

## Legislative Update JULY 2021\*

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### **N.Y.S. DEPARTMENT OF LABOR ISSUES HERO ACT'S AIRBORNE INFECTIOUS DISEASE EXPOSURE PREVENTION STANDARD AND MODEL PREVENTION PLAN**

Earlier this year, New York State enacted the Health and Essential Rights Act, or HERO Act, which mandates extensive new workplace health and safety protections in response to the COVID-19 pandemic. The purpose of the HERO Act is to protect employees against exposure and disease during outbreaks of airborne infectious diseases. Under the HERO Act, the New York State Departments of Labor and Health were directed to create health and safety standards and to issue model prevention plans to aid private sector employers in preventing the spread of airborne infectious diseases across New York State workplaces and industries.

In July 2021, the New York State Department of Labor, in consultation with the New York State Department of Health, developed a new Airborne Infectious Disease Exposure Prevention Standard, a Model Airborne Infectious Disease Exposure Prevention Plan, and various industry-specific model plans for the prevention of airborne infectious disease.

Under the HERO Act, all private sector employers must adopt written plans and distribute those plans to their employees. Employers are permitted to adopt the applicable policy template Prevention Plan provided by the New York State Department of Labor or to establish an alternative Prevention Plan that meets or exceeds the Prevention Standard's minimum requirements.

General information concerning the HERO Act can be found here: <https://dol.ny.gov/ny-hero-act>.

The Department of Labor's Prevention Standard can be found at the following website:

<https://dol.ny.gov/system/files/documents/2021/07/p764-the-airborne-infectious-disease-exposure-prevention-standard-v4.pdf>.

The Department of Labor's Model Prevention Plan can be found at the following website:

<https://dol.ny.gov/system/files/documents/2021/07/model-airborne-infectious-disease-exposure-prevention-plan-p765.pdf>.

Source: New York State Department of Labor

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