



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
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**“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-

STATE LEGISLATORS INTRODUCE LEGISLATION TO PROTECT INFORMATION SHARED WITH COVID-19 CONTACT TRACERS

The NY Forward Plan to reopen sectors of the economy requires that contact tracers work with individuals that have tested positive for COVID-19 to identify people they have had contact with and let them know that they have been exposed to the virus. New York State Senate Committee Chair Gustavo Rivera and Assembly Committee Chair Richard Gottfried have introduced legislation to protect the privacy of the information that is shared with the tracers. The legislation (S8450-A/A10500-A) mandates that any information that is shared with contact tracers is only used for health data purposes.

The NY Forward Plan requires 30 contact tracers for every 100,000 individuals and will utilize additional tracers based on the projected number of cases in each region. The state is expected to have 6,400 to 17,000 tracers statewide depending on the projected number of COVID-19 cases.

Reports are starting to come in from other states that information that is shared with contact tracers is being used to track protestors. Immigrant groups have also expressed concern that their information is being shared with the United States Immigration Customs Enforcement.

In New York, contact tracers that have tested positive for COVID-19 have not provided the tracers with the names of the people that may have been exposed, according to recently released data. New York City has identified 5,347 new cases of COVID-19 since launching its contact tracing program and of those only 1,866 have disclosed contacts to the tracers. Additionally, New York City also reported that only 40 people with COVID-19 have moved into the hotels to self-quarantine. The City rented out 1,200 hotel rooms for people with COVID-19 who do not want to infect their family members.

There is hope that providing the public with assurances that their personal information will be protected will increase in participation in the COVID-19 contact tracing program. Assemblyman Gottfried said that contact tracing is “not going to work unless all those people are confident that the information that they give to the contact tracers is not going to be used against them.”

UNIONS SUE FEDS FOR AN EMERGENCY COVID-19 VIRUS RULE

The United Mine Workers of America International Union and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers jointly filed a petition seeking an order from the United States Court of Appeals for the District of Columbia Circuit to force the federal Mine Safety and Health Administration (“MSHA”) to issue an emergency temporary standard protecting miners from infectious diseases. The petition seeks an expedited hearing process which will require a ruling within 30 days.

United Mine Workers of America International Union President Cecil Roberts said, “we have been asking MSHA to step up and do its job to protect America’s miners from the beginning of this pandemic.” He also said, “it is very disappointing that they have turned their backs on these critical workers.”

Last week the D.C. Circuit rejected a request from the AFL-CIO compelling the Occupational Safety and Health Administration to issue an emergency temporary standard to protect workers from COVID-19.

SBA REOPENS ECONOMIC INJURY DISASTER LOANS PROGRAM

The Small Business Administration (“SBA”) reopened the Economic Injury Disaster Loans (“EIDL”) program to all eligible small businesses and non-profit organizations. The program offers long-term, low interest assistance for a small business or non-profit. EIDL loans can be used to cover payroll and inventory, pay debt or fund other expenses. Additionally, the EIDL Advance program provides up to \$10,000 of emergency economic relief to businesses that are currently experiencing temporary difficulties, and these emergency grants do not have to be repaid.

Below is guidance from the SBA on the EIDL and EIDL Advance programs:

- The SBA is offering low interest federal disaster loans for working capital to small businesses and non-profit organizations that are suffering substantial economic injury as a result of COVID-19 in all U.S. states, Washington D.C., and territories.
- These loans may be used to pay debts, payroll, accounts payable and other bills that can’t be paid because of the disaster’s impact, and that are not already covered by a Paycheck Protection Program loan. The interest rate is 3.75% for small businesses. The interest rate for non-profits is 2.75%.
- To keep payments affordable for small businesses, SBA offers loans with long repayment terms, up to a maximum of 30 years. Plus, the first payment is deferred for one year.
- In addition, small businesses and non-profits may request, as part of their loan application, an EIDL Advance of up to \$10,000. The EIDL Advance is designed to provide emergency economic relief to businesses that are currently experiencing a temporary loss of revenue. This advance will not have to be repaid, and small businesses may receive an advance even if they are not approved for a loan.

This is a link to the portal to apply for the EIDL and EIDL Advance program: <https://www.sba.gov/funding-programs/disaster-assistance>.

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