



February 25, 2021

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MEMORANDUM IN OPPOSITION

S.1034 (Gianaris) / A.2681 (Reyes)

The Buffalo Niagara Partnership, on behalf of its members who employ more than a quarter of a million people in the region, opposes S.1034 (Gianaris) / A.2681 (Reyes). This proposal would place duplicative and time-consuming regulations on businesses and allow punitive damages on employers that are already complying with ever-changing state and federal COVID-19 safety protocols.

BNP members have closely followed COVID-19 safety protocols and executed detailed organizational plans to keep both their employees and customers safe over the past 11 months. Compliance with New York's safety executive orders and federal Occupational Safety and Health Administration guidelines has been a top priority as employers of all sizes across a variety of industries have faced great economic uncertainty. The business community's due diligence has helped stop the spread of COVID-19. Per New York's Statewide Contact Tracing Data Report, less than five percent of all transmissions statewide have occurred at private businesses.

This legislation offers nothing that will ensure the enhanced safety of employees. Instead, it regrettably adds to the already well-documented regulatory burden on New York employers, especially small businesses which are ill equipped to absorb additional mandates at a time when many are questioning their economic viability moving forward. This proposal also places a giant litigation target on the backs of employers while New York State leaders have refused to entertain the idea of providing temporary COVID-19 liability protections. New York State does not need another piece of legislation that serves to guarantee business for the state's powerful trial bar. What New York State does need is a government laser focused on getting people back to work, supporting key industries devastated by the pandemic, and assisting employers in effectively implementing and maintaining current and future safety protocols.

For these reasons, the BNP opposes this legislation.