

CORONAVIRUS

WEEKLY WEBINAR SERIES



March 16, 2021



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Introduction



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Update from Albany



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New York Coronavirus Map and Case Count

Updated March 16, 2021, 8:02 A.M. E.T.



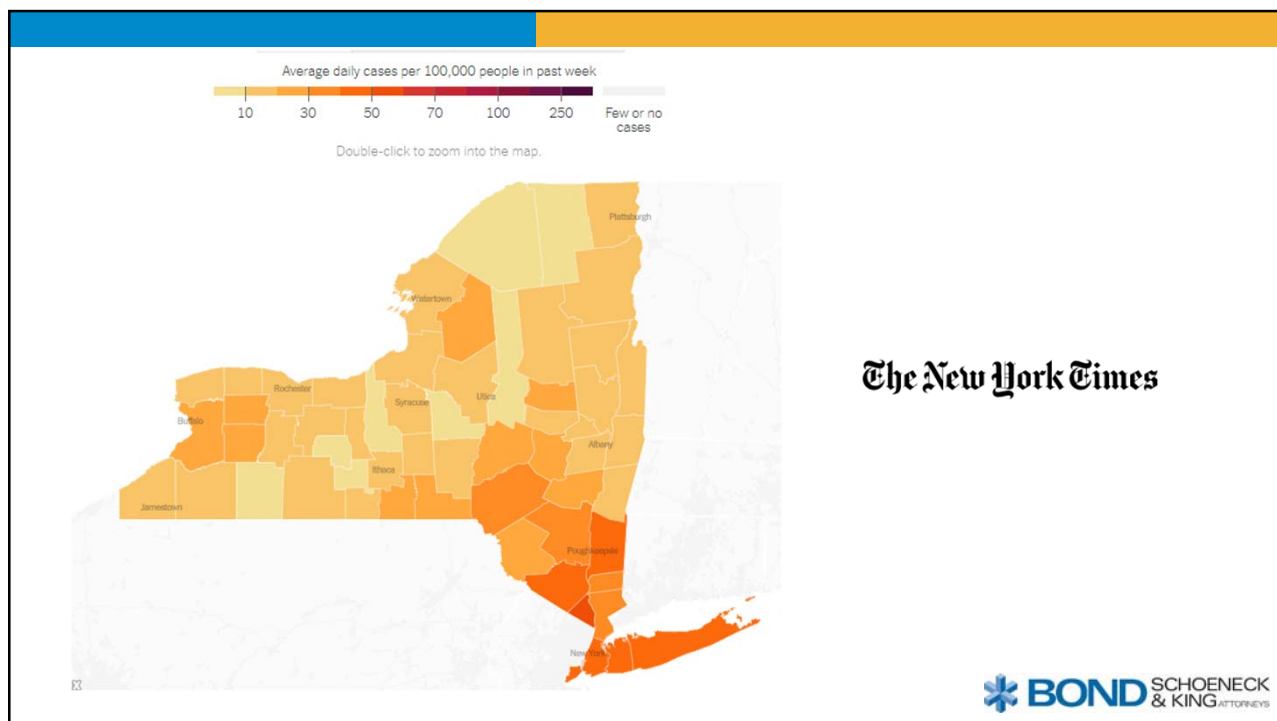
The New York Times

	TOTAL REPORTED	ON MARCH 15	14-DAY CHANGE
Cases	1.7 million+	7,119	-8% →
Deaths	48,537	62	-22% →
Hospitalized		5,389	-17% →

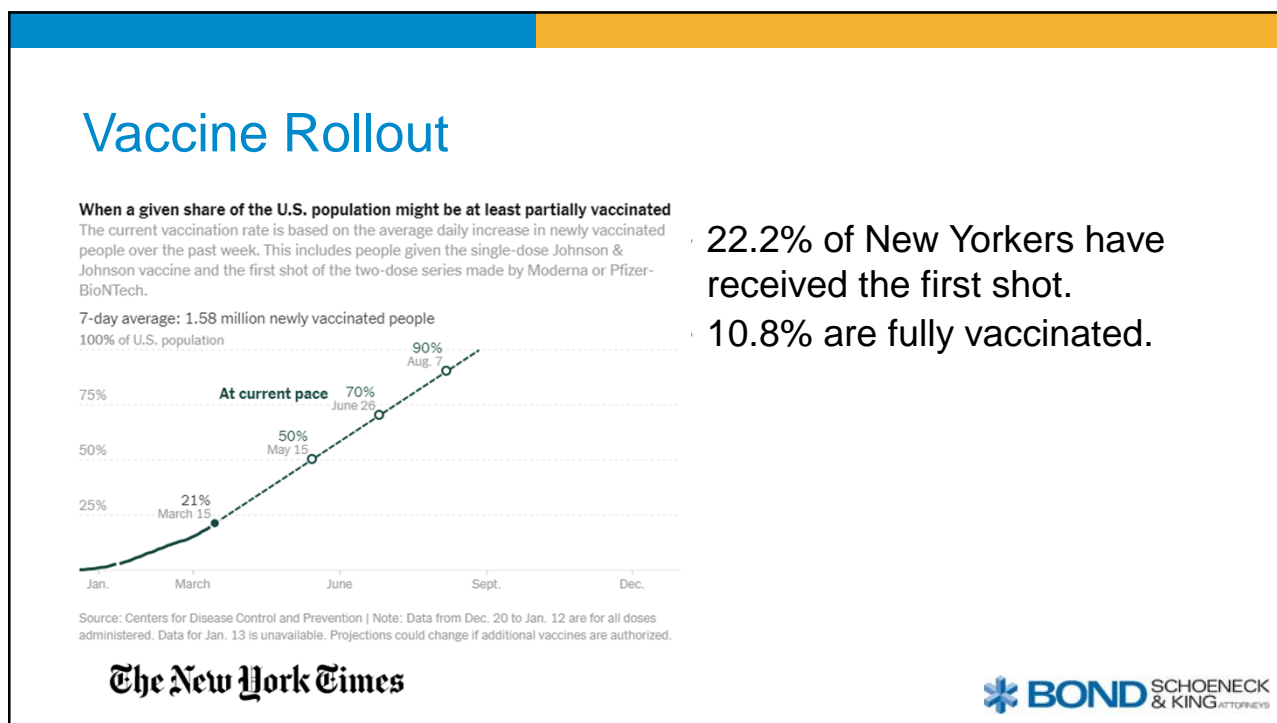
Hospitalization data from the U.S. Department of Health and Human Services; 14-day change trends use 7-day averages.



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New Vaccine Eligibility

- President: All states must make vaccines available for all adults by May 1.
- New York updated eligibility beginning March 17:
 - Public-facing government and public employees
 - Ex: DMV Employees
 - Not-for-profit workers who provide public-facing services to NYers in need
 - Ex: Not-for-profit reading program for children
 - Essential in-person public-facing building service workers
 - Ex: HVAC, contractors, sanitation workers



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March 10 Guidance: Quarantine after Exposure

- Background: In response to CDC's Feb. 13 guidance, **not the most recent CDC guidance.**
- Fully vaccinated people (2 weeks) do not need to quarantine if exposed to someone with COVID-19 if (1) they remain asymptomatic AND (2) **received the vaccine within the past three months.**
- People who tested positive for COVID-19 within the past three months do not need to quarantine if exposed to someone with COVID-19 if they remain asymptomatic.
 - Three months after date of symptom onset OR first positive test if asymptomatic.



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Travel Advisory Update

- **No quarantine required for domestic travel beginning April 1.**
 - Announced March 11.
- What to do between now and then? March 10 Update.
 - Fully vaccinated people (2 weeks) who received the vaccine in the past 3 months do not need to quarantine upon returning from domestic travel.
 - Asymptomatic people who have recovered from COVID-19 within past 3 months do not need to quarantine.



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Changes to International Travel Advisory

- Consistent with CDC guidance: air passengers coming to US **must** show either (1) documentation of COVID recovery w/in past 3 months OR (2) a negative test received no more than 3 days prior to travel.
- **Quarantine is required:** travelers must quarantine for either (1) 10 days or (2) 7 days, with a test 3-5 days after travel.
- **NO ESSENTIAL WORKER EXCEPTION!**

Compliance with CDC guidance for international travel is required in New York State for all travelers arriving or passing through New York from other countries (e.g., connecting flights), including healthcare workers and essential workers.



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NY Impeachment – Quick Overview

- Starts in Assembly, simple majority required to impeach
 - If Governor impeached, Lt. Governor would be acting Governor throughout Senate trial.
- Senate trial: 62 Senators (excludes Senate Majority Leader) + 7 judges from Court of Appeals. Need 2/3 vote for removal.



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Relief Package – The Pension Relief Provisions



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Employment Claims and COVID



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NY SHIELD Act – Are You in Compliance?



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NY SHIELD Act



Signed into law July 25, 2019



Bilateral focus on breach notification and security implementation



Breach notification obligations broadened – effective October 23, 2019



Cybersecurity mandate – effective March 21, 2020



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Cybersecurity Mandate

- New statute requiring standard security safeguards to protect NY Resident Electronic Data
 - Administrative (management/oversight)
 - Technical (cybersecurity measures)
 - Physical (data deletion)



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Small Business Carve Out

- Less rigid standards apply to small business
- Small businesses are defined as having:
 - Fewer than fifty employees;
 - Less than \$3 million in gross annual revenue in the last 3 fiscal years; or
 - Less than \$5 million in year-end total assets, calculated using GAAP.



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Administrative safeguards

- Reasonable Administrative Safeguards include:
 - Designating employee(s) to coordinate the **security program**;
 - Develop written security program;
 - Identifying internal and external security risks;
 - Assessing the sufficiency of safeguards in place;
 - Training and managing employees in the security program practices and procedures;
 - Selecting service providers capable of maintaining appropriate safeguards and contractually requiring those safeguards; and
 - Adjusting the security program to address business changes and new circumstances.



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Reasonable Technical Safeguards

- Reasonable Technical Safeguards include:
 - Assessing risk in network and software design;
 - Assessing information processing, transmission and storage risk;
 - Detecting, preventing and responding to attacks and system failures; and
 - Regularly testing and monitoring the effectiveness of key controls, systems and procedures.
 - Formal Risk Assessment.



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Physical Safeguards

- Reasonable physical safeguards include:
 - Assessing risks of information storage and disposal;
 - Detecting, preventing and responding to physical intrusions;
 - Protecting against unauthorized access to or use of private information throughout its lifetime; and
 - Disposing of private information within a reasonable amount of time after it is no longer needed for business purposes.
 - Data Retention/Deletion Policy.



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Employer Implications

- Every employer with employees in NY must comply with the SHIELD Act
 - “Private information” includes an individual’s name, social security number, driver’s license, financial account, username and e-mail address, biometric information, etc.
- Employers should develop policies on information security, breach notification, and related matters.
 - Part of the handbook?



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Employer Implications

- Policies and Procedures Include:
 - Incidence Response Plan
 - Data security on mobile devices
 - Record Retention Policy
 - Records must be destroyed when the retention period expires (different types of records have different retention periods).
 - Exception for legal hold
 - Coordination with other information privacy laws, such as HIPAA and FERPA



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Employer Implications

- Collaboration between Human Resources and IT
 - Train employees on security practices and procedures
 - Investigate violations of applicable policies/discipline employees
 - Coordinate with vendors to whom the employer outsources private information to ensure their compliance
 - Data Confidentiality Agreement



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The NY SHIELD Act – Are You in Compliance?

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