



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
July 16, 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-

CITING CONCERNS OVER COVID-19 INFECTIONS, UBER DRIVERS ASK THE 9th CIRCUIT FOR EMPLOYEE STATUS

In a case that may have national implications, Uber drivers from Massachusetts asked the United States Ninth Circuit Court of Appeals for injunctive relief granting them employee status. The Uber drivers argued that Uber’s practice of classifying them as independent contractors and denying them paid sick leave during the COVID-19 pandemic has had damaging consequences to them and other Uber drivers.

The case *Capriole et al. v. Uber Technologies Inc. et al.*, [20-16030](#) (9th Cir.) was brought by three drivers in Massachusetts, however, the case was transferred to the Northern District of California in late March. United States District Judge Edward Chen issued a decision on May 14 denying the plaintiffs’ emergency motion for a preliminary injunction that would have forced Uber to reclassify its drivers as employees and grant them paid sick leave.

In their brief, the plaintiffs allege that Uber deprives them of proper wages and benefits by misclassifying them as independent contractors, and as a result felt pressure to continue working and risk exposure to COVID-19 “because of their financial precarity and lack of paid sick leave.” The plaintiffs also argued that Uber’s practices present a threat of irreparable harm that warrants injunctive relief.

This case comes while Uber is facing lawsuits from the Massachusetts and California Attorney Generals challenging them and other ride-hailing companies for misclassifying their workers as independent contractors. Massachusetts Attorney General Maura Healey said “we think these companies are not abiding by state law, and drivers are paying the price.”

NYC WORKERS DROP THEIR BID TO FORCE AMAZON TO PROVIDE BETTER PROTECTION AGAINST COVID-19

This week Amazon warehouse workers dropped their demand for an immediate court order to force Amazon to provide them with better protection against COVID-19. A Brooklyn federal judge was set to hear testimony from workers seeking preliminary injunctive relief.

The workers dropped the suit after Amazon told their workers that they will not be punished for washing their hands and taking other safety measures that reduce productivity rates.

The lawsuit which was filed on June 3, 2020 and alleged that Amazon created a public nuisance by failing to protect their employees from COVID-19 which could have spread throughout New York City. The public nuisance legal doctrine is traditionally used in land use disputes.

Amazon stated that they have made more than 150 changes to work processes to better protect their workers from COVID-19. The workers plan to continue their lawsuit to litigate other disputes with Amazon such as the inadequacy of Amazon's contact tracing program at the Staten Island warehouse facility and the company's paid leave policies which the workers allege is not enough prevent the spread of COVID-19.

COVID-19 RENTAL ASSISTANCE PROGRAM GOES LIVE

Today, New York State's emergency rental program assistance program will start accepting applications. The program seeks to provide assistance to low-income families throughout New York to keep them in their homes.

The program will provide direct aid for tenants who lost income due to the COVID-19 pandemic. The program is funded through the federal CARES Act. Applications are available [here](#).

**“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 arusell@pittalaw.com or (212) 652-3797.

