



From: Association for a Better Long Island

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UNPRECEDENTED L.I. BUSINESS COALITION URGES CONGRESS TO PASS LEGISLATION CREATING A COVID-19 BUSINESS LIABILITY SHIELD

As Long Island embarks on reopening the economy, businesses worry about reopening when a national poll finds 36% of employees would sue employers if they contract COVID-19

LI Business Coalition: Now is the time to bring our employees back and restart the economy, the threat of costly litigation slams the door closed before it even opens

(Hauppauge, New York) – Stating that businesses, offices, and retailers place themselves at enormous financial risk without a Congressionally mandated COVID-19 business liability shield, an unprecedented coalition of Long Island business associations is calling upon Washington to enact legislation before the first lawsuits are filed by those claiming negligence.

It takes an issue of such magnitude and concern that reaches virtually every corner of the Long Island business community, stretching from family owned stores to Fortune 500 companies, property owners to manufacturers, builders to higher education, to form this unprecedented coalition, advocating for a COVID-19 business liability waiver.

In a joint letter to Congressional leadership signed by executives of the Association for a Better Long Island, Long Island Association, Long Island Builders Institute, Discover Long Island, Hauppauge Industrial Association of Long Island, Long Island Contractors Association, Long Island Business Council, Ignite Long Island, Nassau Council of Chambers of Commerce and Suffolk County Alliance of Chambers, the coalition warns, “Regardless of how stringent a business follows CDC disinfecting protocols, tests its employees, and monitors those who enter and exit its premises, it will be impossible to completely eliminate the threat of infection. Therefore, unless Congress acts, business owners will be liable from employee, visitor and/or customer lawsuits.”

A choice: Stay closed or welcome the plaintiffs

The Long Island business community cited the rise of the next growth industry: COVID-19 litigation.

In their letter to Congress they referenced a recent survey conducted by Engagious, the Sports and Leisure Research Group, and ROKK Solutions, which found that 36% of American workers would sue their employers if one of their co-workers contracted COVID-19 upon their return to work, and soon after contracted it, themselves.

Another 26% said they would sue even if the employer instituted extensive mitigation protocols to protect them from the virus, and regardless of whether they'd signed a release holding their employer harmless. This threat will make businesses, large and small, think twice about reopening and/or whether it is even worthwhile to continue operations.

Kyle Strober, executive director of the Association for a Better Long Island (ABLI), stated, "The formation of this unprecedented coalition should immediately send warning signs to Congress of the potential economic harm should this issue not be addressed. The lack of a liability waiver could well be the tipping point for any number of businesses caught in the double body blows of a three-month shut down followed by litigation from any employee or visitor who chooses to accuse the business or property owner as their source of COVID-19 infection. A frivolous lawsuit can cost a business \$25,000 to defend against."

Casting out the bad actors

The business coalition warns this threat will cause businesses across the country, large and small, to weigh the options of reopening as well as the need to make certain that bad actors who exhibit gross negligence should be punishable.

In the letter, the coalition writes, "As a result, we anticipate hundreds of businesses and tens of thousands of jobs could be lost on Long Island and countless others across the nation. This disturbing but likely scenario makes it critical to address this issue now if our nation is to successfully restart our economy. Lastly, our push does not include gross negligence to be covered; bad actors who do not protect their employees and customers will only hurt the business community by encouraging the spread of the virus and potentially a second wave."

"The need to ensure that our businesses can reopen and take positive steps without the fear of litigation is an essential component of the reopening and operating process," said **Mitchell Pally, Chief executive officer of the Long Island Builders Institute**. "We need our congressional delegation to take the lead to protect the interests of our small business community."

Terrible irony for the economy

"Throughout the course of this pandemic, employers across Long Island have admirably united with their employees in countless ways to help minimize the public impact of COVID-19," said **Terri Alessi-Miceli, President and CEO of HIA-LI**. "It would be a terrible irony if these two constituencies were now to be pitted against each other just as workplace conditions are returning to the new normal. We implore Congress to take action to help well-intentioned employers from this kind of costly and needless litigation."

"Long Island's economy is driven by the same small business community that has been decimated by the outbreak of COVID-19," said **Marc Herbst, Executive Director of the Long Island Contractors' Association**. "I urge congressional leadership and the Long Island delegation to ensure they are protected from frivolous lawsuits."

“As we begin to welcome back residents and visitors in a safe environment it is imperative that we also take steps to protect our businesses who have suffered immeasurably during this crisis,” said **Kristen Jarnagin, President & CEO of Discover Long Island**. “Opening the doors to commerce is the only road to recovery for Long Island’s economy and the burden of that process falls primarily on business owners. This can’t be achieved if businesses are forced to decide whether to open safely and serve as an opportunistic target or remain closed and lose their livelihoods. We stand with the LI Business Coalition is urging Congress to provide business protections.”

"Long Island has so many business owners and operators that seek to do the right thing for preserving the public health by following scientifically-based guidelines, such as requiring the appropriate use of masks by employees and customers, conducting cleaning and other sanitary measures, maintaining distancing to the greatest degree possible, readily supplying sanitizers, providing curbside service, etc. It is only fair that those who take such responsible and ethical actions should have their efforts acknowledged and be afforded a basic level of protection from predatory lawsuits searching for the easy score," **Michael Harrison, executive director of the Long Island Business Council**.

“The Suffolk County Alliance of Chambers of Commerce supports initiatives to make it safe for patrons, employees and owners to shop and work in brick and mortar stores. There is a need for strong protections for owners and operators as they reopen their businesses and try to return to this new normal. We are cautiously optimistic that measures will be put in place on a national level to support and protect all who enter a small business establishment but especially the owners. We at the SCAC support ABLI and others with these efforts,” said **Gina Coletti & Bob Fonti, Founders-Co Chairs, Suffolk County Alliance of Chambers**.

Dennis Grossman, President of the Nassau Council of Chambers of Commerce & Great Neck Chamber of Commerce, stated, "Store owners, restaurants & local establishments are an integral part of our communities and in many cases, they are the community. They support local residents, stepping up in times of need and crisis such as the current COVID-19 pandemic. They supply food, critical services and accommodate the shopping & hospitality needs of their local communities. Protection against `virus liability issues` will allow store owners to focus on providing services and rehiring employees rather than the risks of reopening. We certainly don't want legal issues to further devastate our local businesses, potentially leaving empty stores, closed `favorite` restaurants and loss of critical services. In addition, the jobs they provide & tax revenue to governments represent the basic economics our region desperately needs.”

"This legislation works to restore confidence on behalf of business owners who are faced with monumental decisions in the recovery phase of the COVID pandemic. As uncertainty cripples small and local businesses, the Business Liability Shield restores the confidence needed to operate, grow, and employ our friends and neighbors. It is time that we safely get back to work, Long Island's manufacturing community calls on Congress to pass this legislation and restore confidence to Long Island's entrepreneurs and business owners," said **Patrick Boyle, executive director of Ignite Long Island**.

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