
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

January 2021

Tell the Governor to Lift the 10 PM Curfew – The State’s recent decisions to remove cluster zone restrictions and permit indoor dining in New York City are welcome news, but with the Super Bowl only days away, it’s time to turn our attention to lifting the 10 pm curfew. You can safely operate your establishment at any time, including past 10 pm. Compliance with the government’s restrictions is dependent on your commitment to following the rules – and if you can do it at 9 pm you can do it at 11 pm.

Please take a moment to **call the Governor’s office between 9 am and 5 pm at 1-518-474-8390**. Tell Governor Cuomo to **lift the 10 pm curfew on restaurants and taverns – let us stay open to midnight**

You are working hard to keep your businesses afloat and protect your patrons and staff. Lifting the curfew for two hours will provide an additional table turn for restaurants and will encourage customers to come out to their neighborhood tavern without having to scurry out before they turn to pumpkins at 10 pm.

Make your call now – we only have a few days to convince the Governor to do this before Super Bowl Sunday!

NYS Offers Free Online Ordering for Restaurants & Taverns – Empire State Digital is collaborating with Ritual and PayPal to launch a relief program to help hospitality businesses across our state move to contactless transactions, implement touchless payments and increase their online orders.

Through March 31, 2021, e-commerce company Ritual will offer its commission-free digital ordering platform Ritual ONE to New York’s restaurants, taverns, and bars at no cost. Additionally, PayPal has committed \$1 million towards discounted purchases for customers who make a purchase at those businesses who sign up for Ritual ONE. Through this effort:

- Ritual will provide its commission-free digital ordering platform Ritual ONE to New York businesses at no cost through the end of March 2021. If 2,500 businesses sign up on the program ahead of March 31, Ritual will waive costs for April 2021 as well.
- This includes waiving set-up, monthly subscription, and credit card processing fees. Your businesses will keep 100% of your sales (for takeout and delivery) through Ritual ONE during this trial period..

- \$1 million in customer discounts will be funded by PayPal and Ritual to customers to spend at businesses on Ritual ONE starting in February 2021.

To learn more or enroll into this program, please visit invite.ritual.co/tavern to sign up immediately for FREE or call (917)-719-4999 between 9 am to 5 pm, Monday through Friday.

State Issues New Guidance on Use of COVID-19 Sick Leave – The New York State Department of Labor (NYDOL) issued new guidance this month for employers regarding COVID-19 sick leave. As you should be aware, New York employers are required to provide paid and/or unpaid sick leave to employees subject to a mandatory or precautionary order of quarantine or isolation due to COVID-19 (in addition to paid sick leave under state law).

The guidance answers the following four questions:

1. How many times may an employee be eligible for New York COVID-19 sick leave?

Employees may be eligible to take New York COVID-19 sick leave as many as three times if they are subject to three orders of quarantine or isolation due to COVID-19, but only if the second and/or third quarantine or isolation order is based on a positive diagnostic test result for COVID-19.

2. What is an employer's obligation if an employee tests positive for COVID-19 after returning to work from a period of quarantine or isolation?

An employee who returns to work following a period of mandatory quarantine or isolation, but then subsequently tests positive for COVID-19, cannot report to work, automatically is subject to a mandatory order of isolation, and is entitled to New York COVID-19 sick leave (again). The employee must provide documentation of the positive test result from a licensed medical provider or testing facility (unless the employer gave the employee the test).

3. What is an employer's obligation if an employee continues to test positive for COVID-19 after the employee's quarantine or isolation period has ended?

Employees are not required to take a follow-up test to discontinue their quarantine or isolation. However, if an employee does follow-up testing and continues to test positive for COVID-19 after the employee's quarantine or isolation period has concluded, the employee is prohibited from returning to work. The employee must provide documentation of the positive test result from a licensed medical provider or testing facility (unless the employer gave the employee the test).

4. What is an employer's obligation if an employee is exposed or potentially exposed to COVID-19 but not (yet) subject to an order of quarantine or isolation?

Employees who are exposed or potentially exposed to COVID-19 and required by their employer to remain out of work must be paid their regular rate of pay until: (a) they are permitted by their employer to return to work; or (b) they become subject to a mandatory or precautionary order of quarantine or isolation. If employees become subject to such an order, then the employer is required to provide them with COVID-19 sick leave.