



NEW YORK STATE SENATOR

Daphne Jordan

Senator Jordan introduces “Get New York Back to Work Act” to help protect small businesses, schools, universities, non-profits, and religious organizations and their employees from civil liability related to COVID-19 spread

SENATOR DAPHNE JORDAN July 20, 2020

| ISSUE: **BUSINESS REOPENING, REOPENING NEW YORK, ECONOMY**



# NEWS

## from New York State Senator Daphne Jordan

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Halfmoon, NY – As thousands of employers across New York State work to reopen, and many more struggle to survive the crushing economic fallout and significant operational disruptions of the COVID-19 outbreak, Senator Daphne Jordan (R,C,I-Halfmoon) has introduced new legislation to safeguard small businesses, schools, universities, non-profits,

and religious organizations and their employees from civil liability to help get New Yorkers back to work.

Senator Jordan's legislation, Senate Bill S.8800, the "Get New York Back to Work Act," would limit the civil liability of employers and employees for the spread or possible transmission of COVID-19 caused by an act or omission while acting in good faith. Senator Jordan's bill defines good faith as "making reasonable efforts to act in compliance with applicable public health guidelines or industry standards and guidance."

Senator Jordan's Get New York Back to Work Act would amend the State's Labor Law to establish definitions and provide that no individual, business trust, legal representative, corporation, company, association, firm, partnership, society, joint-stock company, university, school, not-for-profit, religious organization, or any organized group of such entities shall be liable in any civil action for the spread or possible transmission of COVID-19 caused by an act or omission of such person acting in good faith in the workplace.

Senator Jordan's initiative also includes language that ensures that the protections do not cover those who willfully or negligently were responsible for the spread of the deadly

pandemic. The bill memo for Senator Jordan's new legislation is available at the following link: <https://www.nysenate.gov/legislation/bills/2019/s8800>.

In addition to its effects on public health and loss of life, the COVID-19 outbreak has had a devastating impact as the statewide economy was shut down through Governor Cuomo's New York on PAUSE directive issued March 22. The COVID-19 outbreak and subsequent shutdown have been cataclysmic as many small businesses have closed, face the threat of potential permanent closure, and approximately 1.5 million New Yorkers were out of work as of June, constituting a staggering 16 percent state unemployment rate.

While many businesses across the state have begun to reopen as New York has moved through various economic reopening phases, there is a significant gap in the protections currently afforded to both employers and employees while the economy gets back on its feet, namely, a lack of protection against liability for the transmission of COVID-19. Senator Jordan's bill addresses that gaping shortfall.

"The human toll of COVID-19 has been tragic as thousands of New Yorkers have lost their lives. The economic impact of COVID-19 has also been devastating. Small businesses and

numerous organizations – both private and non-profit – have closed, over a million workers have lost their jobs, while state and local sales tax revenues have plummeted. Small businesses, schools, universities, non-profits, and religious organizations are eager to reopen – and their employees want to get back to work. They should be able to do so without fear of civil lawsuits and legal liability related to COVID-19. That’s why I introduced the Get New York Back to Work Act, so we could provide a measure of necessary legal protections for employers and their employees who act in good faith this necessary safeguard,” Senator Jordan said.

“As the former owner and operator of two small businesses, I know that customers are at the heart of any business. I’ve heard from countless employers and employees across my 43rd Senate District who are doing everything and anything they can to help keep their customers, clients, members, and guests safe and healthy during the COVID-19 outbreak. The reality is that New Yorkers – employers and employees alike – who act in good faith should not be subjected to lawsuits or the threat of lawsuits for the simple act of trying to provide for themselves or their families as they seek to reopen and resume their operations,” Senator Jordan stated.

“My bill is a smart solution to ensure that employers or employees in the workplace who act in good faith are not held unreasonably accountable in civil court for the potential spread of COVID-19. As the State Senate resumes session this week, bipartisan support for, and

passage of, my bill would send an excellent message to employers and employees that state government understands their concerns and has their backs as we continue moving forward with a safe, sensible, and necessary economic reopening,” Senator Jordan said.

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#### RELATED LEGISLATION

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### **2019-S8800**

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- - Passed Assembly
  - Passed Senate
  
- Delivered to Governor
  
- Signed By Governor

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Relates to limiting the civil liability of employers and employees for the spread or possible transmission of COVID-19 caused by an act or omission while acting in good faith

July 17, 2020

In Senate Committee [Rules](#)

Sponsored by [Daphne Jordan](#)

Do you support this bill?