



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
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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-

DE BLASIO SAYS NYC IS ON PACE FOR PHASE 3 ON JULY 6

On June 25, 2020 Mayor Bill de Blasio announced that New York City is on pace to enter into Phase 3 of NY Forward Plan on July 6. As new COVID-19 infections spike in Florida, Texas and other parts of the country, the city now has one of the lowest COVID-19 transmissions rates.

The seven-day rolling positivity rate for daily COVID-19 positive tests is just 1 percent. The Mayor stated that data suggests that protests have not triggered a new resurgence of hospitalizations as some feared. Queens and Brooklyn which previously had among the highest rates of COVID-19 infection in the country are now seeing COVID-19 positive tests below 1.5 percent.

Phase 3 will allow for indoor dining and personal care services with restrictions. Mayor de Blasio announced that in Phase 3, New Yorkers will be able to enjoy soccer fields and basketball, tennis, volleyball, bocce, and handball courts. The City will also reopen dog runs for public use.

The rest of the state is already in Phase 3, while five regions – the Finger Lakes, Southern Tier, Mohawk Valley, North Country and Central New York will enter the fourth and final phase of NY Forward today.

This is a link to Phase 3 of the NY Forward Plan. <https://forward.ny.gov/phase-three-industries>. Mayor de Blasio stated that today he will issue more guidance on New York City’s plans for Phase 3.

EMPLOYERS LOBBY CONGRESS FOR LAWS TO SHIELD AGAINST COVID-19 DEATH LIABILITY

The families of workers that have died from COVID-19 have started suing employers for failing to protect workers from infection. This has caused employers to ramp up their efforts to lobby for legislation to shield them from liability. North Carolina, Ohio and Wyoming have already passed some variation of state immunity measures as business interests groups hope for protections in the federal level.

Large employers such as Walmart Inc., JBS NA, Tyson Foods Inc., Quality Sausage and Royal Caribbean Cruises Ltd have all been sued for wrongful death, exposing these companies to high-dollar damages or settlements. To succeed in a wrongful death lawsuit, families would generally have to prove that employers exercised gross negligence or wanton and willful misconduct. The families that have brought lawsuits have argued that employers such as Walmart have been grossly negligent by requiring employees to work during the COVID-19 pandemic without appropriate safeguards such as personal protection equipment and measures to ensure social distancing.

As Congress has started to discuss passing new COVID-19 economic relief legislation, several lawmakers have called for some level of immunity for businesses in COVID-19 related litigation, which include wrongful death lawsuits. Senate Majority Leader Mitch McConnell is in favor of employer immunity and has argued that COVID-19 wrongful death lawsuits could crush economic recovery efforts.

**“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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