

## New York Requires Employers to Activate Exposure Prevention Plans

September 8, 2021

On September 6, 2021, New York State's commissioner of health designated COVID-19 as "a highly contagious communicable disease that presents a serious risk of harm to the public health in New York State" pursuant to Section 218-b of the New York Labor Law. As such, under the New York Health and Essential Rights (NY HERO) Act, all employers with worksites in New York State are required to promptly activate an exposure prevention plan. The designation of COVID-19 as a highly contagious communicable disease will remain in place through at least September 30, 2021, at which point it will be reevaluated by the state commissioner of health.

Based on the NY HERO Act's requirements, many employers in New York have already adopted exposure prevention plans. For these employers, the adopted plans should be activated and followed until the designation has been lifted. Any employer with a worksite in New York that has not already adopted an exposure prevention plan (which satisfies the requirements under the NY HERO Act) should adopt one as soon as possible.

We are closely tracking NY HERO Act developments and will publish further guidance when additional information becomes available. If you have any questions related to the act, please reach out to a member of the Cooley employment team.

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## **Key Contacts**

Ann Bevitt	abevitt@cooley.com
London	+44 (0) 20 7556 4264
Wendy Brenner	brennerwj@cooley.com
Palo Alto	+1 650 843 5371
Leslie Cancel	Icancel@cooley.com
San Francisco	+1 415 693 2175

Helenanne Connolly	hconnolly@cooley.com
Reston	+1 703 456 8685
Joseph Lockinger	jlockinger@cooley.com
New York	+1 212 479 6736
Joshua Mates	jmates@cooley.com
San Francisco	+1 415 693 2084
Gerard O'Shea	goshea@cooley.com
New York	+1 212 479 6704
Miriam Petrillo	mpetrillo@cooley.com
Chicago	+1 312 881 6612
Ryan Vann	rhvann@cooley.com
Chicago	+1 312 881 6640
Summer Wynn	swynn@cooley.com
San Diego	+1 858 550 6030
Steven A. Zuckerman	szuckerman@cooley.com
New York	+1 212 479 6647

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