

New York HERO Act Designation Over, Six Months Later

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The New York HERO Act [website](#) was quietly updated on the afternoon of March 18, 2022 to confirm that the designation of COVID-19 as an airborne infectious disease that presents a serious risk of harm to the public health has ended. This means the “activation” of HERO Act safety plans is over.

On March 17, 2022, the designation of COVID-19 as an airborne infectious disease that presents a serious risk of harm to the public health under the HERO Act ended. Private sector employers are no longer required to implement their workforce safety plans.

As such, elements of the HERO Act plan are no longer required to be implemented, including daily health screening, and social distancing. [In February, the Department of Labor updated the model HERO Act safety plan](#) to clarify that masking was not mandatory, regardless of vaccination status. Employers are still required to:

- have a HERO Act safety plan,
- provide a copy to employees (current and upon hire),
- post the plan in each worksite, and
- include a copy within their employee handbooks.

As a reminder, New York City employers are still subject to [the workplace vaccine mandate](#). While the Key to NYC requirements for bars, restaurants, and entertainment venues ended on March 7, 2022, the private employer vaccine mandate is still in effect.

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