

# LABOR AND EMPLOYMENT LAW

## INFORMATION MEMO

NOVEMBER 2, 2021

## NY HERO Act COVID-19 Designation Extended Again

On Oct. 31, 2021, the NYS Commissioner of Health announced the further extension of the designation of COVID-19 as a “highly contagious communicable disease that presents a serious risk of harm to the public health” through Dec. 15, 2021.

To recap, the NYS Commissioner of Health originally issued the designation on Sept. 6, 2021, prompting covered employers in New York State to activate their NY HERO Act airborne infectious disease exposure prevention plans. The initial designation was effective through Sept. 30, 2021, at which time the NYS Commissioner of Health would review and consider whether the circumstances surrounding the ongoing COVID-19 pandemic warranted extension of the designation at that time. On Oct. 1, 2021, the NYS Commissioner of Health extended the designation through Oct. 31, 2021, subject to review and consideration based on the level of transmission as reported by the Centers for Disease Control and Prevention (CDC). As explained in the NYS Commissioner of Health’s most recent extension, the CDC has identified the level of transmission of COVID-19 in New York as “substantial” or “high.” Accordingly, the NYS Commissioner of Health decided to continue the designation.

If the level of transmission in New York continues to fall and is characterized as “moderate” or “low” per the CDC’s guidance, employers in New York may anticipate that the NYS Commissioner of Health will lift the designation. However, until the designation is lifted, employers should continue to have their NY HERO Act plans in place.

If you have any questions or need Bond’s help, please contact [Stephanie Fedorka](#), any [attorney](#) in Bond’s [Labor and Employment practice](#) or the Bond attorney with whom you are regularly in contact.



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