



# Labor & Employment Issues Client Alert

Pitta LLP  
For Clients  
July 14, 2020 Edition



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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-**

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## **DOH ISSUES GUIDANCE FOR COVID-19 SCHOOL SAFETY**

On July 13, 2020 the New York State Department of Health (“DOH”) issued guidance for safety measures to prevent the transmission of COVID-19 in schools. The guidance is a minimum standard and permits schools to mandate additional requirements to protect students, faculty and other school personnel from COVID-19.

The guidance mandates mask wearing, daily temperature checks and calls for the frequent disinfection of common areas at schools. The State will issue more comprehensive guidelines later this week that will include student access to technology and distant learning plans.

The DOH guidance states that everyone that enters a school building will undergo mandatory screenings which will include a health questionnaire and daily temperature checks. People with body temperatures higher than 100 degrees will be prohibited from entering the school. The guidance recommends that temperature checks be conducted at home prior to departing for school.

The DOH guidance advised schools to “prioritize efforts to return all students to in-person instruction,” but acknowledges that it may not be feasible and may require a phased-in reopening plan or alternative instructional models that include distance learning.

Governor Andrew Cuomo said that his administration will begin approving regions of the state to move forward with their school reopening plans in the first week of August. Approval will be based upon whether the percentage of COVID-19 diagnostic tests in a region is 5 percent or lower over a 14-day average. The region must be in Phase 4 of the NY Forward plan to be able to return to in-person instruction. To date, all 10 NY regions have positivity rates below the 5 percent threshold and all but New York City are in Phase 4.

These are highlights from the DOH guidance:

- Students to wear masks at all times, except in limited circumstances such as during meals; certain instructional activities; brief, socially distant breaks or if it would pose a health risk to them. However, the State is requiring them only when six feet of distance cannot be maintained.
- There are similar rules for school employees, though face shields will be allowed for those teaching speech therapy or other situations where being able to see facial expressions is helpful.
- People can wear their own face coverings, but schools cannot require faculty and staff to furnish their own. And the school must provide N-95 respirators and other personal protective equipment to employees depending on the nature of their job, such as a school nurse interacting with a suspected COVID-19 infected person.
- Schools are encouraged to hold staff and faculty meetings remotely.
- Schools should designate student pickup/drop off zones to limit parents and guardians coming into contact with others.
- Schools should reduce elevator capacity to just one person.
- Families are encouraged to let their children walk to school or drive them, in order to reduce capacity on buses.
- Twelve feet of distance should be maintained for activities that involve heavy breathing, such as singing, certain musical instruments and gym classes. The guidelines do not rule out the possibility of interscholastic sports, but notes they are not yet permitted.

A copy of the guidance is available [here](#).

### **GOVERNOR: VISITORS FROM STATES WITH HIGH COVID-19 IN NY MAY FACE FINES**

On July 13, 2020 Governor Cuomo announced via a tweet that visitors from states with surging COVID-19 infection rates may face a \$2,000 fine if they fail to provide information of where they plan to quarantine for two weeks. This is a link to the State's [travel advisory](#).

Florida has emerged as the new COVID-19 infection hotspot with more than 15,000 people testing positive for COVID-19 this past Sunday. A new record. According to John Hopkins University, Florida has a daily COVID-19 positive test rate of 18.65 over the past seven days.

This is a link to the [tweet](#).

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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-**

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