

A title card for a webinar series. The background is dark blue with a pattern of light blue virus particles and geometric shapes. A white rectangular box in the center contains the text "CORONAVIRUS" in large, bold, white capital letters, with "WEEKLY WEBINAR SERIES" in smaller white capital letters below it. Below the box is the logo for Bond, Schoeneck & King Attorneys, which consists of a stylized asterisk-like symbol followed by the text "BOND SCHOENECK & KING ATTORNEYS". Below the logo is the date "January 19, 2021". In the bottom right corner of the white area, there is a smaller version of the firm's logo.

**CORONAVIRUS**  
WEEKLY WEBINAR SERIES

**BOND SCHOENECK & KING ATTORNEYS**  
January 19, 2021

**BOND SCHOENECK & KING ATTORNEYS**

1

An introduction slide for a webinar. The slide has a white background with a blue and yellow horizontal bar at the top. The word "Introduction" is written in a large, blue, sans-serif font. Below the title is a portrait of Adam P. Mastroleo, a man in a dark suit, white shirt, and red tie. To the right of the portrait is his name "Adam P. Mastroleo" in bold blue text, followed by his title "Member", email address "amastroleo@bsk.com", and location "Syracuse, NY". In the bottom right corner, there is the firm's logo: a stylized asterisk-like symbol followed by "BOND SCHOENECK & KING ATTORNEYS".

**Introduction**



**Adam P. Mastroleo**  
Member  
amastroleo@bsk.com  
Syracuse, NY

**BOND SCHOENECK & KING ATTORNEYS**

2

## PPP Update



### **Jeffrey B. Scheer**

Member  
jscheer@bsk.com  
Syracuse, NY



3

## COVID Plans from the Biden Transition Team



### **Adam P. Mastroleo**

Member  
amastroleo@bsk.com  
Syracuse, NY



4

## Update from Albany



### Caitlin A. Anderson

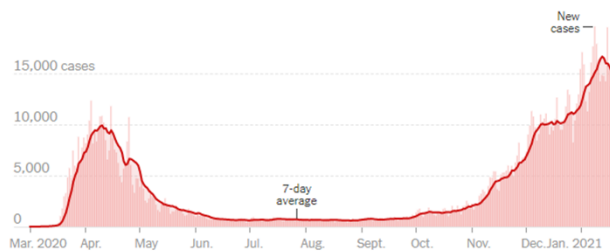
Associate  
canderson@bsk.com  
Albany, NY



5

## New York Coronavirus Map and Case Count

Updated January 19, 2021, 7:54 A.M. E.T.



The New York Times

	TOTAL REPORTED	ON JAN. 18	14-DAY CHANGE
<b>Cases</b>	1.2 million+	13,410	+10% ↗
<b>Deaths</b>	40,753	183	+29% ↗
<b>Hospitalized</b>		8,868	+12% ↗

Hospitalization data from the Covid Tracking Project; 14-day change trends use 7-day averages.



6

## New Variants

- Brazil
- U.K. – likely to become dominant variant in US by March.
- South Africa
- California

Important: all developed independently of each other.



7

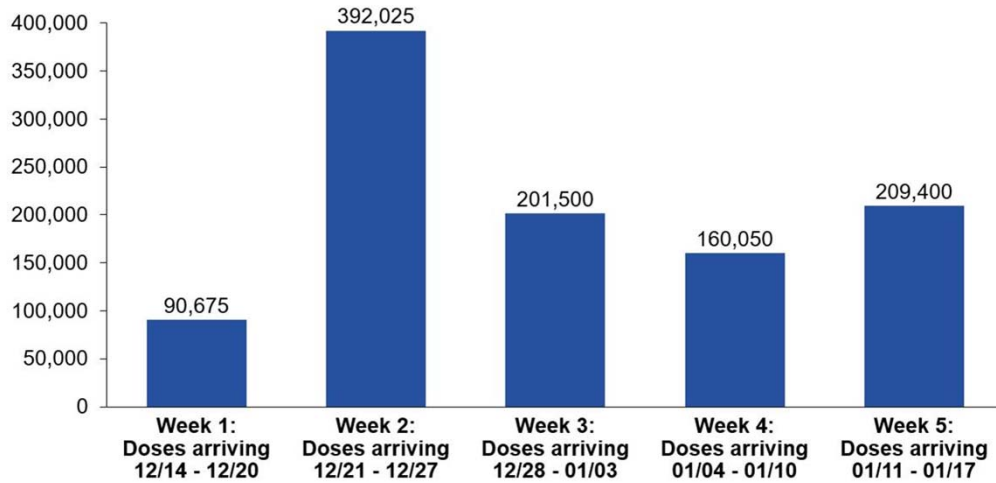
Region	Total Doses Received	Total Administered	% Administered / Received
State	1,190,150	857,953	72%
Capital Region	78,550	54,890	70%
Central NY	59,725	41,498	69%
Finger Lakes	77,150	59,424	77%
Long Island	144,750	113,854	79%
Mid-Hudson	111,925	79,306	71%
Mohawk Valley	39,850	23,605	79%
New York City	546,775	378,048	69%
North Country	25,925	21,123	81%
Southern Tier	29,400	24,362	83%
Western NY	86,100	61,843	72%



8

## Weekly total

Weekly allocations of first doses fully delivered to New York for Healthcare Distribution Sites



 **BOND** SCHOENECK & KING ATTORNEYS

9

## Budget updates

- Budget hole is not as bad as anticipated – anywhere between \$4 billion to none
- Tax revenue was \$4 billion higher than expected
- Federal aid – restrictions loosened on how states may use pandemic aid
- President-elect Biden \$1.9 trillion plan includes increasing aid to state and local governments for COVID-19 related costs

 **BOND** SCHOENECK & KING ATTORNEYS

10

## Higher Education Relief Package Provisions – Known and Unknown



### **Mallory A. Campbell**

Associate  
mcampbell@bsk.com  
New York, NY



11

## COVID WARN Act Developments



### **Colin M. Leonard**

Member  
cleonard@bsk.com  
Syracuse, NY



12

## WARN Act Background

- Federal – requires 60 days advance notice prior to a “mass layoff” or “plant closing.”
  - Mass layoff
    - (1) employment loss of 500 or more employees; or
    - (2) if fewer than 500, at least 50 employees AND at least one-third of the employees at the site of employment
  - Plant Closing
    - Permanent or temporary shutdown of a site of employment resulting in an employment loss for 50 or more employees during any 30-day period
  - Exclude PT employees in assessment



13

## WARN Act Background

- NY WARN – requires **90 days** advance notice prior to a mass layoff or plant closing
  - Mass layoff
    - (1) employment loss of 250 or more employees; or
    - (2) if fewer than 250, at least 25 employees AND at least one-third of the employees at the site of employment
  - Plant closing
    - Permanent or temporary shutdown of an employment site resulting in an employment loss for 25 or more employees during any 30-day period
  - Exclude PT employees in assessment



14

## WARN Act Background

- NY WARN notice must be provided to:
  - Affected employees
  - Union representative (if any)
  - NYS Department of Labor
  - Local Workforce Investment Board
  - **NEW (2020)** – chief elected local official of:
    - “Unit or units” of local government and
    - School district
  - **NEW (2020)** – each locality that provides police, firefighting, emergency medical or ambulance services or other emergency services



15

## WARN Act Background

- NY WARN violation results in liability for an employer for up to 60 days of pay plus the cost of any benefits, per employee (PT employees included and eligible for damages)
- \$500 per day civil penalty
- Reasonable attorneys' fees and costs



16



## COVID and WARN

- Both NY WARN and FED WARN include exceptions to the notice requirements:
  - Unforeseeable business circumstances
  - Faltering company
  - Strikes/lockouts
  - Natural disasters



17

## COVID and WARN

- Benson v. Enterprise Leasing Company of Florida, LLC, No. 6:20-cv-891-Orl-37LRH (January 4, 2021)
  - April 2020 – significant employment terminations at Enterprise’s car rental locations
    - 400 at Tampa airport
    - 108 at Orlando airport
  - Little if any notice provided
  - Enterprise asserted exceptions relating to COVID



18

## COVID and WARN

- Federal court in Florida rejects Enterprise’s motion to dismiss, leaving the case to proceed to discovery phase
- Natural disaster exception:
  - “the natural disaster defense doesn’t apply” to a COVID-related reduction
- Unforeseeable business circumstances exception:
  - May apply....
  - Factual issue for determination at later stage



19

### PPP Update

Jeff Scheer, [jscheer@bsk.com](mailto:jscheer@bsk.com)

### COVID Plans from the Biden Transition Team

Adam Mastroleo, [amastroleo@bsk.com](mailto:amastroleo@bsk.com)

### Update from Albany

Caiti Anderson, [canderson@bsk.com](mailto:canderson@bsk.com)

### Higher Education Relief Package Provisions – Known and Unknown

Mallory Campbell, [mcampbell@bsk.com](mailto:mcampbell@bsk.com)

### COVID WARN Act Developments

Colin Leonard, [cleonard@bsk.com](mailto:cleonard@bsk.com)



20

The information in this presentation is intended as general background. It is not to be considered as legal advice. Laws change often and information becomes rapidly outdated.

All rights reserved. This presentation may not be reprinted or duplicated in any form, without the written authorization of Bond, Schoeneck & King PLLC.

