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September 22, 2021

September Tip of the Month: COVID-19 Regulatory Landscape

Both federally and in New York, the COVID-19 regulatory landscape continued to evolve in September. Specifically, on September 6, 2021, the New York state commissioner of health designated COVID-19 "a highly contagious communicable disease that presents a serious risk of harm to the public health," thus requiring New York employers to activate their Airborne Infectious Disease Prevention Plans under the May 2021 Health and Essential Rights Act (HERO Act). In turn, New York employers must also carry out the HERO Act's employee training and notification requirements. On the federal level, President Biden announced that he has directed the Occupational Safety and Health Administration (OSHA) to develop an emergency temporary standard requiring employers with 100 or more employees to mandate that all employees either (1) be vaccinated against COVID-19, or (2) undergo weekly testing. Employers must promptly take steps to activate their New York HERO Act Safety Plans and consider and prepare for OSHA's possibly forthcoming mandatory vaccination and testing rules.

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