



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
July 2, 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 TO DELAY INDOOR DINING WHEN IT ENTERS PHASE 3

On July 1, 2020 Mayor Bill de Blasio and Governor Andrew Cuomo announced that the City will delay indoor dining when it enters Phase 3 of the NY Forward Plan on July 6, 2020.

Under the NY Forward plan, restaurants are able to provide indoor dining so long as they operate at 50 percent capacity or less and tables are at least 6 feet apart to ensure social distancing. However, in the midst of a record level of COVID-19 infections throughout the country and concerns of a lack of citizen compliance to social distancing protocols, New York City will delay indoor dining.

The states of Florida, Arizona and Texas are surging with COVID-19 related hospitalizations. Health experts believe that part of the surge is related to lifting shelter-at-home orders early to reopen the economies. Several COVID-19 clusters around the country have been traced back to restaurants and bars.

Health experts believe that indoor, enclosed spaces with many people pose the most risk to COVID-19 infection, with chances of transmission heightened because people are not wearing masks, talking loudly and staying put for an extended period of time.

Mayor de Blasio said “the data around the country has been getting worse and worse and worse – in the last few days, shockingly worse.”

NYS LAWMAKERS MISS KEY DEADLINE FOR NEW PUBLIC FINANCING SYSTEM

The New York State budget included a provision which codified last year’s Public Financing Commission recommendations to revamp New York’s election laws. Under the provision,

the commissioners tasked with overseeing the overhaul of New York's elections were supposed to start working yesterday. However, none of the elected officials responsible for appointing the commissioners appear to have done so.

Last year the Public Financing Commission ("Commission") made recommendations to end fusion voting and raising the minimum number of votes that a party needs to become "qualified" which gives the party automatic ballot access and state-funded primaries.

Under the Commission's recommendations instead of receiving 50,000 votes in gubernatorial election, parties will need to receive 130,000 or 2 percent of turnout, whichever is higher, in every gubernatorial and presidential contest. The commission also included a small donor public match program for state officeholders. The new vote thresholds for minor parties goes into effect this November, however, the small donor public match program will not go into effect until the 2024 legislative and 2026 gubernatorial elections.

Most fundraising will now be overseen by a Public Campaign Finance Board ("Board") composed of the four commissioners of the state Board of Elections, one individual appointed by the governor, another jointly appointed by the Democratic leaders of the legislature, and another by Republican leaders.

The Commission's recommendations were challenged in Court and a judicial decision cast doubt as to whether the recommendations were legally binding. For that reason, Governor Andrew Cuomo and the legislature sought to codify the Commission's recommendations by including them in the State Budget.

The language in the state budget said that commissioners for the Board "shall be appointed no later than the first day of July, [2020]."

Jessica Wisneski, executive director of the Citizen Action of New York said "by not moving quickly to fill these appointments, our elected leaders are betraying the trust of the voters of New York. I'm sure our leaders in Albany don't want to do that and fully expect them to make their appointments in the coming days."

CONGRESS UNANIMOUSLY PASSES EXTENSION FOR THE PAYMENT PROTECTION PROGRAM

Yesterday, the House of Representatives approved an extension of the Paycheck Protection Program ("PPP") to continue to provide assistance to small businesses hard-hit by the COVID-19 pandemic.

Under the extension, PPP which expired on June 30, 2020 will continue operating until August 8, 2020. The Senate unanimously passed the extension this past Tuesday. President Donald Trump is expected to sign this bill into law.

LONGTIME ASSEMBLYMAN DAVID GANTT PASSES AWAY

On July 1, 2020 Assemblyman David Gantt, who served in the Assembly for nearly 40 years passed away at the age of 78. Assemblyman Gantt represented the city of Rochester in Monroe County. He served for many years as chairman of the transportation committee and was a senior leader in the Democratic majority.

New York State Assembly Speaker Carl Heastie said “David was a lifelong public servant and fierce advocate for his constituents and his community. He had an unwavering commitment to the people of Rochester, which showed in every step of his career, from his time as a youth counselor in Rochester, to serving on the Monroe County Legislature and his more than three decades of service here in the Assembly.”

**“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 or (212) 652-3797.

