

ABC Negotiates Major Changes to the Hero Act

The ABC Empire State Chapter was one of the only business advocacy groups invited to join the Governor to make changes to improve the Hero Act and lessen its negative impact on our members. Below ABC has outlined the major changes we advocated for and were able to successfully make to the Hero Act:

- Require employers to adopt an airborne infectious disease exposure prevention plan within 60 days after the Commissioner of Labor publishes the model standard relevant to their industry; *(The original bill provided only 30 days)*
- Employers must provide their prevention plan to workers within 30 days after the adoption of the plan, within 15 days after reopening after a closure due to an airborne disease, to a new employee upon hiring, and to DOL/DOH on request;
- The plan must be posted in a visible space for each work site (excluding vehicles) and provided in both English and the primary language of employees. Businesses operating as of the effective date of this section must provide their plan to all employees within 60 days after the relevant model standards are adopted;
- Eliminated ability for employees to sue for liquidated damages from employers; *(The original bill allowed employees to sue employers for liquidated damages)*
- Require employees to notify their employers of alleged violations, and provide employers with a 30-day period to correct such violations, during which employees would not be able to bring a civil action; *(The original version had no cure period)*
- Allow the courts to award costs and attorney's fees to employers if a civil action for injunctive relief or retaliation is found by the court to be frivolous; *(This was not in the original version)*
- Limit the joint labor-management workplace safety committees to one committee per worksite; *(The original version would have forced contractors to have a committee for each job site)*
- Each workplace safety committee and workplace safety designee is authorized to perform the following:
 - A. Raise health and safety concerns, hazards, complaints and violations to the employer to which the employer must respond;
 - B. Review any workplace policy, required by law, relating to occupational safety and health and provide feedback;
 - C. Review the adoption of any workplace policy in response to any health or safety law;
 - D. Participate in any site visit by any health/safety enforcement agency unless otherwise prohibited by law;
 - E. Review any report filed by the employer related to health/safety of the workplace; and
 - F. Regularly schedule at least one meeting per quarter during working hours that shall last no longer than two hours.

If you would like a detailed memo about the NY Hero Act, please contact:

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