


2022
BUSINESS IN 2021
WEEKLY WEBINAR SERIES
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Introduction



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Update from Albany



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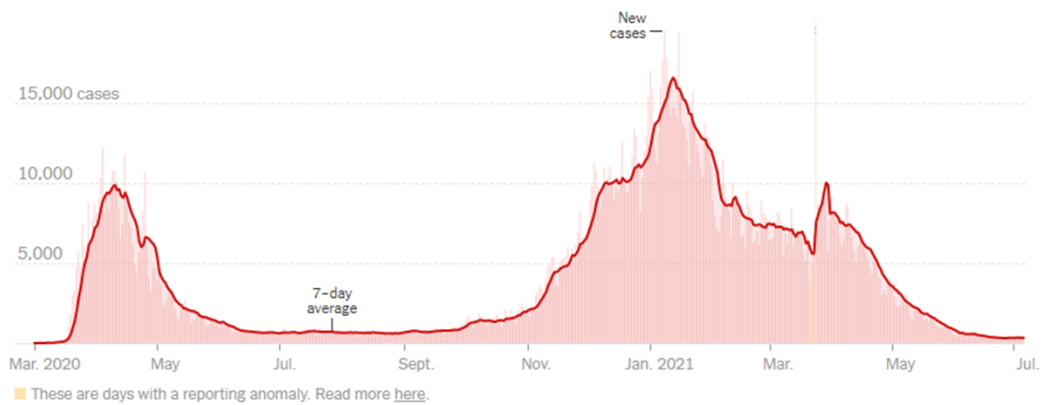
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The New York Times

New reported cases



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Vaccination progress

- All New Yorkers:
 - 54% fully vaccinated
 - 60% one dose
- 18 and older:
 - 66% fully vaccinated
 - 72% one dose



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Emergency Regulation – Enforcement of Social Distancing Measures

- Requires unvaccinated individuals over two years old who can medically tolerate a face covering to wear one in public when social distancing cannot be maintained.
- Businesses must still provide face coverings for employees.
- Indoor venues with more than 5,000 attendees – unvaccinated individuals must wear a face covering.

Remember – fully vaccinated means fully vaccinated. No exception for people who have recovered from COVID-19.



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Emergency Regulation – Enforcement of Social Distancing Measures

- Penalties: \$1,000 for the individual who is not wearing a face covering and \$1,000 for any entity that fails to comply with the regulations.



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Bills Signed by the Governor in the Past Week

- S.4201-A/A.4063-A: Prohibits **public employers** from taking retaliatory adverse personnel actions against employees who used sick leave or compensatory time to quarantine, seek medical treatment, or for other absences related to COVID-19.
 - Retroactive effective date: January 1, 2020.
- S.4402-B/A.5465-D: Gender Recognition Act: Among other things, no longer requires publication of name change on birth certificate, driver's license sex designation as male, female, or x.



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NYC Mayoral Election: Primary Results

- First time ranked choice voting has been used.
- In person voting results: Eric Adams leads Kathryn Garcia by 14,755 ballots; Maya Wiley trails Garcia by 347 votes.
- 125,794 absentee ballots remain to be counted.



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Court Challenges to Vaccine Mandates



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HERO Act



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NY HERO Act – Update

- Recall NY HERO Act added two new sections to the NYLL
 - NYLL 218-b – Airborne Infectious Disease Exposure Prevention Plans
 - NYLL 27-D – Joint Labor Management Workplace Safety Committees

Note: This applies to private employers only



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New Deadlines for NYLL 218-b

NYLL Section 218-b → New Effective Date July 4 (read: July 5/6)

- **Covered:** Private employers (no size threshold)
- **Time to Adopt Compliant Airborne Infectious Disease Exposure Prevention Plan:**
 - NYSDOL must publish model prevention plan(s)/standards
 - **Employers will have 30 days from NYSDOL publishes model to either:**
 1. Adopt an appropriate model for their industry, **or**
 2. Develop and adopt alternative plan that meets or exceeds minimum standards*



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New Deadlines for NYLL 218-b

NYLL Section 218-b

- **Written Notice of Plan To Employees:**
 1. If business is open on effective date: Within 60 days after NYSDOL publishes model standard relevant to the industry
 2. Within 30 days after adoption of plan
 3. Within 15 days after reopening after period of closure due to airborne infectious disease
 4. Upon hire to newly hired employees

NOTE: Posting requirement too!

NOTE: If employer has employee handbook, must be included!



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...So NYLL 218-b is officially effective... what do we do now?!



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Don't Panic!

- Covered employers have a deadline to adopt a model prevention plan or alternative plan that meets/exceeds minimum standards within **30 days from when NYSDOL publishes model/standard**
 - As of 9:56 am this morning → No model plans/standards published yet
 - NYSDOL has website set up: www.dol.ny.gov/ny-hero-act



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What Can/Should We Do Now?

- **Be patient/wait for NYSDOL model standards to be published, but be ready to act as soon as they are.**
 - Employers only have 30 days to either adopt a model plan or develop their own alternative plan*
 - *Requires either development pursuant to CBA or if no bargaining representative, must be developed with “meaningful participation of employees”
- **Develop a plan for how your organization will evaluate the model plans/standards and how it will decide whether adoption of a model plan/standard is best or whether developing alternative plan is better for your workplace?**



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What Can/Should We Do Now?

- **Determine who will be the supervisory employee in charge of compliance with the plan and guidance.**
- **Budget for the cost of compliance** – Consider additional costs for PPE, cleaning, training, etc.



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COVID Related Leaves



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Leave Laws Still in Effect

- American Rescue Plan Act
 - Extension and expansion of the Families First Coronavirus Response Act
 - EFMLA and EPSL through September 30, 2021
 - Expanded list of reasons for taking the leave, including to receive the vaccine and for vaccination side effects, as well as awaiting the test results or medical diagnosis of COVID-19
 - Tax credits apply



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Leave Laws Still in Effect

- NY COVID-19 Leave Law
 - Provides for leave (5 or 14 days) based on the size of the employer when an employee is subject to a mandatory order of quarantine from the State or local health department/government
 - 14 days of leave for public employers
 - No tax credit
 - In addition to NY PSL, PTO, or other sick leave offered by the employer
- **Reminder: NY DOL issued guidance on this leave in January 2021.



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Leave Laws Still in Effect

- NY Leave Law for Vaccinations
 - Employers must permit employees up to four (4) hours off for the employee to receive the vaccine
 - This leave is separate from NY PSL, NY COVID-19 leave, sick leave, etc.
- NY PSL
 - Employers must allow employees to take it to recover from vaccine side effects



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COVID Related Leaves

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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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