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Introduction



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



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Update from Albany



Caitlin A. Anderson

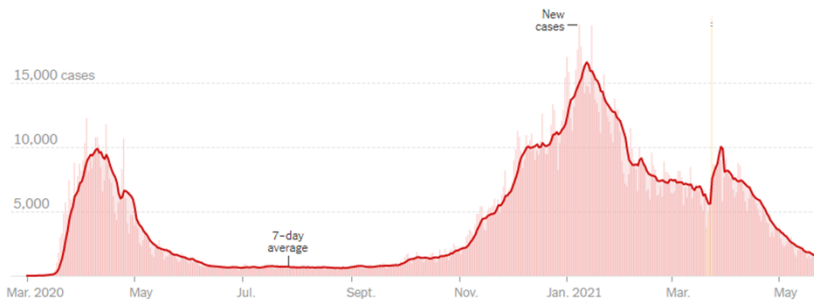
Associate
canderson@bsk.com
Albany, NY



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The New York Times

New reported cases



45% fully vaccinated
54% one dose



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NY Vax and Scratch Program

- May 24-28 – 10 vaccine sites across the State will be handing out scratch off lottery tickets to people receiving the vaccine.
 - Pilot program – anticipate it will expand.
- Ohio – saw a 53% increase in vaccines after offering a \$5 million lottery to those receiving the vaccine.

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Let's Give Them Something to Talk About



Effective May 19, New York has adopted the Centers for Disease Control and Prevention's (CDC) "[Interim Public Health Recommendations for Fully Vaccinated People](#)," issued May 13, for most businesses and public settings.

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Mask Rules

- Baseline rule: **businesses may continue to require masks for all individuals.**
- If adopting the CDC rules AND business is not a place of congregation/has fewer than 250 people indoors/500 outdoors:
 - **Check for proof of vaccination; OR**
 - Acceptable proof: paper form, digital application, or Excelsior Pass
 - **Honor System** (self reporting).
- **Events:** guidance incentivizes events for fully vaccinated people only.



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Masking Concerns

- People who previously had COVID-19?
- Immunocompromised?



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Quarantine Guidance after Exposure

- Fully vaccinated – if no symptoms, no quarantine.
- Recently recovered – if no symptoms and if exposure happens within 3 months after symptom onset/first positive test, no quarantine.
- Everyone else – quarantine.
- Travel – **no quarantine requirement for asymptomatic travelers, but special provisions for health care personnel.**



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Final Note

- Child care, day camps, overnight camps: face coverings are now *recommended*, not *required*, for children.



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FAQs Regarding NY Mask Guidance



Theresa E. Rusnak

Associate
trusnak@bsk.com
Rochester, NY



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Questions on Mask Mandate

- How do we determine if employee or visiting client has been vaccinated? What are allowed to require?
- Are employers still required to follow the guidelines listed in last year's NY Forward plans? For example, daily health screenings of employees and maintaining visitor logs?
- What happens if an employee notifies us that they know an employee is not vaccinated and isn't wearing a mask. How can we address?



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Questions on Mask Mandate

- If the accommodation is that the employee will wear a mask while indoors at work - won't that telegraph that they haven't gotten their vaccination?
- With the mask mandate being lifted, can we require that all employees return to the office for work?
- We have branches in which we will not know the vaccination status of our members. Do our staff have to wear masks and still socially distance?



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Questions on Mask Mandate

- Can companies keep the mask requirement depending on job? I.e., customer facing vs in office?
- What if the person had COVID but no vaccination? Mask or no mask?
- Can we ask employees to place a sticker on their badge or wear a bracelet, so we don't have to keep asking if they are vaccinated?



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COVID Litigation Update



Daniel J. Pautz

Member
dpautz@bsk.com
Syracuse, NY



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ARPA COBRA Subsidy Update



John C. Godsoe

Member
jgodsoe@bsk.com
Buffalo, NY



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ARPA COBRA Subsidy – IRS FAQs

- IRS Notice 2021-31
- 86 Q&As covering the following general areas:
 - Eligibility For COBRA Premium Assistance
 - Reduction In Hours
 - Involuntary Termination of Employment
 - Coverage Eligible For COBRA Premium Assistance
 - Beginning of COBRA Premium Assistance
 - End of COBRA Premium Assistance Period
 - Extended Election Period
 - Extension Under the Emergency Relief Notices
 - Payments To Insurers Under Federal COBRA
 - Comparable State Continuation Coverage
 - Calculation of COBRA Premium Assistance Credit
 - Claiming the COBRA Premium Assistance Credit



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Five Takeaways

1. Employers can require self-certification of subsidy eligibility
2. Terminations designated as voluntary may be considered involuntary depending on the facts and circumstances
3. An involuntary termination of employment includes an involuntary termination for cause (unless gross misconduct)
4. An extended election period is not available to an individual if the coverage is provided only under State law (and not Federal COBRA)
5. The amount of the premium credit does not include any amount of subsidy that the employer would have otherwise provided



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COVID Safety Plan Updates



Adam P. Mastroleo

Member
amastroleo@bsk.com
Syracuse, NY



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Caiti Anderson, canderson@bsk.com

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Dan Pautz, dpautz@bsk.com

ARPA COBRA Subsidy Update

John Godsoe, jgodsoe@bsk.com

COVID Safety Plan Updates

Adam Mastroleo, amastroleo@bsk.com

New York Employment Law: The Essential Guide

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

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



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