



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

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Introduction



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Update from Albany



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Executive Order 202.77

- Department of Health is to establish guidelines about how nursing homes and adult care facilities are to accept patients after a leave of absence to visit relatives or friends.



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Cluster Update

1. Bronx East (Y)
2. Bronx West (Y)
3. Brooklyn (Y)
4. Chemung (O/Y)
5. Erie (O/Y)
6. Great Neck (Y)
7. Hampton Bays (Y)
8. Highland Falls (Y)
9. Manhattan (Y)
10. Massapequa Park (Y)
11. Middletown (Y)
12. Monroe County (O/Y)
13. Newburg/New Windsor (Y)
14. New Rochelle (Y)
15. Niagara (Y)
16. Onondaga (O/Y)
17. Ossining (Y)
18. Peekskill (Y)



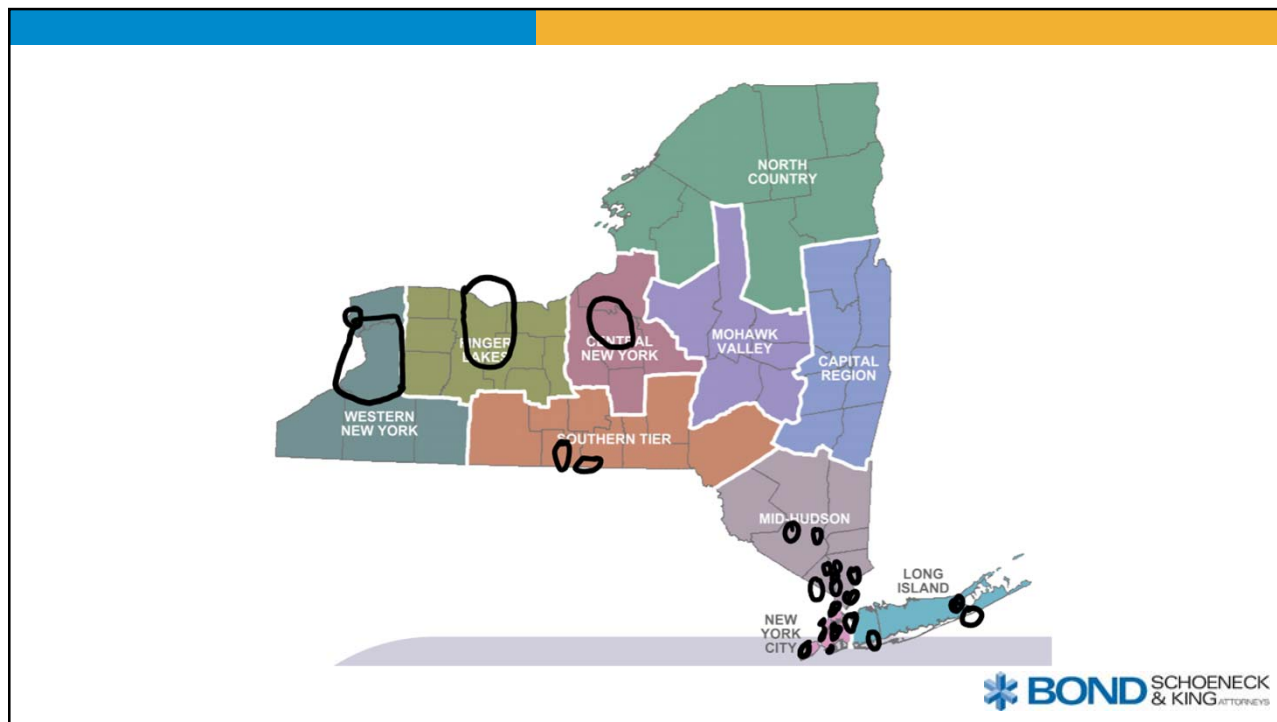
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Cluster Update

19. Port Chester (O/Y)
20. Queens (Y)
21. Riverhead (Y)
22. Rockland (Y)
23. Staten Island (O/Y)
24. Tarrytown (Y)
25. Tioga (Y)
26. Yonkers (Y)



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Effective Times?

- Generally: Two business days after designation (for businesses), three business days after designations (for schools).
- Remember – once designation is made, a locality may opt-in sooner.
- For those zones designated yesterday: goes into effect on Wednesday for businesses, Thursday for schools.

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Warning Track

- Buffalo & surrounding towns – R
- Westchester County: Yonkers, Port Chester, Ossining, New Rochelle, Tarrytown, Peekskill – O/R
- Orange County: Newburg, New Windsor – O
- Putnam County: Brewster – Y
- Ontario County: Victor – Y



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How to Prepare for a Scale Back or Shutdown of Operations



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Discipline and Discharge – COVID Offenses and Run of the Mill Discipline



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New York Update – Year End and New Year Labor Considerations



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Year-End (Non-COVID) “To Do” List

- Paid Sick Leave
- Harassment Training
- Payroll Records
- NY / FED WARN
- Commission Agreements
- Other Handbook / Form / Policy Revisions



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Year-End (Non-COVID) “To Do” List (Cont.)

- Minimum Wage Increases
(<https://labor.ny.gov/workerprotection/laborstandards/workprot/minwage.shtm>)

General Minimum Wage Rate Schedule						
Location	12/31/16	12/31/17	12/31/18	12/31/19	12/31/20	2021*
NYC - Large Employers (of 11 or more)	\$11.00	\$13.00	\$15.00			
NYC - Small Employers (10 or less)	\$10.50	\$12.00	\$13.50	\$15.00		
Long Island & Westchester	\$10.00	\$11.00	\$12.00	\$13.00	\$14.00	\$15.00
Remainder of New York State	\$9.70	\$10.40	\$11.10	\$11.80	\$12.50	*

* Annual increases for the rest of the state will continue until the rate reaches \$15 minimum wage (and \$10 tipped wage). Starting 2021, the annual increases will be published by the Commissioner of Labor on or before October 1. They will be based on percentage increases determined by the Director of the Division of Budget, based on economic indices, including the Consumer Price Index.



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Year-End (Non-COVID) “To Do” List (Cont.)

- Exempt Salary Increases
(<https://labor.ny.gov/formsdocs/wp/Part142.pdf>)

EXECUTIVE AND ADMINISTRATIVE EXEMPTION (per week)							
...as of	12/31/16	12/31/17	12/31/18	12/31/19	06/30/20	12/31/20	12/31/21
MINIMUM SALARY REQUIRED							
NYC - Large Employers (of 11 or more)	\$825.00	\$975.00	\$1,125.00	\$1,125.00	\$1,125.00	\$1,125.00	\$1,125.00
NYC - Small Employers (10 or less)	\$787.50	\$900.00	\$1,012.50	\$1,125.00	\$1,125.00	\$1,125.00	\$1,125.00
Long Island & Westchester	\$750.00	\$825.00	\$900.00	\$975.00	\$975.00	\$1,050.00	\$1,125.00
Remainder of New York State	\$727.50	\$780.00	\$832.00	\$885.00	\$885.00	\$937.50	TBD

NOTES

TBD. To be determined administratively prior to the dates indicated.



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What is ahead for NY employers in 2021?

- 2021 Budget
 - Super-majority in State Legislature?
- Public Employers
 - Pandemic Operations Plan (4/21/21)
 - Police Reform Plan (4/21/21)
- Further expansion of employment claims and remedies?
- Limitations on Independent Contractor engagements?
- Expansion of prevailing wage law?
- New pay-related disclosure requirements?
- Curtailing restrictive covenants?



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New York Update – Year End and New Year Labor Considerations

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