



COVID-19 UPDATE
To the Members of the Syracuse Builders Exchange
Earl R. Hall, Executive Director
April 17, 2020

The United States Department of Labor reported Thursday that Americans filed 5.2 million jobless claims last week, pushing the four-week total to over 22 million as the coronavirus pandemic continues to have a devastating impact on the national workforce and the economy in general. The new report, which covers the week ending April 11, puts cumulative job losses for the past month well ahead of those during the 18-month Great Recession of 2007-2009, until now judged the worst downturn since the Great Depression.

Over 400,000 New Yorkers filed unemployment insurance claims last week, with another 275,000 claims that remain outstanding. In March, New York State saw its biggest drop in jobs since 2009. A total of 1.2 million benefit claims have now been completed within the last five weeks as the coronavirus pandemic has crippled the state's workforce and economy.

On Thursday, New York Governor Andrew Cuomo extended the Executive Order requiring all non-essential workers to work from home until May 15, 2020. Construction remains an essential industry which is permitted to service other essential businesses, including municipalities, governments and schools.

OSHA ENFORCEMENT COVID-19

Earlier today I received a link from the Occupational Safety and Health Administration's ("OSHA") New York Regional Office Compliance Director. OSHA has issued a Memorandum on Discretion in Enforcement when Considering an Employer's Good Faith Efforts During the Coronavirus Disease 2019 (COVID-19) Pandemic, which will take effect immediately and remain in effect until further notice. [Click here for Memorandum.](#)

In light of the coronavirus disease 2019 (COVID-19) pandemic, OSHA understands that some employers may face difficulties complying with OSHA standards due to the ongoing health emergency. Widespread business closures, restrictions on travel, limitations on group sizes, facility visitor prohibitions, and stay-at-home or shelter-in-place requirements may limit the availability of employees, consultants, or contractors who normally provide training, auditing, equipment inspections, testing, and other essential safety and industrial hygiene services.

During the course of an inspection, OSHA Area Offices will assess an employer's efforts to comply with standards that require annual or recurring audits, reviews, training, or assessments, and evaluate whether the employer has made good faith efforts to comply with applicable OSHA standards and, in situations where compliance was not possible, to ensure that employees were not exposed to hazards from tasks, processes, or equipment for which they were not prepared or trained. This guidance is intended to be time-limited to the current public health crisis.

EMPLOYEES OPTIONS UNDER FFCRA

Over the past few weeks, the Syracuse Builders Exchange has fielded numerous phone calls and emails from employers who are confused on how to advise their employees on paid family leave and/or paid sick leave under the Families First Coronavirus Response Act (“FFCRA”). Our friends at the Finishing Contractors Association developed a flow chart which is an excellent guide for employers to identify what to advise employees based upon different scenarios. In addition, it also helps contractors understand when the FFCRA mandates employers pay Emergency Family Medical Leave (E-FMLA) and Emergency Paid Sick Leave (E-PSL). [Click here for flow chart.](#)

For more information on FFCRA, please visit:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

CLARITY ON FACE MASK/COVERING EXECUTIVE ORDER

“For all essential businesses or entities, any employees who are present in the workplace shall be provided and shall wear face coverings when in direct contact with customers or members of the public. Businesses must provide, at their expense, such face coverings for their employees. This provision may be enforced by local governments or local law enforcement as if it were an order pursuant to section 12 or 12-b of the Public Health Law. This requirement shall be effective Wednesday, April 15 at 8 p.m.”

Please note the Executive Order is specific to only those employees who are “in direct contact with customers or members of the public.”

A handwritten signature in blue ink, appearing to read "E. Adair", is located at the bottom left of the page.