



# Happy May Day

We at Pitta Bishop Del Giorno LLC would like to wish everyone a happy May Day. May Day is the international celebration of laborers and a reminder that work deserves dignity and respect. These difficult times have highlighted the importance of workers to ensure our health and public safety.

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## In the News – State



### New York’s 12-Step Reopening Roadmap

*Guidelines for the phased plan to re-open New York on a regional basis.*

*Each region of the state - Capital Region, Central New York, Finger Lakes, Mid-Hudson Valley, Mohawk Valley, New York City, North Country, Long Island, Southern Tier and Western New York - must follow these guidelines as part of the re-opening plan*

1. **CDC Guidelines:** Based on CDC recommendations, once a region experiences a 14-day decline in the hospitalization rate they may begin a phased re-opening.
2. **Industries:** Businesses in each region will re-open in phases. Phase one will include opening construction and manufacturing functions with low risk. Phase two will open certain industries based on priority and risk level. Businesses considered "more essential" with inherent low risks of infection in the workplace and to customers will be prioritized, followed by other businesses considered "less essential" or those that present a higher risk of infection spread. Regions must not open attractions or businesses that would draw a large number of visitors from outside the local area.

3. **Business Precautions:** Each business and industry must have a plan to protect employees and consumers, make the physical work space safer and implement processes that lower risk of infection in the business.
4. **Building Health Care Capacity:** To maintain the phased re-opening plan, each region must have at least 30 percent of hospital beds and ICU beds available after elective surgeries resume.
5. **Testing Regimen:** Regions must implement a testing regimen that prioritizes symptomatic persons and individuals who came into contact with a known COVID-positive person, and conducts frequent tests of frontline and essential workers. A region must maintain an appropriate number of testing sites to accommodate its population and must fully advertise where and how people can get tested. The region must also use the collected data to track and trace the spread of the virus.
6. **Tracing System:** There must be at least 30 contact tracers for every 100,000 people. The region must also monitor the regional infection rate throughout the re-opening plan.
7. **Isolation Facilities:** Regions must present plans to have rooms available for people who test positive for COVID-19 and who cannot self-isolate.
8. **Regional Coordination:** Regions must coordinate the re-opening of schools, transportation systems, testing, and tracing with other surrounding regions.
9. **Re-imagining Tele-Medicine**
10. **Re-imagining Tele-Education**
11. **Regional Control Rooms:** Each region must appoint an oversight institution as its control room to monitor regional indicators during the phased re-opening, including hospital capacity, rate of infection, PPE burn rate and businesses.
12. **Protect and Respect Essential Workers:** Regions must continue to ensure protections are in place for essential workers.



## State COVID-19 Maternity Task Force Recommendations Accepted

Secretary to the Governor Melissa DeRosa this week issued a report outlining the COVID-19 Maternity Task Force's recommendations to provide the necessary support measures to pregnant women during the pandemic. Governor Andrew Cuomo accepted the Task Force recommendations upon receipt.

The recommendations include measures to diversify birthing site options and support patient choice; extend the period of time a healthy support person can accompany a mother post delivery; mandate testing of all pregnant New Yorkers; ensure equity in birthing options; and review the impact of COVID-19 on pregnancy and newborns with special emphasis on reducing racial disparities in maternal mortality. The task force's full report is available [here](#) and a discussion of each recommendation follows.

“COVID-19 has caused enormous stress for women and expecting parents who are preparing to bring a child into this world in the midst of this global pandemic,” Melissa DeRosa, Secretary to the Governor and Chair of the New York State Council on Women and Girls, said. “I am proud that during these uncertain times, New York is leading the way in ensuring laboring mothers are properly supported and safely cared for. The policies being advanced today will be implemented immediately to address the very valid fears and concerns that so many women are now facing, and to address issues that impact pregnancy and infants.”



Secretary to the Governor  
Melissa DeRosa

## **Task Force Recommendations**

### **Diversify Birthing Site Options to Support Patient Choice**

Governor Cuomo has issued an [Executive Order](#) to allow for the immediate establishment of additional birthing surge sites operated by currently established licensed birthing hospitals and centers. The New York State Department of Health (DOH) will accept applications from licensed health care facilities, such as community health centers and federally qualified health centers, to convert unused space in their facility to dedicated labor and delivery spaces during an emergency. The State will limit emergency birthing centers to licensed facilities. In addition, DOH will expedite, within the next 45 days, the finalization of the licensure process of midwifery led birthing centers.

### **Extend Period of Time a Healthy Support Person Can Accompany a Mother Post Delivery**

Governor Cuomo will update the Executive Order 202.13, authorizing at least one support person to accompany a pregnant individual for the duration of their stay in any hospital, birthing facility, or postpartum unit, as medically appropriate. The order will clarify that "duration of stay" includes labor, delivery and the postpartum period, including recovery and that doulas are considered an essential part of the support care team and should be allowed to accompany a pregnant individual during labor and delivery as an additional support person, as medically appropriate. Exceptions should be made in limited circumstances and based on clinical guidance, such as PPE availability.

### **Mandate Testing of All Pregnant New Yorkers**

The State will implement universal COVID-19 testing for all pregnant individuals and for all support persons accompanying pregnant individuals at birthing facilities, as testing becomes available. DOH will issue guidance for COVID-19 testing that defines pregnant individuals as a priority population for testing and states that pregnant individuals be tested during pregnancy and one week prior to their estimated due date or upon admission if the second test is not conducted one week prior to delivery.

### **Ensure Equity in Birthing Options**

DOH will identify and engage community members and representatives from maternal child health serving community-based organizations to join a NYS COVID-19 Maternity Task Force working group charged with the development of a messaging and education campaign aimed at those most impacted by racial/ethnic, economic or other disparate outcomes.

### **Educational Campaign**

DOH will create an educational campaign on behalf of the Maternity Task Force designed to: emphasize the safety of and rebuild confidence in maternity care at all certified birthing facilities; explain infection control practices in each type of birthing facility; and increase patient understanding of different levels of maternity care and types of birthing facilities as well as how to work with your provider to select the appropriate patient-centered delivery.

### **Reviews of the Impact of COVID-19 on Pregnancy and Newborns with Special Emphasis on Reducing Racial Disparities in Maternal Mortality**

DOH will work with the University at Albany School of Public Health Maternal & Child Health Program to conduct a review of the impact of COVID-19 on pregnancy, host weekly statewide interactive webinars addressing the management of maternity care during the pandemic with the New York State Perinatal Quality Collaborative in partnership with American College of Obstetrics and Gynecology District II and host a webinar on obstetrical care and implicit bias within the context of the COVID-19.

In addition, the Department and American College of Obstetrics and Gynecology District II will issue guidance on best practices, including prenatal care, during the time of COVID, with a special emphasis on reducing racial disparities.



## **Executive Orders by the Governor**

### **New York State Executive Order No.202.25 (April 29<sup>th</sup>)**

Allows for the establishment of additional birthing sites operated by currently established licensed birthing hospitals and centers, modifies Executive Orders 202.12 & 202.13 to clarify that the “duration of stay” for a support person includes labor, delivery and the postpartum period, and modifies Executive Order 202.10 to allow approved hospitals to perform elective outpatient surgeries and procedures if certain criteria are met.

### **New York State Executive Order No.202.24 (April 25<sup>th</sup>)**

Authorizes licensed pharmacists to order and administer COVID-19 diagnostic and antibody tests.

### **New York State Executive Order No.202.23 (April 24<sup>th</sup>)**

Modifies the Election Law to ensure voters will be sent an absentee ballot application form with return postage paid for the June 23, 2020 elections, authorizes the Commissioner of Health to suspend or revoke the operating certificate of any skilled nursing facility or adult care facility if it is determined that such facility has not adhered to any regulations or directives, and cancels the Queens Borough President and State Assembly and Senate Special Elections, which were scheduled to be held on June 23, 2020.

# *In the News – City*



## **MTA to Disinfect NYC Transit System Daily**

Effective May 6<sup>th</sup>, the Metropolitan Transportation Authority (MTA) will close the New York City Transit system, including the Metro North and Long Island Railroad, daily from 1 a.m. to 5 a.m. for disinfection as the State and City continue to fight the COVID-19 pandemic.

According to Governor Cuomo, the MTA will launch the Essential Connector program utilizing buses, dollar vans and, if necessary, for-hire vehicles to provide transportation during the nightly closure period. An estimated 10,000 people ride the system overall during that period of time. Alternative transportation during the cleaning hours will be free for essential workers.

“...the MTA will launch what they call the essential connector program, they'll have The Uber, the Lyft, the vehicles - at no cost to the essential worker during those hours to provide transport. So, people who need transportation during 1am and 5am can have it. Will have it,” Governor Cuomo said.

The disinfecting plan was welcomed by the City’s transit workers charged with cleaning the system.

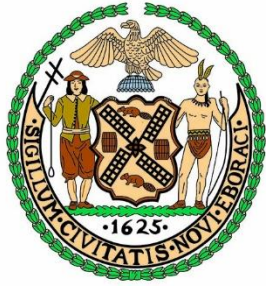


**TWU Local 100 President  
Tony Utano**

“If the MTA and the police handle this correctly, this will ensure that our members on the overnight shift can clean the stations and trains without having to contend with the homeless or mentally disturbed,” TWU Local 100 President Tony Utano said. “This is exactly the type of aggressive and dramatic action we wanted to better protect our members from contracting the virus from people camped out in the system.”

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Mayor Bill de Blasio joined the Governor’s daily COVID-19 press briefing via conference call to express his support for disinfecting plan.



## **NYC to Collaborate with U.S. Department of Defense to Help Health Care Workers on the Frontlines Cope with Stress**

*City to provide additional emotional and mental support for frontline healthcare workers in the fight against COVID-19*

The de Blasio Administration this week announced a collaboration between the U.S. Department of Defense (DoD), NYC Health + Hospitals, and Greater New York Hospital Association (GHNYA) to provide mental health programs to support health care workers and first responders on the front lines of the COVID-19 pandemic.

The new program will draw elements of the US DoD's combat stress management and resilience program for military personnel into needs assessments and a webinar training series to be used in civilian healthcare and first responder settings across the city.

Behavioral health and staff support leaders at local hospitals will receive formal training from military subject matter experts. Those who receive training will facilitate trainings to mental health specialists, spiritual care, and second victim program leads at their respective health care systems. The 'Train the Trainer' education will be available virtually on GHNYA hosted webinars for all participating NYC healthcare systems.

The US Department of Defense-led webinar trainings will begin in May for health care systems. NYC Health + Hospitals will begin to deploy trainers for facility-based trainings in early June.

According to Mayor Bill de Blasio, this work builds upon NYC Health + Hospitals' established "Help Healers Heal" program. The program offers frontline health care workers direct mental health support via a 24/7 behavioral health helpline staffed by psychiatrists/psychologists; peer support for one-on-one or group support; and 26 wellness areas across 11 hospitals and five skilled nursing facilities for staff to take a break from patient care areas.

The program also supports wellness rounds at all facilities to actively engage employees working in areas heavily affected by COVID-19. Wellness rounds focus on identifying and supporting employees showing symptoms of anxiety, depression, fatigue and burnout, and connecting them to services if requested—including one-on-one telephonic, in-person debrief, or anonymous counseling.

# Thousands of NYC School Bus Workers Furloughed After NYC Fails to Renew Bus Company Contracts Due to COVID-19 School Closure

Thousands of school bus drivers and attendants received furlough notices yesterday after New York City officials failed to renew bus company contracts while schools are closed due to the COVID-19 pandemic.

The furloughs are expected to impact about over 16,000 drivers, attendants, and mechanics. Furloughed workers will lose both their salary and health insurance.

"We're not talking about people that can really survive without medical benefits and having to go on other forms of living," said Michael Cordiello, President of Amalgamated Transit Union Local 1181, the largest school bus workers union.

Bus companies were previously receiving 85% of their normal rates from the City under a school closure agreement. A City Education Department panel was scheduled to vote on extensions of bus company payments this week, however, the extensions were removed from the agenda shortly before the meeting.

According to published reports, city officials are still looking at the contracts, but the State has stopped reimbursing the city for 44% of school transportation costs.

In the face of a \$7 billion budget deficit, Mayor Bill de Blasio has proposed more than \$800 million in cuts to the Education Department across this fiscal year and next.

Meanwhile, Governor Andrew Cuomo announced today that the public schools will not reopen for the remainder of the 2020-2021 academic year and that a decision about onsite summer programming will be made at the end of May.

## *Briefs*

### **New York State Schools to Remain Closed for the Remainder of the Academic Year**

Governor Andrew Cuomo announced today that the State's K-12 public and private schools will remain closed to onsite learning through the end of the 2020-2021 academic year in June. Online learning will continue through the end of the school year and the State will continue to suspend the 180-day onsite instruction requirement. A decision regarding summer programs will be made by the end of May.

In addition, the Governor announced that K-12 public and private schools—as well as public and private colleges and universities that were also required to go online only in March—will be required to develop and submit a fall reopening plan for State approval. According to the Governor, these plans should consider:

- How can schools monitor the spread of COVID-19?
- How do we instill parent confidence and reinforce student safety?
- When and how will extra-curricular activities reopen?
- Do protocols for special student populations change?
- On college campuses, how will housing, meals, and gatherings work?
- What steps need to be taken to ensure student mental health?
- How can colleges best work together to share services and other opportunities across public and private systems?
- Would any alternative academic calendars work?

## **Disability Group Sues Governor To Include Sign Language Interpreter At Briefing**

Disability Rights New York has filed a [lawsuit](#) in federal court against Governor Andrew Cuomo, calling upon the Governor to include an American Sign Language (ASL) interpreter at his daily COVID-19 briefings.

"Governor Cuomo's briefings cover a wide range of topics including the number of confirmed COVID-19 cases, the availability of testing, information about social distancing and other personal safety measures to be utilized by New Yorkers to stop the spread of the virus, and the coordination of local, state, and federal government emergency response systems," the group said in the lawsuit. "New York is the only state that has never provided televised in frame ASL interpretation of its COVID-19 briefings."

A sign language interpreter is available on a web stream of the briefing.

## **Governor Cuomo to Order Insurers to Offer Free Mental Health Services for Frontline Workers**

Governor Andrew Cuomo will be directing all insurers to waive any cost sharing, co-pay and deductibles for frontline workers seeking mental health services during the Covid-19 pandemic.

The State Department of Financial Services will require New York State-regulated health insurers to waive cost-sharing, including deductibles, copayments and coinsurance, for in-network mental health services for New York's frontline essential workers during COVID-19. DFS will also issue an emergency regulation to prohibit insurers from imposing cost-sharing for telehealth and in-person mental health services rendered by in-network providers on an outpatient basis to frontline essential workers eligible to be tested at one of the State's drive through or walk in COVID-19 testing sites.

Governor Cuomo also announced a new emotional [support hotline for essential workers](#).



## **Attorney General James Calls on Cable and Satellite Providers to Cut Fees and Provide Financial Relief to Consumers**

New York Attorney General Letitia James this week called on seven major cable and satellite television providers in New York to provide financial relief for consumers amidst the COVID-19 pandemic by reducing or eliminating fees attributable to live sports programming.

According to the Attorney General, cable and satellite television subscribers pay up to \$20 a month in extra fees to access live sporting events, but even with the cancellation of all live sporting events in the United States, cable and satellite television providers are still charging consumers the same amounts and refusing to provide refunds or cancellations.

In letters to Altice USA, AT&T Inc., Charter Communications, Comcast Cable, DISH Network, RCN Corporation, and Verizon Communications, Attorney General James requested that the companies immediately prepare and provide plans to the Attorney General's Office for how they will provide financial relief to consumers until live sports programming is resumed.

Attorney General James requested that these companies prepare and provide a plan for "appropriate refunds, discounts and reductions of charges and fees, payment deferrals, and waiver of termination fees, at least until live sports programming is resumed."

## **JCOPE Releases Staff Proposal for Revision to Comprehensive Lobbying and Source of Funding Regulations**

### ***Seeks Informal Comment from Regulated Community and Public***

The Joint Commission on Public Ethics ("Commission") has released a staff proposal of revisions to the Comprehensive Lobbying Regulations and Source of Funding Regulations and is seeking informal comment from both the regulated community and the general public before beginning a formal rulemaking process.

Proposed revisions to the Comprehensive Lobbying Regulations may be accessed [here](#) and proposed revisions to the Source of Funding Regulations may be accessed [here](#).

After this informal comment period, and subsequent rulemaking, staff aims to implement revised regulations by January 1, 2021, the beginning of the 2021-2022 Biennial Lobbying Period.

Written comments to the staff proposals are due on or before June 5, 2020, and should be directed to Carol Quinn, Deputy Director of Lobbying Guidance at [carol.quinn@jcope.ny.gov](mailto:carol.quinn@jcope.ny.gov).

## **NY Courts To Accept More Filings Amid COVID-19**

New York State judges will start accepting new motions and notices of appeal for pending cases in an effort to continue to expand the court's work during COVID-19 limitations, according to a letter from Chief Administrative Judge Laurence K. Marks to all of the system's justices and judges.

The expanded filings will begin Monday and include notices of appeals, new motions, responsive papers to previously filed motions and other applications including post-judgment applications, according to published reports. The filings can be made through the court's e-filing system or through a new electronic document delivery system for courts and jurisdictions where e-filing is unavailable.

The letter indicated that the expanding opportunities do not include the filing of new nonessential cases.

## **Mayor de Blasio and Speaker Johnson Announce “Project Cupid”**

*New Yorkers will be able to obtain marriage licenses online from the City Clerk*

Mayor Bill de Blasio and Speaker Corey Johnson this week announced “Project Cupid,” a joint effort between the Office of the City Clerk and the New York City Department of Information Technology and Telecommunications (DoITT) to transition the marriage licensing process fully online.

The new system will allow couples to virtually schedule and attend an appointment with the City Clerk's office, securely upload required documents for the marriage license to the City Clerk's office, and upload the signed license for submission to the City Clerk once the ceremony is complete.

The site will be available in 11 languages and Language Line will be available to provide on-demand translation services to any couple in need of translation services. Couples will be able to electronically pay their fee using the City's secure electronic payment service, CityPay.

The system is expected to go live in the first week of May. New Yorkers who would like to obtain a marriage license will soon be able to do so by visiting [nyc.gov/Cupid](https://nyc.gov/Cupid) or [cityclerk.nyc.gov](https://cityclerk.nyc.gov).

## **CDC Adds Six New Possible COVID-19 symptoms**

The Centers for Disease Control and Prevention (CDC) added to its list of COVID-19 symptoms this week, bringing the number of symptoms to nine. In addition to fever, cough and shortness of breath or difficulty breathing, the CDC cautioned that chills, repeated shaking with chills, muscle pain, headache, sore throat and new loss of taste or smell could be signs of the coronavirus.

The CDC reported this list is not all-inclusive, however, as people who have experienced COVID-19 reported an array of symptoms—from mild to severe illness. For example, some people have reported gastrointestinal issues and others have experienced purple and swollen toes, most commonly appearing in children and young adults, dubbed “COVID toes.”

## **What to Know About Absentee Voting for the June 23 Primary**

(Source: [City and State](#), April 28, 2020, excerpted)

The COVID-19 pandemic has resulted in significant changes in the upcoming June 23<sup>rd</sup> primary. The State Board of Elections canceled the Democratic presidential primary now that former Vice President Joe Biden has become the presumptive nominee. The regularly scheduled state and federal primaries will still take place across New York, but Governor Andrew Cuomo has canceled nearly all special elections that were set for June 23. Polling places in districts with races on the ballot will be open, but Governor Cuomo also expanded absentee voting in order to minimize the number of people at polling sites for the safety of both voters and poll workers.

### **Do I need to apply for an absentee ballot?**

In order to vote by mail, voters must still fill out and submit an application to receive an absentee ballot. This application will be sent to all registered voters by mail in accordance with an [April 24 executive order](#) which mandated that every registered voter in the state receive an absentee ballot application, with postage, to ensure that everyone who may wish to vote remotely has the opportunity. Voters would fill out the form, and mail it back to their local board of elections.

People can also print out an application online or apply digitally by emailing the completed form to the local board of elections.

### **Aren't there specific criteria you have to meet in order to qualify for an absentee ballot?**

Yes, and technically this is still true. However, Governor Cuomo through an [April 9 executive order](#) expanded the definition of a “temporary illness,” one of the reasons for which someone could request an absentee ballot, to include “the potential for contraction of the COVID-19 virus.” This effectively makes everyone in the state eligible for an absentee ballot. This executive order only applies to elections held on or before June 23, so a new order would be needed if the coronavirus pandemic is still an issue in November.

### **Will polling places still be open?**

Yes, all polling sites in districts with elections will still open.

# Coming Up

## New York State

*Senate in Recess at the Call of the Majority Leader*

*Assembly in Recess at the Call of the Speaker*

## New York City

**Tuesday, May 5<sup>th</sup>**

*Committee on Civil Service*, Remote Hearing, 10 a.m.

[Int 1918-2020](#) - COVID-19 Relief Package - Premiums for essential workers.

[Int 1923-2020](#) - COVID-19 Relief Package - Just cause employment protections for essential workers.

[Int 1926-2020](#) - COVID-19 Relief Package - Earned Safe and Sick Time Act.

[T2020-6139](#) - Requiring health insurance coverage for surviving family members of municipal employees who died as a result of a complication related to COVID-19.

[Res 1285-2020](#) - COVID-19 Relief Package - Clarifying the test for classification of workers as independent contractors or employees by extending the test set forth in Articles 25-B and 25-C of the New York Labor Law to apply to all workers.

[T2020-6145](#) - Automatically classifying the deaths of all municipal employees who died from COVID-19 as line-of-duty deaths.

**Wednesday, May 6<sup>th</sup>**

*Committee on Finance & Subcommittee on Capital Budget*, Remote Hearing, 10 a.m.

New York City Council Fiscal New 2021 Executive Budget Hearings

- Office of Management & Budget 10:00 - 1:00
- Independent Budget Office 2:00 - 3:00
- Design & Construction 3:30 - 4:30

**Thursday, May 7<sup>th</sup>**

*Subcommittee on Landmarks, Public Sitings and Dispositions*, Remote Hearing, 1 p.m.

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**To Our Clients:** If you have any questions regarding any of the matters addressed in this newsletter, or regarding any legislative, government relations or political or consulting or related issues in general, please contact the Pitta Bishop & Del Giorno LLC professional with whom you usually work.

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