

BUSINESS IN

2022

2023

WEEKLY WEBINAR SERIES

2021

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Your Host



Adam P. Mastroleo

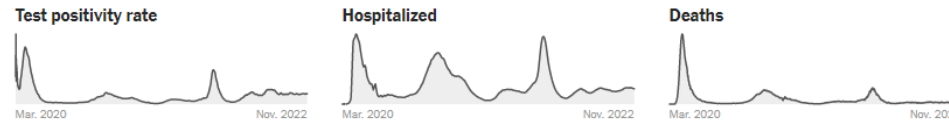
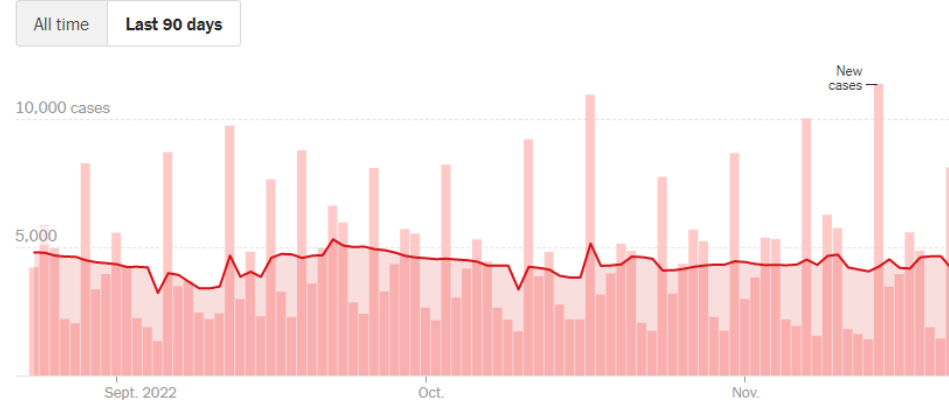
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Current COVID Data in New York

New reported cases



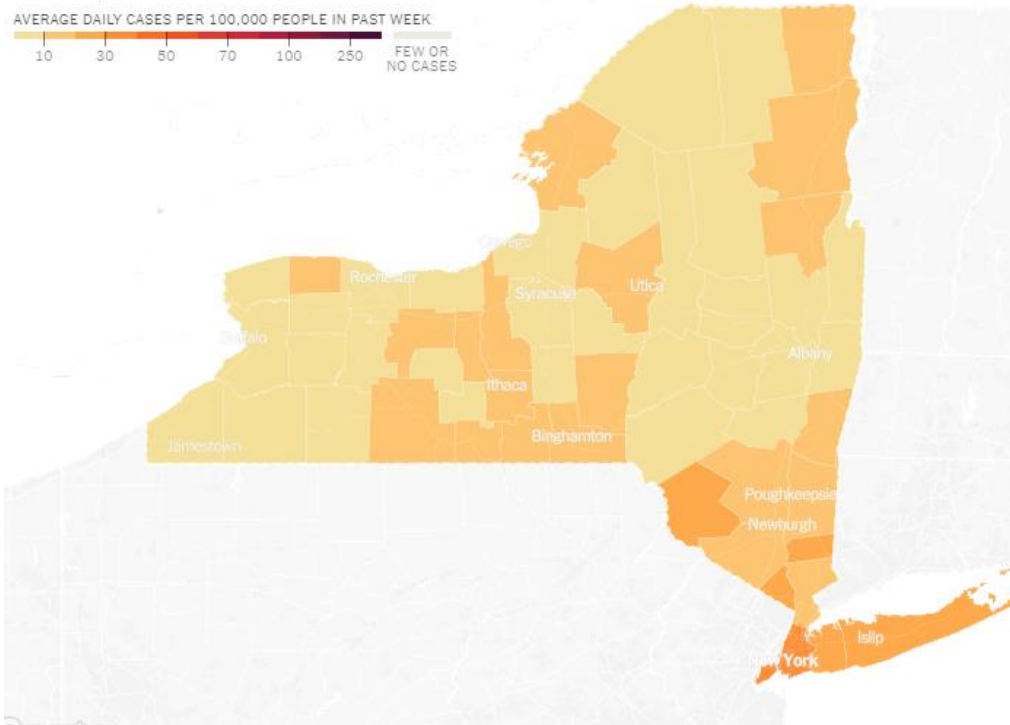
	DAILY AVG. ON NOV. 21	PER 100,000	14-DAY CHANGE
Cases	4,178	21	-7%
Test positivity	9.4%	—	Flat
Hospitalized	3,004	15	-6%
In I.C.U.s	287	1	-9%
Deaths	19	<1	-2%

Current COVID Data in New York

Hot spots

AVERAGE DAILY CASES PER 100,000 PEOPLE IN PAST WEEK

10 30 50 70 100 250 FEW OR NO CASES



	CASES DAILY AVG.	PER 100,000	14-DAY CHANGE	TEST POSITIVITY	HOSPITALIZED AVG. PER 100,000	14-DAY CHANGE	DEATHS DAILY AVG.	PER 100,000
New York	4,178	21	-7%	9%	15	-6%	18.9	0.10
New York City >	2,537	30	Flat	11%	18	+4%	12.2	0.15
Nassau >	361	27	+1%	—	35	+3%	2.1	0.15
Sullivan >	18	24	+26%	—	14	-8%	0.1	0.17
Suffolk >	329	22	Flat	—	18	-9%	2.2	0.15
Rockland >	67	21	+7%	—	9	-16%	0.3	0.09
Putnam >	20	20	+8%	—	10	+9%	0.1	0.12
Westchester >	191	20	-4%	—	18	-8%	0.9	0.10
Orange >	65	17	-19%	—	12	-31%	0.4	0.10
Chemung >	14	16	-35%	—	20	+3%	0.2	0.27
Tioga >	8	16	+4%	—	19	-16%	<0.1	0.07

COVID Paid Leave FAQs

- How do I determine how much COVID leave I must offer to employees?
 - Fewer than 10 employees as of 1/1/20 with net income less than \$1 million must provide job protection and unpaid COVID leave
 - 11-99 employees as of 1/1/20 or fewer than 10 employees with net income greater than \$1 million must provide up to 5 days of COVID leave per quarantine/isolation order
 - 100 or more employees as of 1/1/20 must provide up to 14 days of COVID leave per quarantine/isolation order
 - Public employers must provide up to 14 days of COVID leave per quarantine/isolation order

COVID Paid Leave FAQs

- If an employee can work remotely while isolated, do I have to pay COVID leave?
 - No, if an employee is physically able to work through remote access, they are not eligible for COVID leave
 - This does not count as one of the three “instances” of COVID leave

COVID Paid Leave FAQs

- Do I have to pay COVID leave when an employee's child is under a mandatory quarantine or isolation order
 - No, but the employee is potentially available for NY Paid Family Leave. Eligibility is the same as it is for other Paid Family Leave

COVID Paid Leave FAQs

- How do I handle employees who test positive for COVID-19 more than 3 times?
 - The employee would not be entitled to receive COVID paid leave after the third time, so it should be treated like any other sick time after that point.

Important Gun Law Update



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New York's Gun Control Laws: A Recap

- Until recently, to conceal and carry a firearm for self-defense outside their home or business, individuals were required to demonstrate “proper cause” for them to have such license
- “Proper cause” required a special need for self-protection different from that of members of the general public, such as specific threats, attacks, or other extraordinary dangers to personal safety
- In *New York State Rifle & Pistol Association, Inc. v. Bruen*, SCOTUS held that the “proper cause” standard was an unconstitutional restriction on individuals’ Second Amendment rights

Concealed Carry Improvement Act

- On July 1, 2022, Gov. Hochul signed new legislation passed in response to the *Bruen* decision
- The legislation prohibits individuals from carrying firearms in “sensitive locations” (with limited exceptions):
 - Government buildings, healthcare facilities, religious institutions, casinos, libraries, public parks, schools, or colleges, and on public transportation and anywhere licensed to serve alcohol or cannabis
- The law also prohibits the possession of a firearm in a “restricted area” (with limited exceptions):
 - Private property
 - Where the owner has not posted clear and conspicuous signage indicating that the possession of firearms is permitted

Immediate Legal Challenge

- The CClA was subject to immediate legal challenge in Antonyuk v. Hochul
- However, a temporary restraining order was issued by a federal court on October 6, 2022 significantly restraining enforcement
- That court gave New York State three days to request emergency relief from the Second Circuit Court of Appeals
- New York State then sought and was granted a temporary stay pending review by an appellate panel

Recent Developments

- On November 7, 2022, the court that previously issued the temporary restraining order granted the CCIA's challengers a preliminary injunction against restraining enforcement of significant portions of the CCIA
- The court also denied the State's requests for a limitation in the scope of the injunction and for a stay pending appeal
- The State again sought emergency relief from the Second Circuit and was granted an emergency interim stay pending further review by an appellate panel of 3 judges

Where Does that Leave Employers and Businesses?!



What Can Employers and Businesses Do While the Legal Challenge Plays Out?

- While the law is currently in effect in light of the Second Circuit's temporary stay, the legal challenge is still in its early stages
- Continue to monitor developments
- In the meantime, employers and business owners should consider adopting policies and posting signage advising of their rules regarding the possession of firearms on the property

Railway Worker Union Issues



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Railway Labor Dispute

- Comprehensive Tentative Agreement Reached Sept. 15
- Largest Railroad Union Narrowly Rejected “TA” on Monday
 - SMART-TD Represents 37,000 workers (~30% of represented freight rail workers)
- Three Other Unions Also Previously Voted-Down TA
- Second-Largest Railroad Union Ratifies on Monday
 - Brotherhood of Locomotive Engineers & Train-workers (20% of represented workers)

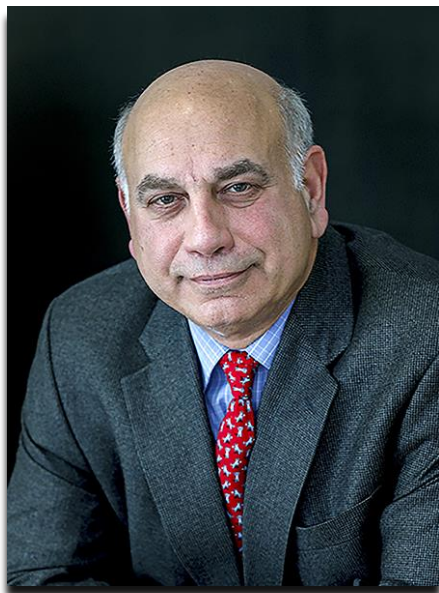
Railway Labor Dispute

- Options?
 - Reach New Agreement
 - Congressional Intervention
 - Strike / Lockout
- Dec. 5th & 9th = End of “Cooling Off” Periods
- Work Stoppage = \$2B/day (est.)
- If One Union Strikes...

Railway Labor Dispute

- Remember
 - White House Brokered Prior Deal
 - 14% Raise (Back-dated to 2020)
 - 24% Pay Increase (Over 4 years)
 - \$1,000 / Year Bonus
- Remaining Sticking Points?
 - Working Conditions / Attrition
 - Staffing
 - Scheduling
 - Paid Time Off

Settling Claims – Issues to Consider



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COVID Update

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Important Gun Law Update

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Railway Worker Union Issues

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New York Employment Law: The Essential Guide

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

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

Thank You

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