



**PHILLIPS LYTLE LLP CLIENT ALERT**  
**FOR BNHRA MEMBERS**  
**LABOR & EMPLOYMENT**

**MARCH 2022**



## *New York State Ends Designation of COVID-19 as a Serious Airborne Infectious Disease Under the NY HERO Act*

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

As a result, private sector employers are no longer required to implement their NY HERO Act workplace safety plans, which included conducting employee health screenings and requiring physical distancing in the workplace, among other things. However, employers should remember that even though they are not required to implement their safety plans at this time, they remain obligated to comply with the NY HERO Act, including:

- Maintaining an airborne infectious disease exposure prevention plan;
- Giving a copy of the plan to employees within 30 days after creating it;

- Giving a copy of the plan to new employees upon hire;
- Posting the plan in each worksite so employees can view it;
- Updating the plan as necessary; and
- Activating and communicating the plan if the New York State Commissioner of Health makes another designation regarding an airborne infectious disease.

Employers should also be aware of and continue to comply with any applicable local or industry-specific COVID-19 restrictions.

### **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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