

# Bond

**Coronavirus:  
Update and Discussion on Legal  
and Practical Issues  
March 31, 2020**



 **BOND** SCHOENECK  
& KING ATTORNEYS

1

## Introduction



**Peter A. Jones**  
Deputy Chair, Labor & Employment  
pjones@bsk.com  
315.218.8337

 **BOND** SCHOENECK  
& KING ATTORNEYS

2

## The CARES ACT – Loans, Financial Assistance, and Tax Relief



### **Jeffrey B. Scheer**

Member  
jscheer@bsk.com  
315.218.8286



3

## Families First and CARES Act – Key Employment Law Provisions



### **Sanjeeve K. DeSoyza**

Member  
sdesoyza@bsk.com  
518.533.3206



4

## Unemployment Summary



### **Peter A. Jones**

Deputy Chair, Labor & Employment  
pjones@bsk.com  
315.218.8337



5

## The Latest Developments from Albany -- New York Updates



### **Caitlin Anderson**

Associate  
Canderson@bsk.com  
518.533.3234



6

## What is happening this week?

- Number of cases, hospitalizations and deaths continuing to climb
- State budget due on April 1 (tomorrow)



7

## What is happening this week?

- Number of cases, hospitalizations and deaths continuing to climb
- State budget due on April 1 (tomorrow)



8

## Executive Orders in the Past Week

- EO 202.11 (waiving certain provisions to allow more healthcare workers to work; extends school closures)
- EO 202.12 (moving presidential primary from April to June 23)
- EO 202.13 (extending NY PAUSE until April 15; moving school board elections; construction standards)



9

## Essential Business Updates

- ESDC continues to update its guidance:  
<https://esd.ny.gov/guidance-executive-order-2026>
- Construction Conundrum



10

## New Guidance From Department of Health

- Changes when person with COVID-19 may come out of self-isolation:
  - [https://coronavirus.health.ny.gov/system/files/documents/2020/03/doh\\_covid19\\_discontinuationhomeisolation\\_032820.pdf](https://coronavirus.health.ny.gov/system/files/documents/2020/03/doh_covid19_discontinuationhomeisolation_032820.pdf)
- Protocols for Essential Personnel to Return to Work Following COVID-19 Exposure or Infection:
  - [https://coronavirus.health.ny.gov/system/files/documents/2020/03/doh\\_covid19\\_essentialpersonnelreturntowork\\_032820.pdf](https://coronavirus.health.ny.gov/system/files/documents/2020/03/doh_covid19_essentialpersonnelreturntowork_032820.pdf)



11

## OSHA Guidance for COVID-19



### Steven J. Ricca

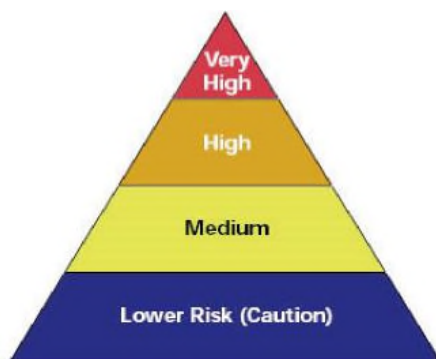
Member  
sricca@bsk.com  
716.416.7047



12

## OSHA Publication 3990 (March 2020) - Guidance on Preparing Workplaces for COVID-19

Occupational Risk Pyramid



BOND SCHOENECK & KING ATTORNEYS

13

## Employee “Risk Category” Illustrations

| Lower Risk  | Medium Risk   | High Risk   | Very High Risk   |
|---|---|---|--|
| Minimal contact with the public and other co-workers. | Frequent and/or close (i.e., within 6 ft) contact with people (not known or suspected COVID-19 patients); frequent contact with travelers; schools; high density work environments; some high volume retail | Doctors, nurses, support staff; medical transport workers; mortuary workers working with known or suspected COVID-19 patients | Healthcare workers performing aerosol generating procedures; healthcare or lab personnel handling specimens from known or suspected COVID-19 patients; morgue workers performing autopsies on same |

BOND SCHOENECK & KING ATTORNEYS

14

## Infectious Disease Preparedness & Response Plans Recommended Controls for all Employee Risk Levels

- Basic infection prevention measures: handwashing, sick workers stay at home, respiratory etiquette, discourage shared workspaces / equipment; explore flexible worksite practices (telecommuting & flexible hours)
- Prompt identification and Isolation of sick people
- Sick leave policies that are flexible and consistent with public health guidance



15

## Disease Preparedness & Response Plans Illustrative Hierarchy of Controls

| Employee Risk Level | Engineering Controls   | Administrative Controls  | PPE   |
|---------------------|--|--|---|
| Lower               | Not recommended  | Monitor and share public health info   | Not recommended   |
| Medium              | Physical barriers / sneeze guards  | Same, plus offer face masks and health resources to employees; limit customer access to workplace  | Some PPE as required  |
| High & Very High    | Appropriate air handling systems; airborne infection isolation rooms, drive through windows, biosafety level precautions | Same, plus grouping COVID-19 patients; enhanced medical monitoring of workers during COVID outbreaks; routine & refresher COVID training; psychological and behavioral support | PPE such as gloves, gowns, face shields, goggles, face masks or respirators |



16



## Pertinent Existing OSHA Standards

Personal Protective Equipment (29 CFR 1910 Subpart I). - General Industry  
Recordkeeping Requirements (29 CFR Part 1904) - Injury & Illness Reporting  
General Environmental Controls (1910, Subpart J) - Basic Housekeeping  
Hazard Communication (HazCom) Standard – Chemical Hazards



17

## Temporary Enforcement Guidance Healthcare Industry Respirator Use

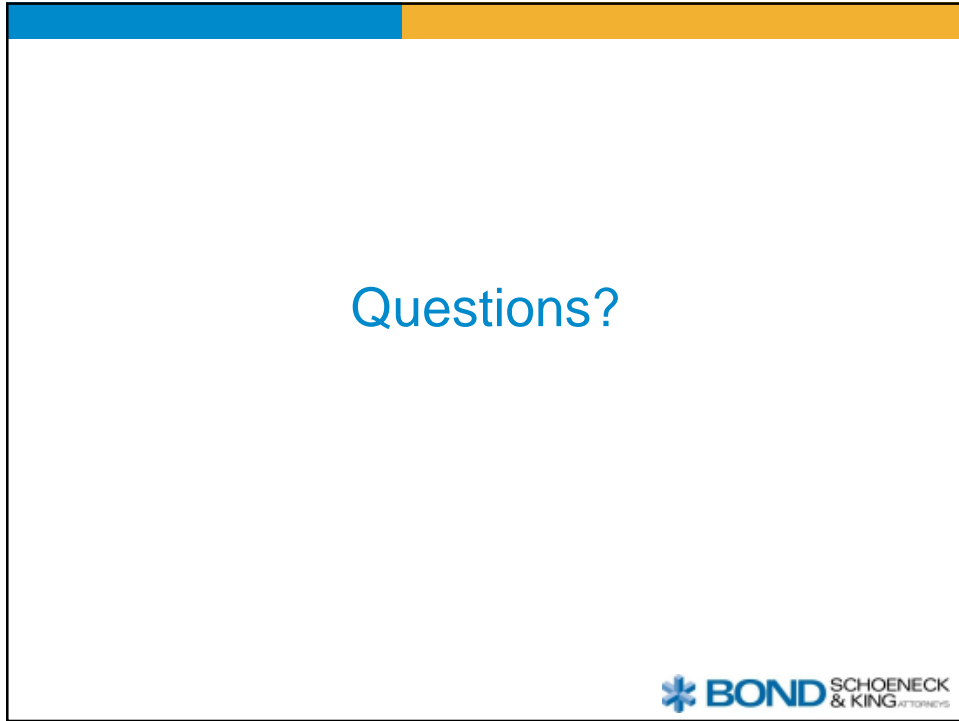
March 14, 2020 Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces

Provides interim relief from certain aspects of § 1910.134 Respiratory Protection Standard applicable to healthcare personnel providing direct care of patients with known or suspected COVID-19 due to supply shortages of N95 filtering facepiece respirators.


Allows use of specified comparable respirators, reusable respirators, powered air purifying respirators and changes to fit testing methods provided the employer complies with specified conditions



18



Questions?

 **BOND** SCHOENECK  
& KING ATTORNEYS