
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

September 2021

Golf Outing Brings Together Members From Around the State - It was heartwarming to see our members and friends from around the state at Cronin's Golf Resort in Warrensburg this week. We had more than 50 golfers load up their carts and hit the links for a beautiful day in the Adirondacks at our Annual Cleo Emmer "Open for Hospitality." When the weather is beautiful, as it was for this year's outing, there's no better place to be than playing golf than on this golf course bordering the Hudson River.

The on-course hospitality kept our golfers refreshed throughout the day and the competition on the course was stiff. Attendees enjoyed the prizes and products donated by the Adirondack Pub & Brewery, Beer Depot, Boston Beer, Empire Merchants, Keegan Ales, Mill House Brewery, Seneca Beverages, and Southern Wine & Spirits. The winning team, with a score of 62, hailed from Ulster County. An eagle on their final hole secured first place in the outing, nudging out teams from Madison and Orange Counties that both carded a 63. The team from Madison County secured second place by matching cards and edging out the team from Orange County on the sixth handicap hole.

We were fortunate to have the support of a long list of tee sponsors: Albany County Restaurant & Tavern Association, Cortland County Restaurant & Tavern Association, Fleury Risk Management, Golden Rail Alehouse, Hotel Solsville, Madison County Restaurant & Tavern Association, McCarthy's Pub, Michael T's, My Place, Orange County Restaurant & Tavern Association, O'Tooles' Pub, Park Lounge, Ray Brothers BBQ, Slick's Restaurant, Suffolk County Restaurant & Tavern Association, Tobins II, Tompkins County Restaurant & Tavern Association, Verona Hotel, and Willowbrook Golf Club. Thank you all for your contributions to the outing's success!

Cuomo Resignation Ushers In New Hochul Administration - The resignation of Andrew Cuomo last month has led to the ascension of Kathy Hochul to Governor. The new Governor immediately announced that anyone cited in Attorney General James' report on Governor Cuomo for doing anything untoward would be asked to leave the administration. She also said she was going to take 45 days to review all of the Executive staff and decide who would be asked to stay and who would be asked to leave. Things are a little unsettled during this transition but we're not expecting any changes at the State Liquor Authority nor at any of the other agencies that are most involved in regulating your business.

Health Commissioner Designates COVID-19 as HERO Act Illness - On May 5, 2021, the New York Health and Essential Rights Act (NY HERO Act) was signed into law. The purpose of the NY HERO Act is to protect employees against exposure and disease during an airborne infectious disease outbreak.

The New York State Department of Labor released a series of minimum standards and advanced COVID-19 safety standard recommendations for employers to follow. Businesses can follow the industry-specific safety plan templates or devise their own plans that meet or exceed the minimum standards. Among the minimum requirements in a safety plan are:

- A “stay at home” policy that acknowledges if a worker develops infectious-disease symptoms, the employee should not be in the workplace.
- Employees will wear face coverings throughout the workday “to the greatest extent possible.” Face coverings and physical distancing should be used together “whenever possible.”
- Employees will be screened for symptoms of the infectious disease at the beginning of their shift.
- Special accommodations must be provided to some employees who due to age, underlying health condition, or other factors may be at increased risk of severe illness if infected.

Here’s the timeline for HERO Act implementation:

- May 5, 2021 – NY HERO Act signed into law
- July 6, 2021 – DOL publishes model standards
- August 5, 2021 – Deadline for employer adoption of airborne infections disease exposure plan
- September 4, 2021 – Deadline for employer airborne infections disease exposure plan distribution to employees

At the direction of Governor Hochul, New York State Commissioner of Health, Howard Zucker, designated COVID-19 as a highly contagious communicable disease that presents a serious risk of harm to the public health at the beginning of September. Under the new HERO Act law, this designation requires employers to implement their HERO Act plans (adopted by August 5, 2021) in order to reduce the risk of employee exposure to this disease.

The New York State Department of Labor is the primary enforcement agency of the HERO Act, but the State Liquor Authority could include examination of your HERO Act plan as part of a standard SLA inspection of your premises. More information about the HERO Act can be found on the NYS Department of Labor’s website: <https://dol.ny.gov/ny-hero-act>.