

CORONAVIRUS

WEEKLY WEBINAR SERIES



March 2, 2021



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Introduction



Peter A. Jones

Deputy Chair, Labor & Employment
pjones@bsk.com
Syracuse, NY



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COVID Relief Legislation – Status Update and Highlights



Stephanie H. Fedorka

Associate
sfedorka@bsk.com
Syracuse, NY



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COVID-19 Relief Bill – The Latest

- House Passed 2/27/21 → Senate Next
 - No Republican support in House
 - 219 to 212 vote (All Republicans + 2 Democrats voted against the Bill)
 - Unlikely to receive Republican support in Senate
 - *But* Democrats don't necessarily need Republican support to pass the Bill
 - Using Budget Reconciliation process
 - Only needs 51 votes in Senate (all Democrats must support + VP Harris as tie breaker)
- \$1.9 Trillion
- Push to pass by March 14
 - If you recall, that is when the unemployment benefits from the December relief legislation expire



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Highlights

- Stimulus Checks
 - \$1,400 direct payment for individuals earning up to \$75,000, heads of households earning \$112,500 and couples with incomes up to \$150,000
 - Eligible dependents each get \$1,400
- Minimum Wage Raise to \$15/hour
 - Reportedly going to be removed (due to Senate rules that only allow budget reconciliation process to include provisions that change spending or revenues)



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Highlights

- Paid Family Leave
 - Tax credits available extended through September 30, 2021
 - Extension of what we currently have right now
 - No new allotment of FFCRA leave
 - Employers not required to provide/completely voluntary
 - Employers who provide can claim the tax credit benefit



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Highlights

- Extension of UI Benefits
 - Currently set to expire March 14
 - Expand federal unemployment aid until August 29, 2021
 - More self-employed and part-time individuals could qualify
 - Increase from \$300 → \$400 weekly benefit bonus
 - Total number of weeks 50 → 74



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Highlights

- COBRA Continuation Coverage
 - Premium assistance for COBRA continuation coverage for individuals and families
 - Reduced COBRA premium for workers eligible for COBRA due to involuntary termination/reduction in hours
 - Plan enrollment option
 - Extension of election period
 - Employer Notice requirements
 - Requires employers to provide clear written notices on various topics
 - Penalties may apply for failure to provide appropriate notice
 - Government to develop model notices



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OSHA COVID Citations and Things to Keep an Eye On I



Peter A. Jones

Member
pjones@bsk.com
Syracuse, NY



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OSHA Citation – General Duty Clause

- Two machine operators at an auto parts manufacturer who jointly operated a press tested positive for the coronavirus just two days apart in August 2020. The two workers typically worked for hours at a time less than two feet apart; neither wore a protective facial mask consistently.
- Ten days later, two more workers operating similar presses together tested positive.
- On Sept. 19, 2020, one of the press operators fell victim to the virus and died.
- OSHA's Office of Occupational Medicine and Nursing determined, with a reasonable degree of medical certainty, the deceased employee contracted the virus while on the job.
- OSHA has cited the employer, under OSH Act's general duty clause, for failing to maintain safe working conditions. "[The Employer] failed to fully implement and enforce the use of feasible controls for employees to prevent the spread of coronavirus. . . . We found that the company failed to implement use of face masks and social distancing properly throughout the workplace until after the death of an employee."
- The company faces one serious and one other-than-serious violation, and proposed penalties totaling \$15,604. The company has 15 business days from receipt of its citations and penalties to comply, request an informal conference with OSHA's area director, or contest the findings.



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Litigation Issues

- Employee Claims
 - Workers Compensation Exclusive Remedy
 - Other Claims – OSHA, ADA, Leave Entitlements, Retaliation
- Compliance Issues
 - Attorney General Complaints
 - Enforcement Actions
- Third Party Exposure Claims
- Defense of Claims
 - Have a Plan, Follow Your Plan
 - Causation Will Always Be an Issue



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Tracking COVID Litigation – Things to Keep an Eye On II



Jennifer M. Schwartzott

Member
jschwartzott@bsk.com
Rochester, NY



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Travel Quarantine Status and Update



Adam P. Mastroleo

Member
amastroleo@bsk.com
Syracuse, NY



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Update from Albany



Caitlin A. Anderson

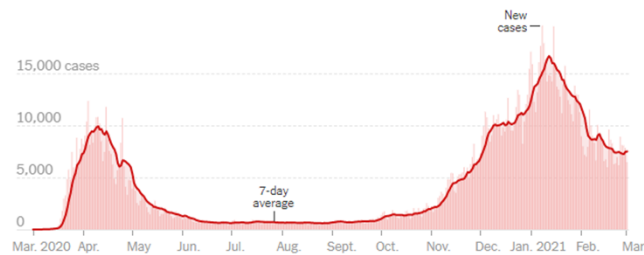
Associate
canderson@bsk.com
Albany, NY



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New York Coronavirus Map and Case Count

Updated March 2, 2021, 8:30 A.M. E.T.



The New York Times

	TOTAL REPORTED	ON MARCH 1	14-DAY CHANGE
Cases	1.6 million+	6,436	-9% →
Deaths	47,247	104	-24% →
Hospitalized		5,307	-22% →

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

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Variants

- Five in U.S. currently:
 - New York variant – emerged in November, *possible* that it “dodges” COVID antibodies, but more study required.
 - U.K. variant: spreads more easily.
 - South African variant: vaccines *slightly* less effective.
 - Brazilian variant: big resurgence among people who previously recovered from COVID in Manaus.
 - California variant: similar to South African and Brazilian variant; vaccines still effective.

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Vaccine news!

- Johnson & Johnson approved!
 - Week 11 (2/22-2/28), NY received 699,310
 - Week 12 (3/1-3/7): NY receives 878,080
 - Merck will help produce vaccine; J&J planning on delivering 100 million doses by end of June; 1 billion worldwide by end of year.
- 14.8% of NYers received first dose; 8.1% received two
- Public facing hotel workers may receive vaccine now.



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Paid Leave for COVID Vaccine

- Passed state Senate yesterday; passed Assembly in February.
- What does it do?
 - Public and private employees: employees must receive “a paid leave of absence ... for a sufficient period of time, **not to exceed four hours per vaccine injection.**”
 - Cannot penalize employee for requesting or using this leave.
 - When the Governor signs it – takes effect immediately and expires on Dec. 31, 2022.



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NY HERO Act

- Passed State Senate yesterday; has not passed Assembly.
- Requires Department of Labor to create an airborne infectious disease standard covering all private employers.
 - Using that standard, employers must adopt a plan for their workplace.
 - Also allows for the creation of workplace safety committees, where at least two-thirds must be non-supervisory employees.
- Remember – has not passed the Assembly.



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What else is happening in Albany?

- Rapid developments surrounding the Governor – all during budget season.
 - Budget is due in 29 days.
 - Marijuana legalization – more pressing now that NJ has legalized marijuana.



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Jen Schwartzott, jschwartzott@bsk.com

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Update from Albany

Caiti Anderson, canderson@bsk.com



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