plans Extended Through October 31, 2021

The New York State Commissioner of Health (“Commissioner”) has extended the designation of COVID-19 as a “highly contagious communicable disease that presents a serious risk of harm to the public health” under the New York Health and Essential Rights Act (NY HERO Act) through October 31, 2021. The [Commissioner’s designation](#) can be found on the New York State Department of Health website. The Commissioner initially made such a designation on September 6, 2021, effective until September 30, 2021. The Commissioner’s extension of the designation means that New York State employers must continue to implement their airborne infectious disease exposure prevention plans—that they were required to adopt under the NY HERO Act—at least through October 31. The Commissioner will review the status of COVID-19 as presenting a serious risk of harm to the public health at that time and decide whether to continue the designation beyond October 31.

The New York State Department of Labor has issued [guidance and frequently asked questions](#) about employer obligations under the NY HERO Act that employers should review for guidance on implementing their disease prevention plans.

Additional Assistance

For further assistance, please contact any of the attorneys on our [Labor & Employment Practice Team](#) or the [Phillips Lytle attorney](#) with whom you have a relationship. ■



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