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## Introduction



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## Continuing COVID Issues Facing School Districts



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## Update from Albany



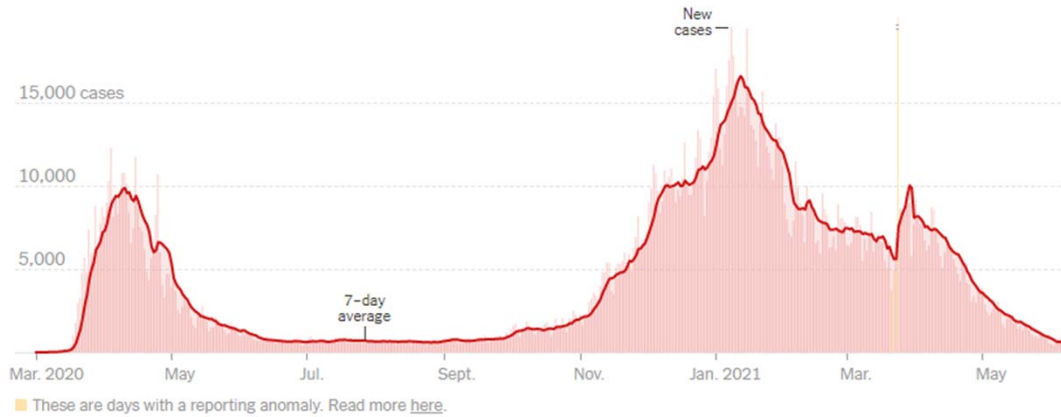
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## New reported cases



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## Vaccination progress

- All New Yorkers:
  - 48% fully vaccinated
  - 57% one dose
- 68.6% of New Yorkers 18 and over have taken the first dose.
  - State is projected to hit 70% of adults with first shot within the next eight days.
- 12–17-year-olds: 32% have taken first dose.
- 84% of New Yorkers 65 + have taken first dose

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## Democrat & Chronicle

**NY will lift COVID restrictions when 70% get first vaccine shot, Cuomo says**



**CUOMO: NY WILL LIFT MOST COVID-19 RESTRICTIONS WHEN STATE HITS 70% VACCINATION RATE**

The New York Times

LIVE Coronavirus Updates >

**N.Y. will end most remaining capacity and distancing limits after 70 percent of adults have gotten one shot.**



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## What's Really Going to Happen?

- General restrictions to be lifted: **health screenings**, COVID-19-related hygiene and sanitation procedures, contact tracing information collection, **masks, social distancing** [?]
  - Unvaccinated people would still need to wear masks and social distance.
- Restrictions for schools, public transit, large venues, health care facilities, and correctional facilities will remain in place.



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## O Canada?

- **Potential** Date For Loosening Restrictions: June 22
  - Trudeau – previously said Canada will begin loosening restrictions when at least 75% of Canadians have one dose.
  - As of May 29, 68% of Canadians had received one dose.
  - Canada will potentially be checking that travelers are fully vaccinated at the border.

## New York Legislative Session: Bills to Watch

- HERO Act Chapter Amendment – passed Assembly/Senate
- Extending statute of limitations for discriminatory practices in employment from three years to six years – passed Senate
- Expanding whistleblower protections to include former employees and independent contractors – Third Reading in both Houses

## Reopening Plan Review: What has Changed and What Remains?



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## Reopening Plans

- Recall the Reopening – Phased approach to ending the Shutdown
- Industry specific plans
- Common features
  - Physical Distancing – 6 feet apart; 50% of max occupancy
  - Protective Equipment – face coverings; limit the sharing of objects, limit touch areas, gloves, sanitizer/wash hands
  - Hygiene, Cleaning and Disinfection – adhere to CDC and DOH sanitization guidelines; regular cleaning and disinfection
  - Communication – affirmation, signage, notice to DOH of positives
  - Screening – mandatory health screening



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## What has changed?

- COVID knowledge
- Vaccination rates
- Positivity rates
- Summer/Outdoor access
- CDC Guidance



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## New York State Guidance

- May 19 – NY adopts the CDC Interim Public Health Guidance for Fully Vaccinated People
- Businesses authorized to require masks and six feet of social distancing or adhere to CDC guidance
- CDC guidance – fully vaccinated individuals do not need to wear masks or be socially distanced but unvaccinated individuals must continue to wear masks and socially distance
- Businesses may require proof of vaccination status or use the honor system
- Capacity limits are implicitly addressed



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## Reopening Plans – Where are we?

- Key principle – follow your reopening plan
- Second key principle – update your plan as needed
- Key question – what has changed in each area?
- Second key question – what do we do when the plan appears to be outdated, but the guidance has not caught up?



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## FAQs



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## Updated EEOC Guidance on Vaccinations



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## Updated EEOC Guidance

- What are some examples of reasonable accommodations for people who are not vaccinated for religious/medical reasons?
- What do we do if an employee will not get the vaccine because the employee is pregnant?
- What if a vaccinated employee tells the employer that he wants to work from home because is immunocompromised and is still at greater-than-average risk to become seriously ill from COVID-19?



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## Updated EEOC Guidance

- If a vaccinated employee comes into the office and is visibly sick, can the employer ask them to wear their mask?
- Is an employee's vaccination card confidential medical information?
- Can an employer offer incentives to an employee for their employee's family members to get vaccinated, if the vaccination site is on the employer's premises?



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## Updated EEOC Guidance

- Is there a difference in accommodating employees who are not vaccinated for religious reasons vs. a disability?
- When is an “undue hardship” to have an unvaccinated employee in the workplace?
- Can an employer require that an employee submit medical documentation verifying that the employee cannot be vaccinated?



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## Reopening Plan Review: What Has Changed and What Remains?

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## Update from Albany

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## FAQs

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## Updated EEOC Guidance on Vaccinations

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### ***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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