

Alert

Updates on New York Employment Laws

February 18, 2022

Notice Released for Amendment to the New York Whistleblower Protection Law

Pursuant to the amendment to the New York Whistleblower Protection Law (“Whistleblower Law”), which became effective on Jan. 26, 2022, the New York Department of Labor released the Notice of Employee Rights, Protections, and Obligations Under Labor Law Section 740 (“[Notice](#)”) on Feb. 11, 2022. The amended Whistleblower Law requires employers to post the Notice conspicuously in easily accessible and well-lit places in their workplaces that are customarily frequented by employees and job applicants.

As discussed in a previous SRZ [Alert](#), the amendment greatly increases whistleblower protections for employees, including by (i) expanding the definition of employees to include former employees and individual independent contractors (collectively with current employees, “Employees”); (ii) protecting Employees who reasonably believe their employer has a policy or practice that violates the law, or poses a substantial and specific danger to public health or safety; (iii) allowing Employees to make a “good faith effort” to first notify their employer of the asserted violation before making a report and, in certain circumstances, not requiring notification to their employer; (iv) expanding the definition of “Retaliatory action”; (v) extending the statute of limitations, increasing possible remedies and granting Employees the right to a jury trial; and (vi) requiring employers to post notice of the amended law, which can be satisfied by posting the Notice.

Extension of the HERO Act Designation

On Feb. 15, 2022, the New York State Commissioner of Health [extended the designation](#) of COVID-19 as a “highly contagious communicable disease” under the New York State Health and Essential Rights Act (“HERO Act”) until Mar. 17, 2022. Therefore, employers must continue to implement and enforce their airborne infectious disease exposure prevention plans until at least Mar. 17,¹ as discussed in previous SRZ [Alerts](#) [here](#) and [here](#). In the event the designation is not renewed, employers will still have certain obligations, which are discussed in a previous SRZ [Alert](#).

Please contact [Mark E. Brossman](#), [Ronald E. Richman](#), [Max Garfield](#), [Scott A. Gold](#), [Donna K. Lazarus](#), [Abdulrahman Alwattar](#), or [Andrew B. Lowy](#) if you have any questions about these updates.

¹ As discussed in a previous SRZ [Alert](#), the New York State Department of Labor recently updated its Model Airborne Infectious Disease Exposure Prevention Plan to relax its masking requirements, providing that: “Employees will wear appropriate face coverings in accordance with guidance from State Department of Health or the Centers for Disease Control and Prevention, as applicable. Consistent with the guidance from the State Department of Health, if indoor areas do not have a mask or vaccine requirement as a condition of entry, appropriate face coverings are recommended, but not required. It is also recommended that face coverings be worn by unvaccinated individuals, including those with medical exemptions, in accordance with federal CDC guidance.”

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