



PHILLIPS LYTLE LLP CLIENT ALERT

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. ■



Phillips Lytle LLP

Albany Omni Plaza 30 South Pearl Street Albany, NY 12207-1537 (518) 472-1224

Buffalo One Canalside 125 Main Street Buffalo, NY 14203-2887 (716) 847-8400

Chautauqua 201 West Third Street Suite 205 Jamestown, NY 14701-4907 (716) 664-3906

Garden City 1205 Franklin Avenue Plaza Suite 390 Garden City, NY 11530-1629 (516) 742-5201

New York City 340 Madison Ave 17th Floor New York, NY 10173-1922 (212) 759-4888

Rochester 28 East Main Street Suite 1400 Rochester, NY 14614-1935 (585) 238-2000

Washington, DC 1101 Pennsylvania Avenue NW Suite 300 Washington, DC 20004-2514 (202) 617-2700

Canada The Communitel Hub 151 Charles Street West Suite 100 The Tannery Kitchener, Ontario N2G 1H6 Canada (519) 570-4800