



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 BI-PARTISAN EFFORT TO PROVIDE LINE-OF-DUTY BENEFITS FOR COVID-19 DEATHS

Tri-state Democratic Senators Chuck Schumer, Kirsten Gillibrand, Cory Booker and Bob Menendez joined Republican Senator Chuck Grassley to introduce the Safeguarding America’s First Responders Act (“SAFR”) which expands the Public Safety Officers’ Benefits programs to the families of first responders that have died of COVID-19. The bill currently has 14 co-sponsors.

The Public Safety Officers’ Benefits program provides education and death benefits to survivors of first responders. SAFR would apply to first responders that are public employees or volunteers, including firefighters, paramedics, police officers and correction officers. SAFR will not not apply to medical and transit workers.

SAFR creates a COVID-19 presumption. Under the proposed bill, if a first responder contracts COVID-19 within 45 days of their last day of duty and dies, the death is treated as a line-of-duty incident. The first responder’s survivors do not need to prove the first responder contracted COVID-19 on the job. If SAFR passes into law, it will be retroactive to January 1, 2020 and would last, initially for two years.

Senator Gillibrand said that “we have seen first-hand how difficult it was for our 9/11 first responders and their families to get the benefits they deserved. They had to fight for almost 20 years to secure permanent funding for the Sept. 11 victims compensation fund. That cannot happen again.”

Senator Grassley said that passing the legislation is “least we can do to give the people putting their lives on the line to protect us...some reassurance.”

This is a link to SAFR: https://www.grassley.senate.gov/sites/default/files/documents/S.116.x%20%20-%20Safeguarding%20America’s%20First%20Responders%20Act_0.pdf.

FEDERAL JUDGE REINSTATES NEW YORK'S DEMOCRATIC PRESIDENTIAL PRIMARY

On May 5, 2020 a federal judge ordered New York to reinstate the Democratic Presidential primary on June 23, 2020. Former Presidential candidate Andrew Yang brought the legal proceeding arguing that it denied New York Democrats the right to vote.

Last week the Democratic commissioners on the State's Board of Elections ("BOE") decided to cancel the primary because all Democratic nominees for the President ended their campaigns except for former Vice President Joe Biden.

The state budget provided the BOE the authority to remove candidates who had suspended their campaigns from the presidential primary. The BOE stated that its decision to cancel the primary would save the state money and avoid opening a poll site if there wasn't a real race. The BOE also reasoned that a lack of a presidential primary would reduce crowds at polls which would help to reduce potential COVID-19 infections.

Judge Analisa Torres of the United States Southern District of New York ordered the state to reinstate the Presidential primary because she reasoned that canceling the primary would curtail the associational rights of New York Democrats to participate in an election for party delegates to the Democratic National Convention. Judge Torres reasoned that the primary election provides Democrats an "opportunity to elect delegates who could push their point of view in that forum."

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