



# Labor & Employment Issues Client Alert

Pitta LLP  
For Clients  
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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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## **NON-URGENT SURGERIES TO RESUME AT 19 NYC HOSPITALS AS NYC ENTERS PHASE ONE OF REOPENING**

Today, New York City officially enters phase one of the NY Forward plan to re-open non-essential sectors of the economy. Phase one industries include: construction; agriculture, forestry, fishing and hunting; retail – (limited to curbside or in-store pick-up or drop off); manufacturing and wholesale trade. In addition, to the re-opening of these industries, the state granted 19 New York City hospitals waivers to resume nonurgent surgeries.

On March 23, 2020 Governor Andrew Cuomo issued an executive order that barred hospitals and surgery centers from performing elective surgery for the purpose of increasing medical capacity to treat COVID-19 patients. The ban has been lifted in all other regions in the state except New York City.

The following 19 hospitals submitted safety plans to resume nonurgent surgeries to the Department of Health and received approval: Brooklyn Hospital Center, Hospital for Special Surgery, Lenox Hill Hospital, Long Island Jewish Medical Center, Maimonides Medical Center, Memorial Sloan Kettering Cancer Center, Montefiore Medical Center, all seven Mount Sinai hospitals, New York Community Hospitals, NYU Langone Medical Center, Richmond University Medical Center, Staten Island University Hospital and Wyckoff Heights Medical Center.

## **W.H.O. ENDORSES MASKS TO PREVENT COVID-19 TRANSMISSION**

Late last week, the World Health Organization (“W.H.O.”) endorsed the use of masks to reduce the transmission of COVID-19. However, in its guidance the W.H.O. noted that the use of masks is “not yet supported by high quality or direct scientific evidence” but that governments should encourage the use of masks because of “a growing compendium of observational evidence.” This is a link to the W.H.O.’s guidance on the use of [masks](#).

The W.H.O. identified the following preferable types of fabrics, number of layers and the composition of a non-medical, fabric mask:

- an inner layer of absorbent material such as cotton;
- a middle layer of non-woven material such as polypropylene;
- an outer layer of non-absorbent material, such as polyester or polyester blend.

More information is available [here](#).

The W.H.O. further recommends the construction or purchase of a make that permits people to breath while talking and walking briskly. The W.H.O. also cautioned that a fabric mask alone will not provide an adequate level of protection and recommend that people maintain social distance and frequent washing of hands.

The W.H.O. published a study that found that respirator masks such as the N95 are more effective than surgical masks for health care workers and also found that the use of face shields, goggles and glasses may provide additional protection from COVID-19 transmission. However, the W.H.O. only recommends the use of respirator masks for health care workers that are directly involved in procedures that generate virus-laden aerosols.

American experts in the transmission of infectious diseases such as former head of the Obama administration's Occupational Safety and Health Administration, David Michaels argue that respirator masks should be used more widely by health care workers to protect them from COVID-19 transmission. Michaels said "if the problem is the shortage of N95s, the W.H.O. should acknowledge that and not pretend that medical masks are equally effective."

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