

A hand in a dark suit jacket is shown from the wrist up, pointing upwards with the index finger. The years 2021, 2022, 2023, 2024, and 2025 are overlaid on the hand, with 2024 being the largest and most prominent. The background is a blurred outdoor scene with trees and a bright sky.

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More Info Coming Soon



WORKPLACE 2024

TODAY'S AGENDA

Kristen Smith – (12:00PM-12:05PM)

- Introduction

Adam Mastroleo – (12:05PM-12:15PM)

- COVID Updates: New CDC Guidance & Impact on NYS Paid Leave

Roger Bearden – (12:15PM-12:25PM)

- Health Budget Updates

Kristen Smith – (12:25PM-12:35PM)

- Labor Items of Interest in NYS Legislature's Budget Bill Proposals

Mallory Campbell – (12:35PM - 12:45PM)

- NYC Workers' Bill of Rights

COVID Updates: New CDC Guidance & Impact on NYS Paid Leave



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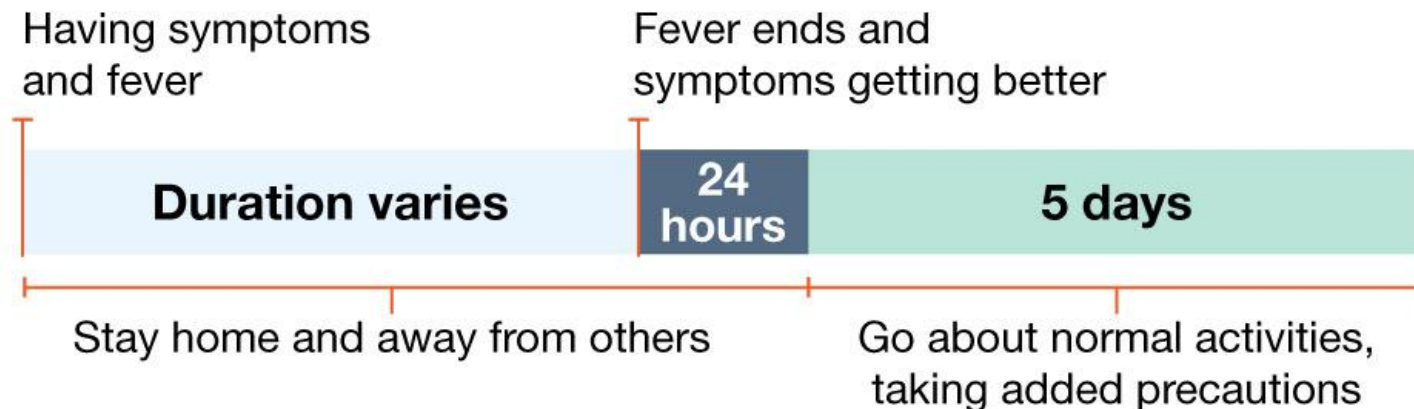
Syracuse, NY

Updated CDC Guidance

- March 1, 2024 ([Respiratory Virus Guidance](#))
 - “practical recommendations” for “a range of common respiratory viral illnesses, including COVID-19, flu and RSV”
 - “Stay home and away from others if you have respiratory virus symptoms that aren’t better explained by another cause.”
 - Return to normal activities when, for at least 24 hours, both are true:
 - Symptoms are getting better overall, and
 - No fever (without the use of fever-reducing medication)

Updated CDC Guidance

- When returning to normal activities, take added precaution over the next five days, such as masking, physical distancing, hygiene precautions, etc.
- If individuals develop a fever or start to feel worse, they should restart the process
- Examples provided in the guidance:



Updated CDC Guidance

- Important Notes:
 - DOES NOT apply in healthcare settings. Specific guidance related to managing healthcare personnel with COVID-19 is [here](#)
 - Guidance is for respiratory illness generally, and not specific to COVID-19
 - Guidance eliminates the five-day isolation requirement following a positive COVID-19 test
 - Guidance adopted by New York State Department of Health (March 7, 2024 Health Advisory)

Impact on COVID-19 Paid Leave

- COVID-19 Paid Leave Statute (March 18, 2020)
 - Paid leave entitlement for employees subject to a mandatory or precautionary order of isolation OR quarantine issued by the State of New York, Department of Health, or any governmental entity authorized to issue a quarantine order
 - NO expiration date
 - State began accepting [Affirmations of Isolation](#) in lieu of actual Order
 - As of September 2022, New York has followed the CDC guidance as it relates to COVID-19 paid leave.

Impact on COVID-19 Paid Leave

Obtaining a Quarantine Order

What proof do I need to submit with my Paid Family Leave and disability COVID-19 quarantine leave claim?

You must submit an order from your local health department indicating you or your minor child is under a precautionary or mandatory order of quarantine or isolation.

Where do I get the order of quarantine or isolation?

The New York State Department of Health is following the Centers for Disease Control and Prevention's (CDC) isolation and precautions for people with COVID-19 guidance, which provides information to those who tested positive. Currently, only orders of isolation are available.

If you receive a positive COVID-19 test result, regardless of vaccination status:

1. Isolate for at least 5 complete days in accordance with the [CDC guidance](#).
2. Obtain an [affirmation of isolation](#).

How are COVID-19 quarantine leave claims verified?

Paid Family Leave insurance carriers may reach out to employees to verify any information they have submitted as part of their quarantine leave claim.

When should I complete an affirmation of isolation?

Complete an affirmation of isolation if you or your minor dependent child has tested positive for COVID-19 and have been in isolation.

Impact on COVID-19 Paid Leave

- Do employers have to continue providing COVID-19 paid leave?
 - No more specific isolation requirement
 - New guidance is not specific to COVID-19
 - Affirmation of Isolation Form no longer current based upon new guidance
 - But...
 - Unclear if the State will interpret the “24 hour” recommendation as an isolation requirement
 - State has already gone beyond the language of the statute

Impact on COVID-19 Paid Leave

- Important Note:
 - Governor Hochul's 2025 Executive Budget Proposal includes proposed legislation that would end the COVID-19 Paid Sick Leave Law as of July 31, 2024

Health Budget Updates



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Labor Items of Interest in NYS Legislature's Budget Bill Proposals



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NYS Senate & Assembly Budget Proposals: Labor & Employment Law

- Sunset of Covid Paid Leave
 - Senate agrees with Governor Hochul on July 31, 2024 sunset, **except** for healthcare facilities
 - Assembly fails to include sunset; no reference to Covid leave
- Paid Prenatal Leave
 - Both houses amend the NYS Sick Leave Law (rather than PFL)
 - Senate expresses concerns about potential impact on the recognition of fetal personhood if included in PFL
 - Senate agrees with Hochul's 40 Additional Hours per Calendar Year
 - Assembly does not provide additional hours, but adds it as a permissible use of sick leave

NYS Senate & Assembly Budget Proposals: Labor & Employment Law

- Paid Breaks for Breast Milk Expression
 - Senate proposes 30 minutes for each break, rather than Hochul's 20 minutes
 - Assembly omits this topic
- Both houses reject the removal of liquidated damages where manual worker is paid bi-weekly instead of weekly
 - “The Senate is open to further discussing the issue of liquidated damages”
- Senate proposes reducing period striking workers have to wait for unemployment eligibility from 2 weeks to 1 week

NYS Senate & Assembly Budget Proposals: Labor & Employment Law

- Senate Changes to Disability & PFL Law:
 - Disability leave to have same job protection and reinstatement rights as PFL
 - Employer failure to provide notice of rights, provide claim submission information, complete paperwork, or other process issues is unlawful restraint/interference
 - Removal of 8-day waiting period for disability benefits
 - Increased disability payments faster than Governor's proposal (significant increases effective in 2026, 2027 and 2028)
 - Cap on employee contributions = 0.5% of wages, but no more than \$2.20 per week.
 - Waiver for certain CBAs already in effect until expiration

NYS Senate & Assembly Budget Proposals: Labor & Employment Law

- Assembly Changes to Disability & PFL Law:
 - Ability to use disability benefits intermittently or in one day increments
 - Increases benefits more aggressively than Hochul, but different approach than Senate
 - Minimum payment is \$100/week. If an employee earns less than \$100/week, they receive full pay
 - Also caps employee contributions of 0.5%, with formula for additional cap based on average contributions, to be calculated by NYS
 - Waiver for certain CBAs already in effect until expiration

NYS Senate & Assembly Budget Proposals: Labor & Employment Law

- Senate: Expanded recovery tools for stolen wages
 - Modifies to allow for workers to hold shareholders of non-publicly traded corporations personally liable for wage theft (S.7529)
 - Adds a dedicated, recurring revenue stream for DOL wage enforcement funded by employer penalties (S.7818)
- Assembly: No provisions on wage theft

NYC Workers' Bill of Rights



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Worker Rights | **Immigrant Workers** | **Job Hunters** | **Resources**

Office of Labor Policy & Standards

[Workers' Bill of Rights](#)

Paid Safe and Sick Leave

Fast Food Workers

Retail Workers

Freelance Workers

Delivery Workers

Paid Care Workers

Additional Worker Rights

File Complaint

Workers' Bill of Rights

If you work in NYC, you have rights regardless of your immigration status.

The Department of Consumer and Worker Protection (DCWP) created this overview of important City, State, and federal laws so you know your rights at work.

Note: "Employee" and "independent contractor" are different worker classifications. We indicate when a right at work applies to an independent contractor.

Expand All | **Collapse All**

Rights at Work Enforced by DCWP

This section highlights important NYC labor laws.

Note: It is not exhaustive and does not constitute legal advice.

No Retaliation

It is illegal to punish, fire, or take any adverse employment action against workers for exercising or trying to exercise their rights. Contact DCWP immediately about suspected retaliation.

Contact DCWP

To learn about additional NYC labor laws, ask a question, or file a complaint:

• Visit nyc.gov/workers

কর্মক্ষেত্রে আপনার অধিকার সম্পর্কে জানুন
Conozca sus derechos en el trabajo
了解您的职场权利
瞭解您的職場權利
Know your rights at work
Connaître ses droits au travail
Konn dwa w nan travay la
귀하의 직장 권리 알기
کام پر اپنے حقوق کو جانیں
Poznaj swoje prawa pracownicze
اعرف حقوقك في العمل
Знайте свои трудовые права



Questions?



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New York Employment Law: The Essential Guide

NYS Bar Association Members can buy the book from the bar [here](#).

Non-NYS Bar Association Members can purchase through Amazon [here](#).

Thank You

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It is not to be considered as legal advice.
Laws can change often, and information may become outdated.

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