



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-**

FEDERAL JUDGE DISMISSES NYSNA LAWSUIT

On May 1, 2020 a federal judge dismissed a lawsuit brought by the New York State Nurses Association (“NYSNA”) seeking to force the Montefiore Medical Center (“Montefiore”) to take action to protect nurses from contracting COVID-19. United States District Judge Jesse M. Furman of the Southern District of New York ruled that the court lacks subject-matter jurisdiction to grant NYSNA the injunction it seeks because granting the injunction would interfere with Montefiore’s ability to make business decision at a time that is “particularly problematic” and an injunction would damage the integrity of the arbitral process contained in NYSNA and Montefiore’s collective bargaining agreement (“CBA”).

NYSNA sued Montefiore, Westchester County Health Care Corporation and the State Health Department on April 20 seeking an increase in personal protection equipment (“PPE”), testing and guidance. NYSNA stated that thousands of its members across the state have contracted COVID-19.

Judge Furman initially delayed the ruling and ordered NYSNA and Montefiore to undergo mediation, however they were unable to reach an agreement. NYSNA and Montefiore are currently in arbitration to settle the issue out of court as per their CBA. In his opinion, Judge Furman wrote the court “is deeply sympathetic to both sides” and urged both sides to reach an amicable resolution.

Several other labor unions have brought legal proceedings against their respective employers for lack of PPE, testing and guidance. These unions include the Corrections Officers’ Benevolent Association, Corrections Captains’ Association, and the New York State Court Clerks Association.

NORTHEAST GOVERNORS TO BUY MEDICAL SUPPLIES IN BULK

On May 3, 2020 Governor Andrew Cuomo announced that New York and six other Northeast states will purchase medical equipment together in hopes of avoiding price hikes if COVID-19 returns in the fall. The Northeast states that will work together to purchase medical equipment includes New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Pennsylvania and Delaware.

The Northeast governors previously announced that they would coordinate plans to reopen their respective states. During the peak of the COVID-19 crisis, states were bidding against each other to purchase masks,

gowns and ventilators which caused a spike in prices. Governor Cuomo said that the Northeast states will purchase about \$5 billion in medical supplies this year, with \$2 billion of that for New York.

The Northeast states will work together to determine how much PPE they will need for their hospitals for at least 90 days, identify suppliers that can meet the needs for the entire region and avoid vendors that have started their businesses during the COVID-19 pandemic. Delaware Governor John Carney said, “we’ve got a good chance of getting a good price and getting what we need.”

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