



Coronavirus:
Update and Discussion on Continuing Legal
and Practical Issues Related to COVID-19

A Bond Webinar Series
July 7, 2020



1

Introduction



Peter A. Jones
Deputy Chair, Labor & Employment
pjones@bsk.com
Syracuse, NY



2

Travel Advisory



Theresa E. Rusnak

Associate
trusnak@bsk.com
Rochester, NY



Subhash Viswanathan

Member
sviswanathan@bsk.com
Syracuse, NY



3

Update from Albany

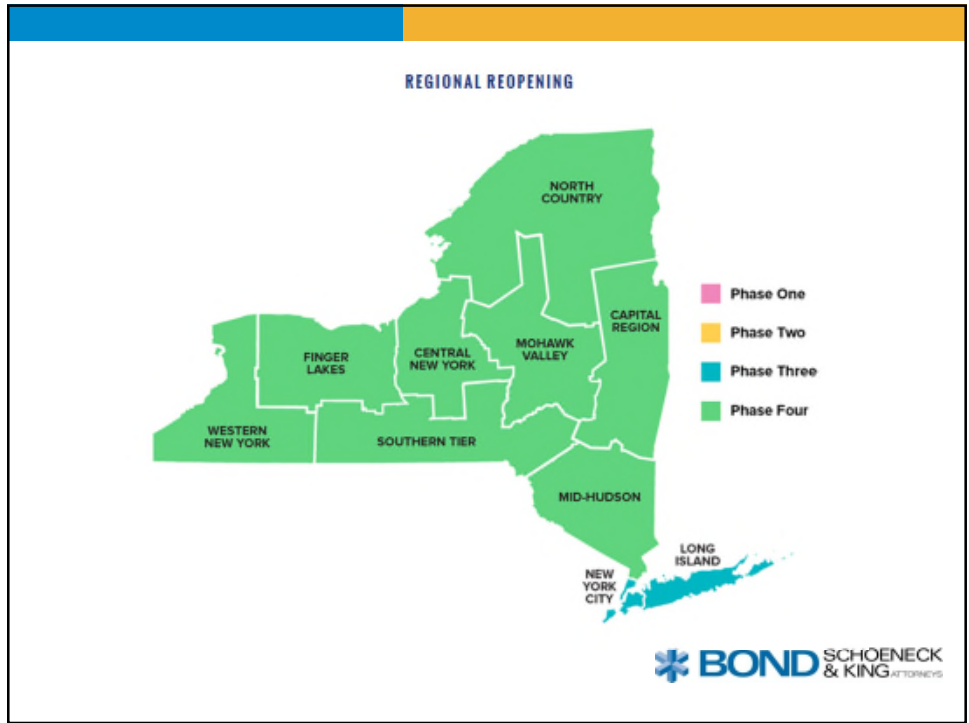


Hermes Fernandez

Member
hfernandez@bsk.com
Albany, NY



4



5

Public Sector – Municipal Reopening & Travel



Christopher T. Kurtz
Member
ckurtz@bsk.com
Garden City, NY

BOND SCHOENECK & KING ATTORNEYS

6

Breaking News – Public Meetings & Public Hearings

- Public Meetings – Executive Order 202.48 (issued last night) extends the suspension of in-person public meetings requirement (Article 7 of Public Officers Law) through August 5th
- Public Hearings – Ban on public hearings (except those that can be done remotely) expires today, unless extended – July 7th
 - Look for Executive Order 202.49 to extend Executive Order 202.39 for another 30 days



7

Municipal Workforce Restriction – End is Here

- Across New York State – authorized to return to full 100% municipal staffing (assuming no future setbacks or changes)
 - Non-essential permitted to return 2 weeks after entry into Phase 2 (Executive Order 202.39)
 - Most into Phase 4 now. Hudson Valley today. Long Island tomorrow.
 - What are we seeing now?
 - Employees with pre-existing conditions seeking additional time or accommodations due to COVID-19. Interactive process.
 - Use of federal COVID-19 leave for child care/camp issues during the Summer. What will the Fall bring?



8

Safety For All Employees

- Village and Town Halls can be open to the public
- Remember – “essential” workforce has been there for months. Continue many of those preventative measures.
- Review Phase 2 guidance (office-based work) and NYS Safety Plan template for appropriate safety and operating guidelines – social distancing, masks, safety plan, screening, signage, etc.
- Review collective bargaining agreements for flexibility on work hours, lunches/breaks, Management Rights language



9

Voluntary Travel Outside NYS & Quarantine

- Executive Orders 205 and 202.45
 - June 24th Guidance from NYSDOH lays out the Quarantine
 - 2 important documents referenced in that Guidance – both dated May 31st
 - *Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure*
 - *Updated Interim Guidance: Protocol for COVID-19 Testing Applicable to Health Care Providers and Local Health Departments*
- “Essential” employees not subject to 14-day Quarantine
 - First responders. Any other “essential employee who directly interacts with the public while working.”
 - Includes Building Code Enforcement Officers, Court Personnel, Trash & Recycling Workers, Utility Workers (*as per Updated Interim Guidance: Protocol ...*)



10

Voluntary Travel Outside NYS & Quarantine

- “Essential” employees must still follow certain guidelines upon return, even if not quarantined
 - Dealing with an employee who returns and is symptomatic will be straightforward (*as per Interim Guidance for Public and Private ...*)
 - Real Issue is – dealing with the asymptomatic “essential” employee who returns from a State subject to the quarantine
 - H.R. “consultation with appropriate local and state health authorities”?
 - Self-monitor for temperature every 12 hours, wear a mask at all times, etc.
 - Worth it? How many actual work days missed? Charge leave accruals?



11

Pay For Voluntary Travel Outside NYS & Quarantine

- Now, we have a non-essential employee who voluntarily travels and is subject to the quarantine upon return
 - Executive Order 202.45 – no paid leave under NYS emergency COVID-19 leave law for voluntary trip to State requiring quarantine upon return
 - Charge own accruals
 - Advanced notice to employees? Yes – also serves as a deterrent
 - But what about paid leave under federal FFCRA?
 - Employee already use this federal leave?
 - Talk to your Bond attorney



12

Main Street Lending Program



Anna W. Richards

Associate
arichards@bsk.com
Syracuse, NY



13

Travel Advisory

Theresa Rusnak, trusnak@bsk.com
Suba Viswanathan, sviswanathan@bsk.com

Update from Albany

Hermes Fernandez, hfernandez@bsk.com

Public Sector – Municipal Reopening & Travel

Chris Kurtz, ckurtz@bsk.com

Main Street Lending Program

Anna Richards, arichards@bsk.com



14

The information in this presentation is intended as general background information on labor and employment law. It is not to be considered as legal advice. Employment law changes often and information becomes rapidly outdated.

All rights reserved. This presentation may not be reprinted or duplicated in any form, without the written authorization of Bond, Schoeneck & King PLLC

