



Labor & Employment Issues Client Alert

Pitta LLP
For Clients
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UNIONS SUE FOR LACK OF TESTING AND PROTECTIVE EQUIPMENT TO COMBAT COVID-19

On April 20, 2020 the New York State Nurses Association (“NYSNA”) filed a lawsuit against the State Health Department, the Westchester County Hospital System and the Montefiore Medical Center. The NYSNA is seeking court intervention to “protect the health, safety and lives of NYSNA RNs, their patients, their families and their communities” by providing members with the proper protective equipment to treat patients with COVID-19.

A NYSNA survey found that statewide 954 registered nurses have tested positive for COVID-19 and 84 are currently hospitalized. The NYSNA stated that these numbers are conservative because a relatively small number of nurses have received tests. The lawsuit states that nurses have routinely been denied tests even when they have reported symptoms consistent with COVID-19 such as fever, cough and shortness of breath. The NYSNA estimates that 72 percent of its 42,000 members have been exposed to COVID-19 in the last few weeks.

The lawsuit documents the difficulty that nurses have had obtaining proper protective gear such as N95 masks, face shields, gowns and gloves which are necessary to protect against COVID-19. This lawsuit follows cases brought by the Correction Officer’ Benevolent Association and the New York State Court Clerks Association which also sued for lack of supplies to protect their respective members from COVID-19.

UNIONS ALLEGE THAT DELAYS IN DEATH CERTIFICATES INTERRUPT MUNICIPAL BENEFITS

Relatives of deceased members of municipal unions have been unable to obtain death certificates which entitles them to continued health coverage, money for funerals and other municipal benefits. District Council 37, the City’s largest municipal labor union stated that about 80 percent of the families of deceased members have reported problems securing death certificates which are necessary to obtain the municipal benefits. Relatives of deceased members of the United Federation of Teachers have also reported experiencing the same problem.

New York City Department of Health Commissioner Oxiris Barbot stated that the agency is retooling to ensure staff is readily available to work with funeral directors to issue death certificates in a timely manner.

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