



# This Week in New York

**Covering New York State and City Government**

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**“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered.**

**And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”**

**-George Orwell, 1984-**

## ***In the News – State***



### **Governor Cuomo Signs Legislation Requiring Plans to Protect Public Workers in Future Health Emergencies**

***Law Requires State and Local Governments and School Districts to Plan for Future  
State Disaster Emergency Involving a Communicable Disease***

***Includes Protections for Essential Workers and Protocols for Securing PPE***

Governor Andrew Cuomo this week signed legislation (Chapter 168 of the Laws of 2020) requiring all public employers to create plans to adequately protect workers in the event of another state disaster emergency involving a communicable disease. The plans would apply to both the state and localities, including school districts.

Plans must be submitted to unions and labor management committees within 150 days, and plans need to be finalized on April 1, 2021.

“... Governor Cuomo noted that this pandemic has laid bare to the entire state and our country the heroism and bravery of essential workers. By signing this bill, the Governor backs up those words with tangible actions that will make workplaces safer for those courageous men and women who continue to sacrifice so much,” Mario Cilento, President of the NYS AFL-CIO, said.

Operation plans must include:

- List and description of positions considered essential.
- Descriptions of protocols to follow to enable all non-essential employees to work remotely.
- Description of how employers would stagger work shifts to reduce overcrowding.
- Protocols for PPE.
- Protocol for when an employee is exposed to disease.
- Protocol for documenting hours and work locations for essential workers.
- Protocol for working with essential employees' localities for identifying emergency housing if needed.
- Any other requirement determined by the New York State Department of Health, such testing and contact tracing.

The Department of Labor will also create an online portal for public employees to report violations of health and safety rules for communicable diseases, including COVID-19.

The legislation was sponsored by Senator Andrew Gounardes and Assemblyman Peter Abbate.

## *In the News – City*



### **Businesses Call Upon Mayor to Restore NYC’s “Safe and Healthy Work Environment”**

In a letter organized by the Partnership for New York City, CEOs of more than 160 New York City companies called upon Mayor Bill de Blasio to take action on quality of life issues in the City so the local economy can recover from the financial impact of the COVID-19 pandemic.

The [letter](#) to the Mayor-signed by CEOs from businesses across all five boroughs including Mastercard, Macy’s, JetBlue, Nasdaq, and the NBA-cited “widespread anxiety over public safety, cleanliness and other quality of life issues that are contributing to deteriorating conditions in commercial districts and neighborhoods across the five boroughs.”

Kathryn Wylde, president of Partnership for New York City, is representing the business leaders.

“We need to send a strong, consistent message that our employees, customers, clients and visitors will be coming back to a safe and healthy work environment,” the CEOs asserted. “People will be slow to return unless their concerns about security and the livability of our communities are addressed quickly and with respect and fairness for our city’s diverse populations.”

The business leaders urged the Mayor to take immediate action to restore essential services and offered support “Consistent with analysis and recommendations laid out in [A Call for Action and Collaboration](#), a report on the impact of COVID-19 published by the Partnership for New York City in July.”

In the [Executive Summary](#) of the July report, the Partnership noted, “Going forward, governments will need to spend less and depend more on leveraging private financing and expertise. Challenges that predate COVID-19—rising cost of living, aging infrastructure, racial disparities in health, education, job skills and entrepreneurial opportunities—have become more pressing. Significant federal aid is essential to stabilize city and state budgets but will not be enough to fill the gaping holes left by the pandemic.”

The Mayor posted a response to the businesses on *Twitter*, continuing his call for long-term borrowing and federal funding.

“We’re grateful for our business community and are partnering to rebuild a fairer, better city. Let’s be clear: To restore city services and save jobs, we need long term borrowing and a federal stimulus — we need these leaders to join the fight to move the City forward,” the Mayor de Blasio tweeted.



## Dining in NYC Allowed to Resume Beginning September 30<sup>th</sup> with 25 Percent Occupancy Limit

Governor Andrew Cuomo this week announced indoor dining in New York City will be allowed to resume beginning September 30th with a 25 percent occupancy limit.

According to the Governor, all restaurants that choose to reopen will be subject to strict safety protocols, including temperature checks, contact information for tracing, face coverings when not seated and other safety protocols. Bar service will not be permitted, and restaurants will close at midnight.

Guidelines will be reassessed based on the data by November 1. If the infection rate does not increase, restaurants may be permitted to go to 50 percent capacity; the State will monitor any positivity increase on an ongoing basis and potentially reassess if necessary. Business guidance for indoor dining in New York City is available [here](#).

The City of New York will provide a team of 400 enforcement personnel to work with the State Police Task Force to ensure compliance. Restaurants must publicly post their 25 percent indoor dining capacity and the phone number and text number to report violations. Patrons who observe violations can report issues by calling 833-208-4160, or by texting 'VIOLATION' to 855-904-5036.

"...[this] announcement comes at a pivotal time for the restaurant industry in New York City, and we would like to thank Governor Cuomo for recognizing this and providing hope to the thousands of restaurants based here in the culinary capital of the world," Melissa Fleischut, President and CEO, New York State Restaurant Association said. "Allowing restaurants to open indoors at a limited capacity will provide these eateries with an economic lifeline as they all try and keep their doors open through this pandemic."

### **Guidance for Indoor Dining in New York City**

- 25 percent occupancy limit.
- Temperature checks will be required at the door for all customers.
- One member of each party will be required to provide contact information for tracing.
- No bar service – drinks served at tableside only.
- Masks must be worn at all times when not seated at a table.
- Tables must be six feet apart.
- Restaurants close at midnight.
- Strict adherence to all State-issued guidance.
- Operation with enhanced air filtration, ventilation, and purification standards.
- Limit air recirculation and allow for outside air ventilation.
- Outdoor dining will continue in the interim.



## **Governor Directs MTA to Bolster Mask Compliance on Public Transit System**

***MTA Will Issue \$50 Fine for Riders Who Refuse to Wear a Mask on New York City subways and buses, Metro-North, and Long Island Rail Road***

Governor Andrew Cuomo this week issued an executive order directing the Metropolitan Transportation Authority (MTA) to develop a plan to bolster mask compliance across the public transportation system's subways, buses, and railroads.

In response to this directive, the MTA announced riders who refuse to wear a mask on public transit will be subject to a \$50 fine. This new measure - which will be effective Monday, September 14 - follows Governor Cuomo's Executive Order 202.18 issued on April 17 requiring all customers and employees to wear a face covering while riding on public transit.

MTA surveys show more than 90 percent of customers are using masks on subways, buses, the Long Island Rail Road, and Metro-North. Mask compliance will be enforced by MTAPD, NYPD, and Bridge and Tunnel Officers.

"While mask compliance in the MTA system remains very high, we want to make sure that people feel comfortable coming back to public transportation," Governor Cuomo said.

The MTA has launched a public awareness campaign, "Operation Respect," as part of a multi-layered strategy to encourage riders to wear a face covering while on public transit. The agency has made available 4 million masks from the State of New York and City of New York available for free at station booths, across New York City Transit, Long Island Rail Road and Metro-North Railroad. Hundreds of volunteers with the MTA's "Mask Force" are distributing these masks to riders systemwide.

The MTA has also deployed vending machines at New York City Transit subway, Long Island Rail Road and Metro-North stations allowing customers to buy Covid-19 personal protective equipment (PPE). The machines, part of a pilot program, offer reusable face masks, gloves, hand sanitizer, and sanitizing wipes. Additionally, the MTA has installed free surgical mask dispensers inside 360 buses across 15 routes to help further protect customers while on board.

## ***Briefs***

### **NYSUT Prepares Legal Action Calls on State Leaders to Stop Cuts to Schools**

The New York State United Teachers (NYSUT) called on the State Legislature and Governor to take immediate steps to stop the State's 20 percent reduction in school district aid. The union said that it will take legal action against the State if it follows through with plans to withhold funding later this month.

"No school district or student is immune to the adverse impacts of a 20 percent cut to state education aid," NYSUT President Andy Pallotta said. "But what makes this all the more egregious is the disproportionate impact that cuts have on our neediest schoolchildren."

Earlier this year, the Cuomo administration began to temporarily hold back 20 percent of its payments to local governments to reduce spending and grapple with a \$14 billion budget deficit. The hold was to be removed upon the receipt of additional funding from the federal government. Without the additional funding, these cuts would become permanent.

NYSUT asserts that if these cuts become permanent, school districts would face massive layoffs later this month. In Albany, more than 220 people are to be laid off, while in Schenectady, more than 330 employees were all laid off before the first day of school.

### **NYC Sanitation Commissioner Kathryn Garcia Announces Resignation**

New York City Department of Sanitation Commissioner Kathryn Garcia announced this week that she will step down September 18<sup>th</sup>, citing the recent City budget cuts. Commissioner Garcia, DSNY's 43<sup>rd</sup> Commissioner, is considering a run for mayor, according to published reports.

"I leave with a heavy heart as many of our most innovative programs designed to fight climate change were the first to fall to the budget ax. Climate change is not going away due to the pandemic, and confronting it demands sustained leadership to protect the city," she said in her resignation letter.

“At a time when protecting public health is of the essence, cutting basic sanitation services is unconscionable. For these reasons, after 14 years of city service, I have decided that it is time to explore new opportunities.”

In addition to leading the Sanitation Department, Commissioner Garcia also served as interim CEO of the New York City Housing Authority, Senior Adviser for citywide lead prevention, and the de Blasio Administration’s COVID-19 food czar. Under Mayor Michael Bloomberg, she served as chief operating officer of the city Environmental Protection Department.

## **DOL Provides Guidance Regarding FFCRA Leave Related to School Reopening**

The federal Department of Labor updated its Families First Coronavirus Response Act (“FFCRA”) [Frequently Asked Questions](#) to provide clarity in relation to employee eligibility for FFCRA leave when schools reopen.

Under FFCRA private employers with fewer than 500 employees are required to provide its employees with up to 80 hours of paid sick leave (“Paid Sick Leave”) and up to twelve weeks of emergency family and medical leave (“Emergency FMLA”). The Act permits employees to take both Paid Sick Leave and Emergency FMLA when the employee is unable to work due to childcare needs, including school and daycare closures due to the COVID-19 pandemic. Employees are only eligible for such leave when there is no other suitable person available to care for their child. FAQs 98-100 address these child care issues:

**Alternative Day (or Other Hybrid-Attendance) Schedule:** An employee is eligible to take paid leave under the FFCRA on days when the child is not permitted to attend school in person and must instead engage in remote learning, as long as the employee needs the leave to actually care for the child during that time and only if no other suitable person is available to do so. For purposes of the FFCRA and its implementing regulations, the school is effectively “closed” on days that the child cannot attend in person. An employee may take paid leave under the FFCRA on each of the child’s remote-learning days (FAQ #98).

**Optional In-Person or Remote Learning:** FFCRA leave is not available to take care of a child whose school is open for in-person attendance. Therefore, if an employee’s child is home not because his or her school is closed, but because the employee has chosen for the child to remain home, the employee is not entitled to FFCRA paid leave. However, if, because of COVID-19, the child is under a quarantine order or has been advised by a health care provider to self-isolate or self-quarantine, the employee may be eligible to take paid leave to care for the child (FAQ#99).

**Remote Learning with the Possibility of Reopening Later in the Year:** An employee whose child’s school starts with remote learning program, but will continue to evaluate local circumstances and make a decision about reopening for in-person attendance later in the school year, is eligible to take paid leave under the FFCRA while the child’s school remains closed (FAQ#100).

## **NYC Gym Owners Sue Mayor de Blasio for Barring Fitness Classes in Reopening Plan**

The New York Fitness Coalition, a coalition of more than 2,000 New York City gym owners, filed an injunction this week in Staten Island Supreme Court against Mayor Bill de Blasio for opening gyms but barring barre, yoga, and other fitness classes.

“If tanning salons, tattoo parlors, gyms, schools, indoor gymnastics, casinos, mass transit, piercing stations and spas are allowed to open, fit, yoga, pilates, barre and other fitness boutique studios should also be allowed to open,” the filing states.

New York City gyms reopened under strict guidelines on September 2<sup>nd</sup>, but the City had “not provided any science or data” to small fitness business owners ordered to stay closed, according to the complaint. In addition, the filing states, most gym classes are built for social distancing as they include a maximum of 10 students and are held in studios about 1,000-2,000 square feet in size.

“The unequal, random, arbitrary and unfair treatment is prevalent in the re-opening guidance,” the lawsuit asserts.

## **LIRR Unveils New Technology That Identifies Least Crowded Trains Before Riders Leave Home**

Long Island Rail Road (LIRR) officials this week unveiled a planning tool that allows customers to choose trains based on recent crowding data. LIRR is the first transit agency globally to deploy the crowding data feature.

The feature gives customers access to the median ridership of the past 7 trips of a specific train, at any station, updated every morning to include the prior day’s data. Customers can plan their trip by selecting the time of their trip and which stations and will see icons below specific trains gauging the capacity of each train. The function uses sensors to determine how many passengers are on board a train at any given moment.

# ***Election Day, November 3rd***

## **[New York State Voter Registration](#)**

(Applications must be submitted no later than October 9, 2020).

## **[Electronic Request for an Absentee Ballot](#)**

(Online request must be made by October 27, 2020. Please be advised that despite this deadline, the Post Office has advised they cannot guarantee timely delivery of ballots applied for less than 15 days before an election).

# Coming Up

## New York State

### **Monday, September 14<sup>th</sup>**

*The Twenty-First Century Antitrust Act (S.8700/Sponsored by Senator Gianaris)*  
Senate Committee on Consumer Protection, Remote Hearing, 10 a.m.

### **Wednesday, September 16<sup>th</sup>**

*The impacts of COVID-19 on individuals struggling with a substance use disorder and the availability of supportive services*  
Assembly Committees on Alcoholism and Drug Abuse & Health, Remote Hearing, 11 a.m.

### **Thursday, September 17<sup>th</sup>**

*To examine and identify whether and how potential homebuyers of color suffer illegal and unequal treatment by real estate agents on Long Island*  
Senate Committee on Housing, Construction and Community Development; Senate Committee on Investigations and Government Operations; & Senate Committee on Consumer Protection, Remote Hearing, 10 a.m.

## New York City

### **Monday, September 14<sup>th</sup>**

*Oversight - Tree Removals and the Restoration of Power in the Aftermath of Tropical Storm Isaias*  
Committee on Environmental Protection, Committee on Consumer Affairs and Business Licensing, Committee on Parks and Recreation, & the Committee on Resiliency and Waterfronts, Remote Hearing, 10 a.m.

*Committee on Small Business*, Remote Hearing, 1 p.m.

### **Tuesday, September 15<sup>th</sup>**

*Committee on Civil and Human Rights & Committee on General Welfare*, Remote Hearing, 10 a.m.

*Subcommittee on Zoning and Franchises*, Remote Hearing, 10 a.m.

### **Wednesday, September 16<sup>th</sup>**

*City Council Stated Meeting*, Remote Meeting, 1:30 p.m.

### **Thursday, September 17<sup>th</sup>**

*Committee on Justice System & Committee on Housing and Buildings*, Remote Hearing, 11 a.m.

*Committee on Immigration*, Remote Hearing, 1 p.m.

**TO ALL OUR FRIENDS AND CLIENTS, OUR THOUGHTS, MEMORIES, AND SUPPORT ARE WITH YOU AS WE ALL REMEMBER THE EVENTS OF SEPTEMBER 11.**



**“We believe in the ideas of family, mutuality,  
the sharing of benefits and burdens  
for the good of all, feeling one another’s pain,  
sharing one another’s blessing  
recognizing that at the heart of the matter  
we are bound to each other.”  
-Mario M. Cuomo-**

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