



# Labor & Employment Issues Client Alert

Pitta LLP  
For Clients  
June 25, 2020 Edition



**“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-**

## **NYC MAYOR TO UNIONS: FIND \$1 BILLION IN SAVINGS OR FACE 22,000 LAYOFFS**

On June 23, 2020 New York City Mayor Bill de Blasio held a press conference where he asked municipal labor unions to find \$1 billion in savings, or the city will have to lay off 22,000 workers in the Fall to help balance the budget.

The economic crisis caused by COVID-19 has already decreased the City’s proposed budget from \$95.3 billion in February to around \$87 billion as the City has reduced revenue predictions. The City has already tapped into reserves and instituted a program to eliminate the gap (“PEG”) at city agencies that has identified \$2.7 billion in savings through the end of the next fiscal year. Despite the PEGs and the use of reserves, Mayor de Blasio said that the City still needs another \$2 billion to be able to balance the budget. Mayor de Blasio asked municipal unions to find a billion in savings to avert layoffs.

The Municipal Labor Committee (“MLC”) has proposed using early retirements as an incentive for higher-paid workers to leave public service to bring down the municipal headcount and replace them with newer, lower-paid employees. In late May, the MLC sent a letter to the de Blasio administration offering to meet with the Mayor to discuss ways to save money to avert layoffs. The letter said, “the MLC would welcome the opportunity to meet with you and your staff to discuss these and other possible solutions to these issues so that New York City can remain the greatest City in the world.”

While discussing how to save \$1 billion, Teamsters Local 237 President Greg Floyd said, “I would’ve liked to have had the month to figure it out, rather than a week.”

## **WORKERS USE PUBLIC NUISANCE DOCTRINE TO FORCE A MCDONALD’S FRANCHISE TO BOOST COVID-19 SAFETY PROTOCOLS TO BE ABLE TO REOPEN**

Workers in Oakland, California brought a public nuisance doctrine lawsuit (*Hernandez v. VES McDonald’s*, Cal. Super Ct., No. RG20064825, Order 6/22/20) against a McDonald’s franchise requesting that the franchise boost its COVID-19 safety protocols to ensure a safe work environment.

The Court ruled that the VES McDonald's franchise must adopt protective measures such as enforcing physical distancing, conducting employee temperature checks, and providing sufficient personal protection equipment. The workers alleged in their lawsuit that the franchise offered them masks made out of coffee filters or dog diapers.

This case helps set a precedent that workers can sue to force employers to keep them safe during the COVID-19 pandemic. Public nuisance lawsuits have been traditionally brought to settle land-use disputes. Workers around the country have recently tried using public nuisance lawsuits to enforce safety at their work from COVID-19 infections. The McDonald's Corporation faces a similar public nuisance lawsuit in Illinois state court alleging safety failures at four Chicago locations. Meatpacking workers brought a lawsuit against Smithfield Foods, Inc. in Missouri alleging that the company's lax COVID-19 safety measures created a public nuisance. The Court dismissed the lawsuit, however, the workers have asked the judge to reconsider the case in light of the wide spread of COVID-19 at the plant since the lawsuit was brought.

---

**“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-**

---

**Legal Advice Disclaimer:** The materials in this **Client Alert** report are provided for informational purposes only and are not intended to be a comprehensive review of legal developments, to create a client-attorney relationship, to provide legal advice, or to render a legal opinion. Readers are cautioned not to attempt to solve specific legal problems on the basis of information contained in this **Client Alert**. If legal advice is required, please consult an attorney. The information contained herein, does not necessarily reflect the opinions of Pitta LLP, or any of its attorneys or clients. Neither Pitta LLP, nor its employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current. Accordingly, Pitta LLP is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

---

**To Our Clients:** If you have any questions regarding any of the matters addressed in this newsletter, or any other labor or employment related issues in general, please contact the Pitta LLP attorney with whom you usually work.

---

**To Our Clients and Friends:** To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Aseneth Wheeler-Russell at [arussell@pittalaw.com](mailto:arussell@pittalaw.com) or (212) 652-3797.