



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

 **BOND** SCHOENECK
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December 8, 2020

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Introduction



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Vaccine Update – Considerations and Observations Regarding Vaccines



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Employee Considerations for Vaccines



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Reasonable Accommodations and COVID-19 – A Review



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Update from Albany



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Updates from 12/7

- Indoor dining: if, in the next five days, a region's hospitalization rate does not stabilize
 - NYC: Indoor dining closes
 - Everywhere else: Capacity reduced to 25%.
 - To follow CDC guidance – other implications?
- Surge and flex program:
 - Hospitals: all must expand bed capacity by 25%.



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Updates from 12/7

- Red zones: regions that reach “critical hospital capacity” will be designated as red zones.
 - After implementation of “surge and flex” program (DOH directed to do so yesterday).
 - If a region's 7-day hospitalization growth rate shows the region will reach 90% capacity within next three weeks.

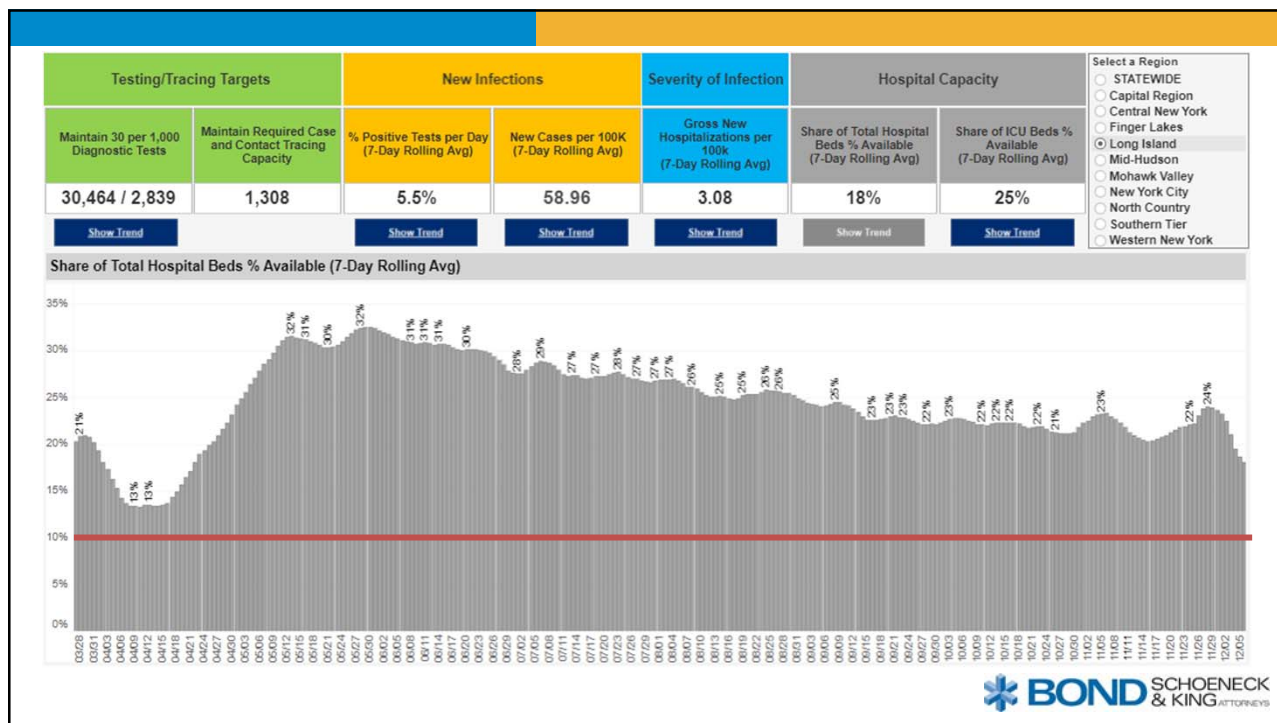


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Region	COVID Patients Currently in Hospital in Region	COVID Hospitalizations as Percent of Region Population	Percent of Hospital Beds Available in Region
Capital Region	220	0.02%	26%
Central New York	296	0.04%	26%
Finger Lakes	545	0.05%	30%
Long Island	702	0.03%	18%
Mid-Hudson	618	0.03%	25%
Mohawk Valley	146	0.03%	26%
New York City	1416	0.02%	19%
North Country	38	0.01%	46%
Southern Tier	134	0.02%	39%
Western New York	487	0.04%	28%
NYS TOTAL	4,602	0.02%	23%



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School Updates

- Schools in orange/red zones no longer must close.
- Orange zone: 20% of in-person students, staff and faculty must be tested over one month period (10% bi-weekly).
- Red zone: 30% of in-person students, staff and faculty must be tested over one month period (15% bi-weekly).
- Schools must close if:
 - Random sampling generates ≥ 9 positive cases OR
 - For sample size of > 300 weekly tests has positivity rate of $\geq 2\%$ (~6 cases or more) in NYC OR $\geq 3\%$ (~9 cases or more) outside of NYC



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DOH Regulations vs. Executive Orders

66-3.3 Non-essential gatherings

- (a) There shall be no non-essential gatherings of greater than ten individuals for any reason at any location in the state, including but not limited to parties, celebrations or other social events. **This restriction may be modified by any Executive Order issued pursuant to Executive Law Section 28 and 29-A.**
- Executive Orders 202.45, 202.68, 202.74 – all regarding gatherings.



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