On Labor Day, the Governor signed the “Pandemic Operations Plan” legislation into law (Chapter 168 of the Laws of 2020). This new law requires public employers to develop a plan for operations in the event of a declared public health emergency involving a communicable disease. Although the Conference of Mayors strongly supports efforts to address workplace safety, particularly during a public health emergency, we opposed this bill because it would have required operations plans to be finalized within 30 days of the effective date of the act, which we believed was not enough time to ensure appropriate development and implementation. Fortunately, as indicated in the Governor’s approval memorandum (No. 7 of 2020), an agreement was made with the State Legislature to make certain technical changes to the bill which include extending the date by which the operations plans are required to be completed to April 1, 2021.

Pursuant to the new law, required plan elements include, but are not limited to:

- A list and description of positions considered essential;
- Protocols for non-essential employees to follow to work remotely;
- A description of how staggered work shifts would be implemented;
- The process for procurement and distribution of personal protective equipment (PPE) for employees;
- The process outlining what to do when an employee is exposed to the communicable disease;
- The policy on leave in the event employees require testing, treatment, quarantine, etc.;
- Protocols to document specific hours and work locations including off-site visits for essential employees and contractors;
- Protocols on emergency housing for essential employees impacted by the disease subject of the public health emergency; and
- Any other requirement determined by the New York State Department of Health, such as testing and contact tracing.

Plans must be presented by the employer to union representatives for their review and recommendations within 150 days from the law’s September 7, 2020, effective date. Additionally, the Department of Labor will create an online portal for public employees to report violations of health and safety rules for communicable diseases, including COVID-19.

NYCOM will share any additional guidance on this law as it is made available. There will be a session on this topic at NYCOM’s Virtual Fall Training School on Tuesday, September 22, at 9:30 a.m. Questions on the new law can be directed to David Bissember at david@nycom.org.