

WEDNESDAY, FEBRUARY 3, 2021

10:58 A.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Tuesday, February 2nd.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to

dispense with the further reading of the Journal of February the 2nd and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Just if I could, first of all, welcome my colleagues back to the third day of our Session this week and for those both remotely and those in the Chambers, we do have a little work to do today, and it's important work as always. I would like to provide a quote prior to starting, Mr. Speaker. The -- our quote today is coming from a printer who eventually became an abolitionist. His name is William Lloyd Garrison. He was born in Maryland and actually died in New York City. His quote today says, *Enslave the liberty of but one human being and the liberties of the world are in peril*. Something critically important for us to heed, Mr. Speaker, as we are in these trying times in American society.

With that, members have on their desk a main Calendar and a two bill A-Calendar. Mr. Speaker, I would move that we would advance that A-Calendar.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. Our principal work today is going to come from that A-Calendar, but before we get started with that if we could go to the

main Calendar and take up the two resolutions that are there, and then immediately following Session we will have a need for a Majority Conference. Clearly, we will check with our colleagues on the other side of the aisle to determine what their needs are, but that's the only one we have for today, Mr. Speaker, and if you have any housekeeping that you need to handle before we get started, now would be an appropriate time.

ACTING SPEAKER AUBRY: No housekeeping this morning, Mrs. Peoples-Stokes.

The Clerk will read resolutions on page No. 3, the main Calendar.

THE CLERK: Assembly Resolution No. 42, Mr. McDonald.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 2021 as American Heart Month in the State of New York.

ACTING SPEAKER AUBRY: Mr. McDonald on the resolution.

MR. MCDONALD: Thank you, Mr. Speaker. I rise today to speak on this resolution memorializing Governor Andrew Cuomo to proclaim February 2021 as American Heart Month in New York State. Each year, the American Heart Association, the National Heart, Lung, and Blood Institute and many other health-oriented organizations celebrate American Heart Month to raise awareness of the serious -- seriousness of heart disease and to promote healthy

lifestyles. According to the Center for Disease Control and Prevention, heart disease is the leading cause of death in the United States. It is imperative that there be greater public awareness of this health issue, and more must be done to increase activity at the local, State and national levels to promote screening, to support patients and their families. Thank you.

ACTING SPEAKER AUBRY: Thank you, Mr. McDonald. As one who suffers from heart disease, I appreciate this resolution greatly. Thank you so very much.

On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 43, Mr. Cusick.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 3rd, 2021 as Four Chaplains Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

We will now go to the A-Calendar, resolution on page 3.

THE CLERK: Assembly Resolution No. 44, Mr. Sayegh.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim February 5th, 2021 as Kashmir

American Day in the State of New York.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

The Clerk will read. Page 4, Bill No. 3354-B.

THE CLERK: Assembly Bill No. A03354-B, Rules Report No. 16, Fall, Abbate, Sillitti, Simon, Thiele, Rajkumar. An act to amend the Civil Service Law and the Labor Law, in relation to leave time for COVID-19 vaccination; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: There is an amendment at the desk by Mr. Goodell to briefly explain that amendment while the Chair examines it.

MR. GOODELL: Thank you, Mr. Speaker. I offer the following amendment and waive its reading, and I appreciate the opportunity to explain it.

The bill-in-chief would provide that any public or private employer must provide their employees up to four hours of Paid Sick Leave in order to receive a COVID-19 vaccination. And while certainly all my colleagues on both sides of the aisle support the need to have as many people vaccinated as quickly as possible, we also think that we need to be cognizant of the unique challenges that many of our employers face when meeting contractual minimum staffing levels or ensuring that there's a teacher in the classroom, or that critical nursing care is provided in our skilled nursing facilities.

Many of our Collective Bargaining Agreements across the State not only require minimum staffing, but often require a minimum call-in notification. So reflecting those two interests, the interest in making sure as many people get vaccinated as possible while also reflecting the legitimate scheduling challenges of employers, the amendment would add a requirement that employees, when they obtain an appointment for the vaccine, that they promptly notify their employer so that the employer can make appropriate adjustments to staffing to ensure that public safety, to help the residents in nursing homes and hospitals or the kids in our schools have appropriate staffing.

Then the second component of this amendment would require that the employee provide the employer with verification that they got the shot, and that notification is important for two reasons: First to document that the employee actually did exactly what we hoped they would do, which is get the shot and, second, if for some reason they could not get the shot, perhaps it was not available, it would then provide the justification for the employee to take the time off necessary to actually receive the shot. So we believe this is an amendment that's consistent with the overall purpose, but strengthens the bill-in-chief. Thank you, sir.

ACTING SPEAKER AUBRY: The Chair has examined your amendment and found it germane to the bill before the House.

On the amendment.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Let me appreciate our colleagues on the other side of the aisle for wanting to add an amendment to Mr. Fall's bill. It's -- it's always good to have good collegial conversation, but in my estimation the time to have a good collegial is before we get to this moment on the floor. This is legislation that is not unlike existing legislation that's already in place, particularly as it relates to health issues. We are in the midst of a global pandemic. Most scientists, most doctors, the CDC, even our own Governor and many of us would like to see everyone get a vaccine. Mr. Fall's desire with this legislation which, by the way, has a Senate sponsor that will be voted on today, his desire is to make sure that employees are not hampered by that.

I don't think that this amendment is necessary. I think that there is, without doubt, already an agreement between an employee and an employer about when you are going to not be at your job or when you are going to leave for whatever reason. If you have to go to a dentist appointment, you have to alert your employer. So, I -- and I don't think that Mr. Fall's legislation by any means is removing any existing minimum staffing requirements or any existing minimal call-in requirements that employees have. This is an amendment that is not necessary to be attached to this bill today, and I would ask that it not be considered. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mrs.

Peoples-Stokes.

Mr. Goodell on the amendment.

MR. GOODELL: Thank you, sir. I cannot agree more with my esteemed colleague, the Majority Leader, our desire to get these amendments before the House faster. The problem that we face in the Minority is that -- is that we weren't advised by the Majority that this bill would be on today's Calendar until yesterday. It was late yesterday afternoon when we were advised that these bills would be on today's Calendar. And so after Session yesterday, in the evening, the Minority Conference had a special conference to discuss the bills. And, of course, we have to provide time for our staff to review it and be prepared to discuss it. And so late last night, we're working on the amendment. And as everyone here knows, all amendments have to go through bill drafting. Now, we're thankful that bill drafting came in early and started working on the amendment, but we didn't get a draft back from bill drafting until after ten o'clock this morning. So we absolutely would love to provide more advanced notice to our colleagues of proposed amendments and in that spirit of cooperation, I would ask that the Majority give us more advanced notice of what's going to be on the Calendar so that we can accommodate their desire to have more advanced notice of proposed amendments.

Having said that, these amendments that we are suggesting are very commonsense, practical amendments that are consistent with the intent and purpose of this bill that just help make

sure that our employers receive prompt notification of the date, time, and place of a COVID appointment so they can make sure that there's adequate staffing in our skilled nursing facilities, that we have adequate staffing in our elementary schools with substitute teachers, that we have adequate staffing in our jails and correctional facilities, or for public safety reasons. So these amendments I think make a great deal of sense and I -- I urge my colleagues to consider them and that, again, my apologies to all of us for the short notice and hopefully if we get more notice in the Minority, we'll be able to provide more notice to the Majority. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Reilly on the amendment.

MR. REILLY: Thank you, Mr. Speaker. In regards to this bill when it came up in the Government Employees Committee, I raised the -- the issue of notification from the employee to the employer, especially on the aspect of the bill-in-chief that covers private employers. This is something that I think really needs to be amended and I suggested that yesterday in Committee meeting -- in the Committee meeting which gave us ample time before it came to the floor in my opinion. And I think that this amendment is very important and it gives a little bit of safeguards and integrity of any program that's instituted in regards to this potential change of law.

So the -- the conversation was started before it got to this point and, unfortunately, there was no movement on it, but I think it's time now that we can take that opportunity and truly correct some

of the inefficiencies -- some of the deficiencies that may be -- may incur with this legislation. So, thank you, again, for your time. I appreciate it, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Lunsford.

MS. LUNSFORD: Thank you. Given the very, very short time frame in which we've had to consider this bill and the realities of the scheduling difficulties that correspond with this particular bill that I fully support, I'm going to vote for this amendment, though I will say that I -- I do not like the proof aspect of it. I don't think people should have to justify why they are taking time off. I think it's a little patronizing to require them to give proof that they received a vaccine; however, the scheduling can be very, very challenging in many settings, especially with small businesses and schools so, as a result, I'll be voting with the Minority.

ACTING SPEAKER AUBRY: Ms. Griffin.

MS. GRIFFIN: Yes, I just had a question on this amendment. Sometimes in scheduling these appointments they come up very quickly. Sometimes it could be you call up right now and you can come in in an hour. So I wondered how that fits into this amendment. I do appreciate this amendment because I think it makes some good points, but I wouldn't want someone to lose out if it was the day of and, you know, so I just wondered if that could be answered by Mr. Goodell what would happen in that case.

(Pause)

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I would -- I would like to remind my colleagues that this is a Party vote and Majority members should be recorded as an affirmative that we are not supporting this amendment to Mr. Fall's bill. I did earnestly hear my colleague, and the timing is an issue for them, I get it. But they have the same ability as Mr. Fall does to introduce legislation, and I think the legislation, the chief bill before us is the proper bill. I don't believe that the vast majority of the people who are seeking a vaccine have any desire to break the rules that they have already guaranteed or signed onto with their employer. They already understand they need to prove that they're leaving the building. They already understand that they need to share the fact; in fact, they would be very happy to share the fact that, *I have a vaccine*. Most people who have one get a little card. I'm sure it's not going to be a problem for them to walk into the office the next day and give it. Or to come back in an hour because it doesn't take four hours to take -- to get the vaccine.

So, again, Mr. Speaker, this is a Party vote where I'm asking my colleagues to join myself and others in voting negative on this amendment. And, obviously, as always if there are exceptions, we will be happy to take your exception by contacting my office. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

Mr. Goodell.

MR. GOODELL: Thank you, sir. The Republican Conference will generally be voting in favor of the amendment. If there are any members of the Republican Conference that want to vote against the amendment, then they should contact the Minority Leader's Office so we can properly record your vote. Thank you, sir.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Again, members are reminded that this is a Party vote. If you have a wish to vote against the Party recommendation, you will call either the Minority or the Majority Leaders at the numbers previously provided.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we do have exceptions: Mr. Santabarbara, Ms. Lunsford, Ms. Woerner, Mr. Burke, Mr. Stirpe, Ms. McMahon, and Ms. Fahy, and Ms. Griffin.

ACTING SPEAKER AUBRY: So noted.

Announce the results.

(The Clerk announced the results.)

The amendment is defeated.

On the bill.

Mr. Goodell.

An explanation is requested, Mr. Fall.

MR. FALL: The purpose of this bill is to give public

and private employees up to four hours of paid leave per COVID vaccine injections. The vaccine rollout has not been smooth. People have to take appointments when they can get them. Sometimes the only choice has been for workers to accept appointments at times when they are scheduled to work. This bill will ensure that hardworking New Yorkers are not forced to choose between their employment and their vaccination, their livelihood or their lives. It will promote vaccinations and help to transition New York toward a post-COVID economy.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, sir. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Fall, will you yield?

MR. FALL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GOODELL: Thank you, Mr. Fall. As you know, last year we passed legislation requiring almost every employer across New York State regardless of their prior agreements to provide a certain amount of sick leave to every employee. And I know that legislation occurred prior to your being elected - welcome to the floor of the Assembly, I think this is probably your first debate. How does this legislation correlate to that?

MR. FALL: So the sick leave bill that you're referring to, an employee would have to accumulate a certain amount

of time in order for them to have a certain amount of hours of sick leave. For this bill, it's really specific to ensure that employees have four hours of, you know, to get vaccinated per injection. And so, it's separate from the bill that you are referring to -- the law that you're referring to from the previous years.

MR. GOODELL: So I appreciate that situation where the Paid Sick Leave might not yet kick in for a new employee. But for an employee that already has substantial sick leave, why should they get additional sick leave rather than use the sick leave they may have already negotiated as part of a Collective Bargaining Agreement?

MR. FALL: Well, when that sick leave bill was introduced at that time, I don't think any of us saw a pandemic coming, right, so it took into account folks that may have the flu, a cold, or they may have to take care of their child. And so this bill is really focused, again, on -- on COVID-19 vaccinations. And also a point that I would like to note is that the bill will repeal itself at the end of December -- December 31st, 2022.

MR. GOODELL: You mentioned that, you know, this is a relatively unique situation, but there are some employees, as you know, with a sick leave bank that may have hundreds of hours banked and the employers, particularly our public sector employers that often have that accumulated sick leave provision, how do we respond to their concerns and the taxpayers' concerns that we are freely giving out taxpayer money when there may be no need for it,

particularly with those employers that have large sick banks where you can even lend sick time back and forth? What is your view on that?

MR. FALL: I mean, look, for the folks that may have, you know, those specific hours worth of sick leave, you know, not everybody has that. I think what we want to do here, we want to be fair across the board to all New Yorkers and, again, this is a -- a pandemic that we did not see coming. You know, I think we're very fortunate that the vaccine came when it did come and now that we have the fact -- or the ability to introduce a bill that will hopefully become law to ensure that folks get their vaccination I think is the important point here, sir.

MR. GOODELL: The legislation itself on page 2, line 14, says that, *An employer shall provide a sufficient period of time not to exceed four hours per vaccine injection*. Am I correct that this bill doesn't require the employer to give an automatic four-hour block, but only sufficient time up to four hours? In other words, if it -- just as an example, if an employee works at a hospital and the hospital is administering the vaccine and it takes the employee about five minutes to walk down two flights of stairs and get the shot, plus a 15-minute waiting time, you're really looking at the actual time, a reasonable, actual time for the shot not to exceed four hours; is that correct?

MR. FALL: Yes, sir.

MR. GOODELL: And, of course, we talked about an

amendment just a moment ago that would require employees to give notice to their employer. Am I correct, this -- there's nothing in this bill that would preclude an employer asking for that type of notification for scheduling purposes?

MR. FALL: Yep, the -- the bill does not include language that would require both an employee or employer to provide proof of a vaccination.

MR. GOODELL: And, likewise, there's nothing in this bill that would prevent an employer from asking an employee to verify that they actually got the shot; is that correct?

MR. FALL: Yep, that is correct. And I also want to just mention, too, you know, we currently have, you know, under the Civil Service Law, for cancer screenings or athletic leaves, you know, it's -- the language are kind of similar in that folks do not already have to provide proof. So, this Body has already set a precedent that, you know, you do not have to show proof if you're going to, you know, see a doctor during a specific need.

MR. GOODELL: Now, as you know, we have some employers that have very, very critical staffing needs in the health care field, for example, air traffic controllers, for example, we want to make sure they're there. If for some reason an employer cannot, with reasonable diligence, cover the absence, can the employer request the employee to reschedule the shot?

MR. FALL: Well, again, the purpose of this bill, right, is to -- because you have to remember one thing. It is very

difficult for New Yorkers right now to get their appointments to get their COVID vaccinations, right, and so the reason why we're presenting this bill here is so the employee does not have the option, or is not forced to choose between going to work or getting their vaccination, because in the event that they do have to reschedule, they may not get that appointment at the time they may need it. And during that period, what if they do contract the -- the virus and, you know, that's like a worst case scenario, you know, that we don't want to see. And so, I think it's very important that, you know, we don't put employees in a position where they'd have to make a choice between going to work or getting their vaccination.

MR. GOODELL: Thank you, Mr. Fall. I appreciate your comments and, again, welcome to the -- the debate club here on the floor of the Assembly.

MR. FALL: Thank you.

MR. GOODELL: On the bill, sir.

ACTING SPEAKER AUBRY: On the bill, Mr. Goodell.

MR. GOODELL: I certainly appreciate my colleague's desire to -- to ensure that employees can make an appointment for the COVID vaccine. It does create some interesting dilemmas because if an employee schedules a shot outside their work hours, they don't get an extra four hours of paid time, but if you schedule it during your work hours, you do get paid time off. And normally, of course, employers would encourage employees to make

their own decision whether to use their own time, their own sick time, or -- or do it on their own time after work and this bill kind of short circuits that by saying you don't even have to use your own sick time, even if you may have hundreds of hours of sick time that's accumulated.

I'm always hesitant for us as a State to mandate a rule on every single employer across the State without recognition of their unique situations. At the same time, I absolutely agree with my colleague that the COVID-19 vaccination rollout has presented a lot of challenges, there's no doubt about it. And, certainly, in my district and I suspect in many other districts, there's been tremendous frustration with the ineptitude or apparent ineptitude in the way the vaccine rollout has occurred. And we've heard multiple stories of vaccines actually thrown away because the restrictions that were placed on who could get them or when they could get them were so onerous that rather than make sure that the vaccine was in somebody's arm, they just couldn't vaccinate all the right people. And even today, it's my understanding that the vaccines that are distributed to the health departments, our county health departments, are restricted to certain groups of people, only a subset of those who are eligible. And, likewise, the vaccines that are distributed to drugstores are limited to a subset of those who are eligible. And the situation's gotten so serious that the Biden Administration is now talking about direct distribution of vaccines because they're so frustrated that the State has -- has asserted micromanagement on the vaccine distribution that's created

huge problems.

So, in recognition of the huge problems that we have here in New York State, where our vaccination percentage lags many other states, I'm compelled to support this bill, although I think in reality, the overwhelming majority of our employers would do everything reasonable to help their employees get a vaccination, because our employers who are responsible by and large all across the State recognize that the cost and lost productivity by having an employee get a vaccination pales to the loss in productivity and the cost that occurs if an employee tests positive and is then quarantined and, perhaps, all the other employees around that individual are quarantined and, in some situations involving restaurants, for example, sometimes the entire business has to be shut down.

So, I -- I don't think that the legislation is necessary, but I appreciate the thought and I will be supporting it in view of the challenging rollout of the vaccine that we've experienced here in New York State. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Fall, will you yield?

MR. FALL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields,

sir.

MR. LAWLER: Thank you. You talked about there's precedent not, you know, not to show the employer what you are going to visit a doctor for. But this bill that is put forth is for a specific need, it's -- it's to -- for the express purpose of getting a COVID-19 vaccination. We have a population within this State that, for lack of a better phrase, let's call them anti-vaxxers, under -- under this bill does somebody who is an anti-vaxxer and has no intention of taking the vaccine, do they -- do they qualify for four hours of paid leave twice?

MR. FALL: I'm sorry, I just missed that last part. Can you just repeat that last part, please?

MR. LAWLER: Yes. So, we have a segment of the population in New York State that I would call anti-vaxxers, right, for lack of a better phrase. Under -- under this bill, do they qualify, does somebody who does not have any intention of taking the vaccine, which is their right and I -- and I do not support mandating the vaccine, but does somebody who is an anti-vaxxer, do they qualify for the four hours two times of -- of Paid Sick Leave?

MR. FALL: Yeah, so this bill, again, is very specific on folks -- or New Yorkers that want to take a COVID-19 vaccine, all right. So if there is an anti-vaxxer that wants to take the COVID-19 vaccine, they will be eligible for it.

MR. LAWLER: Right, but -- but let's say they have no intention of taking the COVID vaccine, you -- you -- you said

before, your bill does not require proof of taking the vaccine. So let's say they have no intention of actually taking the vaccine, do they qualify under this bill? What -- what is to prohibit them in this bill from getting the four hours of paid leave if they have no intention of taking the vaccine?

MR. FALL: Well, if they have no intentions on taking the vaccine, then -- then they do not qualify under this bill to get the four hours worth of paid leave.

MR. LAWLER: How -- how do you, as an employer, know that if -- if you're not required to show proof?

MR. FALL: Well, I mean, look, the employees and employers, you know, they already have a relationship, you know, I don't think there are going to be scenarios where people are going to try to scam the system to get their four hours of -- of, you know, paid leave to, you know, grab lunch or whatever the case is. You know, I think we're in a -- you've got to remember, we're in a serious pandemic here. People are taking this very seriously and people need their vaccines so, you know, yeah.

MR. LAWLER: Okay. There are several versions of the vaccine that hopefully will come online shortly that only require one shot. How do you know, as the employer, whether the person is entitled to only one four-hour period or two four-hour periods of paid leave?

MR. FALL: Under this bill, if you want to get a COVID-19 vaccine, you have up to two four-hours -- I'm sorry, you

have up to -- you have up to four hours worth of paid leave per vaccine shot.

MR. LAWLER: But again, if you're -- if you're the employer, you have no way of knowing whether they're entitled to only one or two, correct?

MR. FALL: Well, correct, I would assume.

MR. LAWLER: Okay. So we're -- basically what we're hoping is that people use the honor system; is that -- is that what we're saying?

MR. FALL: That is correct but, also, you've got to remember, right, this bill does not prohibit an employer for asking for, you know, a doctor's note here, and it doesn't prohibit the employee from telling the employer that they have a vaccination appointment, you know, so it's vague in that sense and, again, you know, I don't think, you know, in the past where we've had decades of, you know, cancer screenings where we've had issues of this matter, you know, if -- if, you know, and again, I want to just be very clear that this bill does sunset at the end of December 2022.

MR. LAWLER: Okay. Last -- last question. The -- let's say you're a -- on this bill, there's no limit on the size of employ -- of the number of employees, right, like whether you have ten employees or 200 employees, there's no limit in terms of who's required to provide this?

MR. FALL: Can you -- I don't understand -- can you repeat that question?

MR. LAWLER: So, yeah. So if you're a small business and you have ten employees, or you're a small business and you have 200 employees, or you are let's say a municipality and you have, you know, 500 employees. There's no -- there's no limit on who is required to provide this. Every business, and whether private or public entity across the -- the spectrum is required to provide up to four hours twice, correct?

MR. FALL: Yep. This bill does apply to both public and private employees.

MR. LAWLER: Okay. So if you have 200 employees in a business and they're entitled to two shots, that's 400 shots times four hours for each shot, so that's 1,600 hours, correct, roughly?

MR. FALL: I don't have a calculator in front of me, so...

MR. LAWLER: Okay. But -- so let's just -- let's assume it's 1,600 hours. So under your bill, these employers are required by law, let's say assuming the -- the example I gave, 200 employees, to provide 1,600 hours paid to their employees, correct?

MR. FALL: I mean, look, I see where you're going. If you have a case where, you know, any of those employees contract the virus, you know, they would be required to quarantine for two weeks and they would have to pay leave for those folks for being out for two weeks. In addition to that, they also have to find out how they're going to pay for someone else to cover their shifts. So what

this vaccine is doing -- or this bill is doing is actually helping out the bottom line to prevent those scenarios from happening, you know, so, you know, I don't -- I don't understand, you know, where you're trying to get at, but I think at the end of the day with this, you know, plan or this bill that we have before us it will, you know, help out the bottom line for many of our small businesses that are hurting and that had to pay for folks that were in quarantine for -- during -- during this pandemic.

MR. LAWLER: What -- what I'm trying to get at is just so that our small businesses across the State understand what they're about to be mandated to do --

MR. FALL: Yeah, and I also think that the small businesses want to make sure that their employees are safe and they want their businesses to open so they can get back to work.

MR. LAWLER: Oh, I absolutely think they do. But that's why we put forth reasonable amendments that -- that you and your colleagues rejected.

So, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. LAWLER: Okay. As Mr. Goodell said, obviously every employer in the State of New York wants to get their businesses back up and running and they want to ensure that every employee that they have that wants to take a vaccine can reasonably take that vaccine. And I -- and I know that every employer that I've spoken with will certainly make every reasonable accommodation to

do just that.

The amendment that we put forth earlier was really intended to help these small businesses, many of whom, as we all know, have been struggling under arbitrary and capricious, you know, executive edicts by the Governor and, you know, this -- this bill obviously intends to try and help ensure that everybody gets -- gets vaccinated that wants it and, you know, that's obviously important. But I think we -- we continue to pass legislation that puts unfunded mandates on our small businesses who are barely struggling to stay afloat, and there seems to be no recognition of that. So -- and our municipalities as well, you know, the public employees, they have worked tirelessly throughout this, they've been absolutely fantastic and we want to make sure that they get -- they get vaccinated, you know, but our -- our municipalities have been struggling as well and -- and the burden that we continue to put on them with unfunded mandate after unfunded mandate and just hope that everything works out okay.

So, you know, as Mr. Goodell said, I -- I will support this because obviously we want to make sure that everybody that wants to get vaccinated gets vaccinated, but I really wish my colleagues would -- would take into account some of these amendments when they come forward and not get caught up in procedure --

ACTING SPEAKER AUBRY: Mr. Lawler.

MR. LAWLER: -- and actually focus on --

ACTING SPEAKER AUBRY: Mr. Lawler.

MR. LAWLER: -- how we improve the bill.

ACTING SPEAKER AUBRY: Sir.

MR. LAWLER: Yes.

ACTING SPEAKER AUBRY: We reminded people yesterday not to use members' names as they engage in their statements and --

MR. LAWLER: I said "colleagues."

ACTING SPEAKER AUBRY: Did you hear me? I just --

MR. LAWLER: I --

ACTING SPEAKER AUBRY: We asked members yesterday as part of the House Rules not to use other members' names as they engage in their colloquies, their discussions, okay? Just to remind. And I know everybody, it's new, it takes some time, but we'll just continue to remind people as they do. Proceed, please.

MR. LAWLER: I believe I said "colleagues," not mention anybody by name, but I appreciate --

ACTING SPEAKER AUBRY: You -- you did --

MR. LAWLER: -- the reminder.

ACTING SPEAKER AUBRY: You mentioned Mr. Goodell's name, sir. That's all right.

MR. LAWLER: Oh, okay. I -- I apologize, Andy.

ACTING SPEAKER AUBRY: Just, we want to correct it as it goes along.

MR. LAWLER: Thank you. So -- thank you, Mr.

Speaker.

ACTING SPEAKER AUBRY: You're welcome, sir.

Thank you.

Mr. Reilly.

MR. REILLY: Thank you, Mr. Speaker. Will the sponsor yield for a quick question?

ACTING SPEAKER AUBRY: Mr. Fall, will you yield?

MR. FALL: Anything for Staten Island.

MR. REILLY: Ah, thank you, Charles, I appreciate it. So a quick question. Is there -- do we know if there's any funding for the private small businesses that would be allowed to supplement this payment to cover the hours that the employee won't be there, and also to cover the employee that may have to cover the shift which may, in essence, be overtime on the either private or public portion of this?

MR. FALL: I -- I'm having a hard time hearing, Mr. Reilly. I don't know if we could turn up the volume --

MR. REILLY: I'm sorry.

MR. FALL: I'm not -- I'm having a hard time hearing you.

MR. REILLY: Okay. Can -- can you hear me now?

MR. FALL: Much, much better.

MR. REILLY: All right. I just switched to Sprint so...

(Laughter)

So, once again, is there any portion of payments, is there a program that can help, from the State, to these small businesses to supplement the employee's salary for those payments that they're going to be getting the vaccine, but also to cover a substitute employee who's going to have to cover potential for those hours, potentially for those hours, which could be at an overtime rate, as well, on the private or public sector? Is there any -- is there any funding mechanism to help offset those costs?

MR. FALL: Well, right now, I mean to the best of my knowledge, you know, this bill actually right now is just really focused on ensuring that the employers provide four hours worth of Paid Sick Leave for folks that want to get the vaccine. You know, I don't know of anything that's out there right now, to the best of my knowledge. I do know that we do have, you know, some high hopes on what we may -- what our small businesses may receive from the Federal government and what our State may receive, you know, but that's -- that's what I can say, but off the top of my head I -- I don't have anything here that I could provide.

MR. REILLY: So, do we -- do we know if there is any -- any research or check into whether PPP funding can help offset these costs, or would that be a violation of the program? If there's any knowledge of that.

MR. FALL: Yep. I -- again, Mr. Reilly, I can't speak to the PPE [sic], but I can speak on matters related to the bill.

MR. REILLY: Okay. So -- so the -- we don't if there's a -- if there's -- if it complies with the guidance of what small businesses could use for their Paycheck Protection Program loans. So we don't know if this would be covered or if it's a violation of using it for that program.

MR. FALL: I could certainly get back to you with that, again, because that's more of a PPP-related question. I -- I came here prepared to discuss this bill.

MR. REILLY: Okay.

On -- on the bill, Mr. Speaker. Thank you, Charles.

ACTING SPEAKER AUBRY: On the bill, Mr. Reilly.

MR. REILLY: So, Mr. Speaker, I think that some of the -- the issues raised today, you know, actually are something to protect our businesses as well, and I fully understand that getting the vaccine out to as many employees is a -- a great intention and we should be pushing for that. I just hope that we can provide some funding to help offset, especially those small businesses, and to make sure that if they do happen to use that funding from the PPP loans that they are not violating any guidance from the Federal government that could jeopardize the -- the contract of those loans. I also hope that we, as a State, can help offset those small businesses with some funding to help them with this -- this potential burden that they're going to have of paying for potentially double salaries for those four hours because they may have somebody covering. So, you know, I

just hope that we -- we really take that into consideration. Thank you, Mr. Speaker. And --

ACTING SPEAKER AUBRY: Thank you, sir.

MR. REILLY: -- thank you to the sponsor for hearing my questions.

ACTING SPEAKER AUBRY: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Fall, will you yield?

MR. FALL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MS. WALSH: Thank you, Mr. Fall; thank you, Mr. Speaker. Mr. Fall, I just have a quick clarifying question. I see that under the -- under this bill, the -- it's set to sunset at the end of December of 2022; is that correct?

MR. FALL: That is correct.

MS. WALSH: Thank you. So during the rollout of these different vaccines from different companies, some are one shot, some are two; there's been talk of the possibility of a booster being needed to one or more of these vaccines. Does this legislation speak to a -- a booster shot being covered under the four hours of paid time to go get a booster?

MR. FALL: No, the legislation just really speaks to, you know, just the -- the four hours worth of paid leave that folks

would need to get for a COVID-19 vaccine; however that is something I could definitely take a look at.

MS. WALSH: I just -- for the -- just so that the record is -- is clear -- I just want -- the intent of the legislation, I just wanted to clarify that at least at this time, the -- the proposed legislation would only cover the one or two shots necessary for the initial dose of the vaccine.

MR. FALL: Yeah, correct, the COVID-19 vaccine, correct.

MS. WALSH: Thank you very much.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, Ms. Walsh.

MS. WALSH: So along with many of my colleagues, and I don't want to repeat some of the points that have already been made, I do think that the amendment that was put forward did have some sensible aspects to it which should have been considered, providing proof of the vaccine injection, requiring that reasonable notice be given to employers. I also think that, as has been mentioned earlier, that there are some, particularly public -- for public employees, but -- but I -- I imagine also in some private employees, there's a huge bank of accrued sick time that's already available. So, I think it would have been a good idea to require employees to utilize any banked paid sick time that they already had before utilizing this program that's being created of the four hours of additional sick time

per injection. I just think that that would have been more reasonable in terms of helping out our employers.

That being said, I mean, I do -- I do support this legislation in the sense that I think it's very important that individuals who want the vaccine can go out and get it. So I will be voting for this bill, but I do -- I do think that there were a couple of things that could have made this bill better. So, thank you very much.

ACTING SPEAKER AUBRY: Thank you.

Ms. Dickens.

MS. DICKENS: Thank you, Mr. Speaker. And will the sponsor yield for a question or two?

ACTING SPEAKER AUBRY: Mr. Fall, will you yield?

MR. FALL: Yes; yes, sir.

MS. DICKENS: Thank you so much. An issue was raised about whether the vaccine would be given in one dose or two. Currently, how many have been approved, how many different vaccines has currently been approved by the CDA [sic]?

ACTING SPEAKER AUBRY: CDC.

MR. FALL: I'm aware of three at this moment. Yeah, I'm aware of three at -- at this moment.

MS. DICKENS: Moderna; is that right?

MR. FALL: That -- that is one of them.

MS. DICKENS: And Pfizer?

MR. FALL: That -- that's another one I'm aware of.

MS. DICKENS: And what's the third one?

MR. FALL: I can get back to you on that.

MS. DICKENS: Well, that's all right. But currently the Moderna and Pfizer are the only ones that has been offered to the public, whether they were essential workers or not. So, that means that both of those require two vaccines, is that correct, approximately three weeks apart?

MR. FALL: To my understanding, yes.

MS. DICKENS: So then that means that a person would have to take off twice, they would have to take off for their first injection and then they would have to take off for the second injection; is that correct?

MR. FALL: If -- if their appointment is scheduled during their work hours.

MS. DICKENS: Well, now, the -- the -- most times you cannot schedule your own appointment, they give you an appointment. You're given a number or a -- a log-in and they tell you what date because, particularly in New York City, so many of our sites had to close down even though they gave you an appointment, they closed down, is that correct, because of the lack of the vaccine rollout?

MR. FALL: I'm -- I'm sorry you -- can --

MS. DICKENS: The vaccine rollout was very slow, or they didn't have vaccine available.

MR. FALL: Yes.

MS. DICKENS: So even though appointments were given, frequently they -- they had to be told they were not going to be able to keep that appointment and they were given another appointment when they were expected to get the vaccine; is that correct?

MR. FALL: Yes, that -- yes.

MS. DICKENS: So then it means that you -- you, it's not your option really to pick a date and time to get the vaccine, it's really up to the system, the DOHMH to -- or -- or whoever is giving the vaccine to -- to give you an appointment, and it may possibly, quite possibly be during work hours because frequently most of them close down at 4 o'clock; is that correct?

MR. FALL: Yes.

MS. DICKENS: All right. So they definitely would be at work hours whether you wanted it or not, whether an employee --

MR. FALL: Well, I mean...

MS. DICKENS: -- or not.

MR. FALL: Actually, no.

MS. DICKENS: They would have to
(unintelligible/mic cut out) -- work hours, right?

MR. FALL: So there -- there is one in my district that I'm familiar with that I believe closed like around 5:30 if I -- I can remember correctly.

MS. DICKENS: Well 5:30, that's still during work

hours. People get off at 5 o'clock, they --

MR. FALL: And -- and also --

MS. DICKENS: -- get to their districts. So I just wanted to -- to set the record straight that you -- that a -- a -- a person is given an appointment, they don't choose the appointment as if they were going to a doctor's office and even with that, you -- you -- you have to use the hours that they're available. Most of the sites are not open past 5 o'clock; in some instances, they close at 4 o'clock. And because the rollout has been extremely difficult, frequently appointments are not kept and you're given a second and a third appointment; is that correct?

MR. FALL: To my understanding.

MS. DICKENS: Yes. All right. Thank you so much.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. DICKENS: It has been very -- as we all know, it's been very, very difficult for New York -- the residents of New York to get the vaccine. We've all seen on the news the frequency of sites being closed down and -- and not having available the vaccine to them. Although I understand the -- the efforts of the amendment, I disagree because we have to take the appointment that is given to us rather than have a choice of the date and time that we can go to a site. And frequently, those sites are -- are quite a distance away from either our home or our job. So I -- I -- I commend my colleague for putting

this -- and having the courage to put this through, and I strongly support it and urge my colleagues to vote in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, ma'am.

Mr. Walczyk.

MR. WALCZYK: Thank you, Mr. Speaker. Would the sponsor be so kind as to yield for some questions?

ACTING SPEAKER AUBRY: Mr. Fall, will you yield?

MR. FALL: Yes, sir.

MR. WALCZYK: Thank you. Through you, Mr. Speaker, when was this bill introduced in the State Assembly?

MR. FALL: This bill was introduced I would say about two weeks ago.

MR. WALCZYK: I've -- I've got it here in the Legislative Retrieval System, it says on the 22nd, on Friday the 22nd.

MR. FALL: About two weeks ago.

MR. WALCZYK: Yeah. And when did this -- when did this pass its first Committee?

MR. FALL: February 2nd.

MR. WALCZYK: February 2nd. So two days ago. And when -- when was this -- since amendments came up and -- and we had brought some helpful amendments forward that we thought would make this bill more palatable, when -- I -- I see that there's an A-print and a B-print. Could you tell me when this bill was officially

amended in the Legislative Retrieval System?

MR. FALL: I -- I don't know when it was officially amend -- amended, but I can find out for you. Oh, Friday, actually.

MR. WALCZYK: The -- the system is telling me on the 28th of February [sic] it received an A-print and on the 29th of February [sic] it received a B-print. I was just curious which day of the week was February [sic] 29th.

MR. FALL: Yeah, I think it was last Friday from what I understand.

MR. WALCZYK: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. WALCZYK: Mr. Speaker, this is what happens when you rush through legislation and you don't reach across the aisle to ask for input, you get amendments on the floor. And as the other side of the aisle has pointed out, these came through quickly. Well, sure. I mean, this came out of Committee and hit the floor today. We didn't have a lot of time to turn this around, we had no idea that this bill was going to be coming up. There was plenty of time to deliberate. Also, Mr. Speaker, there's only 28 days in February. So the sponsor of this legislation doesn't know when it was amended, neither do I. It's difficult to tell from this system. It's unclear here today on the floor.

I wondered and -- and we brought these forward, were employers consulted? Were businesses consulted? Were the

employees even consulted before putting something forward like this? So this bill, I mean it sounds great on its face, right, it's classic New York State legislation. We're asking for four hours of paid time off for employees so that they can go and get a COVID-19 vaccine. Sounds good. It's probably pretty popular across New York State if you polled it, most people want to get paid for time off if they're going to get the vaccine. We want people to get the vaccine so that we can get out of this thing, right? It makes sense.

We offered some helpful amendments, Mr. Speaker. They were that notice to the employer would have to be given - that's pretty commonsense - so that employers can deal with the scheduling. We also said, hey, we, you know, just help businesses who have been struggling out, we want to make sure that somebody who is skipping out of work is not just using this as a way; businesses have been beat up enough. And we know that businesses have good relationships with their employees, but some people try to skirt the system. So we offered another helpful amendment saying, *It's quite simple, you can get your four hours of paid time off, no problem, you just got to give your employer a heads up and also show him that you got the vaccine, that makes sense for everybody.* And then we can move on, right?

So even before the COVID-19 crisis, 2,600 people a week were leaving New York City. Now we know that Wall Street, that banks, that executives are moving to Florida or have already moved to Florida. It's reported that one-third of New York's small businesses will be closed forever, never to come back. All of that

capital that was invested, people's lives that have been behind those things, completely lost due to the economic shutdown here. I think businesses have been through enough to tell you the truth, Mr. Speaker. I think it's time instead of going the old way of saying, *Oh, here's -- here's some legislation we'll just jam through at the last minute without considering all ends*, government motivated people throughout this crisis to stay on unemployment. Businesses are pretty frustrated with that. They changed -- government changed the rules and this was -- this wasn't even this Body, right? The leadership in this Body sat on their hands while the Governor continually changed the rules every single day, sometimes within a press conference, his own agencies and authorities didn't even know what was going to come out of the Governor's mouth; yet, and we sit on our hands for eight months and then we come up with, *Oh, here's how we're going to protect employees to get them some paid time off to get the vaccine*. Well, we know that there was a vaccine in development. We want to be proactive.

The thing is, New York businesses deserve a lot better than this. New Yorkers deserve a Legislature that's a lot more deliberative than this. This bill didn't need to be introduced last Friday. It didn't need to be amended on an imaginary February 29th. This could have been introduced this summer. We could have been deliberating about this over Zoom for a long period of time. We could have had input from the business community. You could have Republican and Democrat unanimous support in this House. It's lazy

legislation. And my colleagues are right, the vaccine rollout has been terrible. What's our response in this Body? Well, let's get our hands in the cookie jar and make it a little bit more confusing for businesses.

Needless to say, Mr. Speaker, you can probably guess at this point where I'm going to vote. I vote no. I think that New Yorkers deserve a lot better than this and I will be in the negative. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Gunther.

MRS. GUNTHER: Am I unmuted? Can you hear me?

ACTING SPEAKER AUBRY: Yes, ma'am.

MRS. GUNTHER: Okay. Well, first and foremost, I want to bring up something about the way we expedited this vaccine. I remember those days when my -- my husband was in the New York State Assembly and 9/11 happened, and we were down at Long Beach Island and as soon as that happened, the Speaker of the House called every member back. And at that point in time, they expedited legislation because of what had happened. We right now are in a pandemic. And, you know, this is -- there's precedent set. We allow people to go and get colorectal screening, we let them get -- women get mammograms, and I think to go out and get a vaccine that will save your life and save -- and save from transmission is extremely important. With people dying every day, with more transmissions every day, this is the way we stop the virus. This is a good piece of

legislation. It's a responsible piece of legislation and it was rushed through because there's an immediacy about getting this vaccine, getting people out to vote. And I think the best of people, not the worst. Not that they -- they're going to say they're going for a vaccine and not go. People are desperate to get vaccinated. So I commend the sponsor of this bill, it's a good bill, it's the right thing to do. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Ms. Giglio.

MS. GIGLIO: Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. GIGLIO: So the Government Employees'

Committee received a letter from NFIB, which is a small business advocacy group. They say that one size does not fit all and distinguishing should be made between box stores and small business owners. In my district on our main streets, we have business owners that are the cook and one staff employee. If the one staff employee is not going to be there for four hours, then he needs to get coverage for that. The -- I agree that everyone wants to be vaccinated, should be vaccinated, and they should be given time off to do that. The daily changing of capacity limits makes it very difficult for small business owners to staff properly, and if they can open up and have more people then they need more staffing. So staffing is very important in a small business. The unemployment bill that was adopted addressed number of work days, where small business owners are struggling,

they're saying, *I have five employees that I want to keep working to some extent*, and they -- they may work one day, two days a week and the other three days they can collect unemployment or however many days it is. So is it fair for a small business owner that's still trying to keep their employees working to say, *Why can't you go on your day when you're collecting unemployment?*

I just think that we've made some amendments in the last minute notice of the bill, and I would respectfully request that the sponsor consider the amendments and put the amendment bill up in Session next week making it retroactive to today, and I think that would be a fair thing to do under the circumstances. That's all, Mr. Speaker. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. Hold on. Sorry. Thank you. You know, the question was raised earlier as to whether this would apply to just one injection or the two that you -- that you need for the existing vaccines, and whether it would apply if somebody needs a booster -- it turns -- if it turns out you need a booster to be fully vaccinated. The answer is obviously yes. The bill on its face contemplates multiple injections. It says you get a certain amount of time per vaccine injection, clearly contemplating plural, and it talks about this time off to be vaccinated for COVID-19. Being vaccinated for COVID-19 takes more than one injection. We now know it takes two. Tomorrow we may know that it takes three. You

know, it's a pretty common rule that you follow the plain meaning of -- of a statute. And I would hate a few months from now for some employer to say to people, *Oh, we know you really need three shots but, you know, the Assembly didn't mean you to be able to be fully vaccinated*. No. This bill means you can take the time off to be fully vaccinated and if that means two shots or it turns out it means three, that's what the employee should be entitled to.

I've been kind of distressed hearing people talk about how we have plenty of time to deliberate. Almost everything I hear anybody, if they don't work for the Executive Branch, saying about the vaccine rollout in New York is that, you know, this is, you know, big problems, people can't get vaccinated fast enough. People shouldn't have to wait a couple of weeks for an appointment, people should get vaccinated now. No, we don't have plenty of time to deliberate because every delay on this matter means more New Yorkers are at risk of dying. We don't have plenty of time to deliberate. We should get this done now. If there are ways to improve this law, come up with a bill next week, but we should get this bill done now. We should be proud that we have this bill before us and we're going to be passing it. Thank you.

ACTING SPEAKER AUBRY: Mr. Durso.

MR. DURSO: Thank you, Mr. Speaker. Would the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Fall, will you yield?

MR. FALL: Yes, Mr. Speaker.

ACTING SPEAKER AUBRY: The sponsor yields, sir.

MR. DURSO: Thank you, Mr. Fall. Just a question. The -- this bill will sunset December 31st, 2022, correct?

MR. FALL: Correct.

MR. DURSO: What -- what do we feel is the purpose and the need for it to last two years? Because it's -- it's obviously not -- it's not going to sunset this coming December, it's the following December.

MR. FALL: Well, I think knowing the vaccine production hasn't been as fast as it should be, and also the rollout has been pretty slow, so I think going until December 31st, 2022 is going to give us adequate time for us to get, you know, many folks, or many New Yorkers throughout the State vaccinated. And if, you know, there needs to be an extension, I think that's something we could definitely look at.

MR. DURSO: So obviously the -- the -- the reason for having it for that long is just to make sure that everybody has the opportunity to get vaccinated under this current piece of legislation in that time.

MR. FALL: Correct.

MR. DURSO: Thank you, sir.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. DURSO: Mr. Speaker, I -- I'm 100 percent in favor of this bill. I do feel that any way that we can assist our residents, our small businesses, our -- our students, our teachers, our nurses in -- in staying safe and having the opportunity to get that -- those vaccines I think is very important. I was also in favor of our amendments. I -- I don't think that they were unreasonable and I do understand our colleagues putting those forward, but I also feel in all honesty, the -- the reason why I do agree with this bill is we're not giving our residents that option. We're not giving our residents the option to say, *Hey, I want to go get the -- the vaccination on a Saturday so I don't have to miss work.* We -- we have not had the rollout properly that would constitute doing that. They're -- they're going online, they're making appointments for vaccinations and they're getting the time that they're allotted and that they're given. They don't have that option. So I do agree with the fact that we should take into account the fact that they're getting whatever appointment they're given. So I -- I do think that protecting our employees so they can go get the vaccination to keep everybody safe is important.

I also do agree with my other colleagues in the fact that I feel we should find some kind of fiscal relief for our small businesses who have to incur this -- this charge to their businesses that they have to let these people take off to get the vaccination, have the option to keep themselves healthy and the people in their respective businesses healthy. So I would look forward to in the future working

with my colleagues on both sides of the aisle to come up with these fiscal relief for these small businesses so that we can move forward, get everybody vaccinated and keep everybody healthy.

So, thank you, Mr. Speaker. I'll be voting in the affirmative for this.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Tague.

MR. TAGUE: Thank you, Mr. Speaker. It's always a pleasure to speak with you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. TAGUE: You know, simply, this is just another unfunded mandate, and this time it's a mandate on our small businesses. And I think that everybody in this Chamber and across the State needs to remember what we've done to our small businesses across New York State during this COVID-19 crisis. We pretty much shut them down, government did, and now we're asking them to go above and beyond what's already a law in place and now give -- and now pay another four hours for someone to go get a vaccination.

Now, I -- I agree with parts of the sponsor's bill and I commend him for putting this bill together, but we in the Minority put together amendments earlier that would have made me be able to sponsor [sic] this bill. At this point I can't sponsor [sic] it. This is just another example of purely political grandstanding politics in our Chamber. You know, nationally all we've heard is about unity.

Coming together. Working together. And this morning we offered that. And to me it's a shame, especially during a crisis like this that we couldn't come together where all 150 members in this Chamber could agree to a bill that everyone took play -- took part in putting this bill together.

For the reasons of the unfunded mandate and not supporting our small businesses, unfortunately I'll be in the negative on this bill, Mr. Speaker, and I would encourage those that support businesses in the State of New York to do the same. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the sponsor yield for a couple of questions?

ACTING SPEAKER AUBRY: Mr. Fall, will you yield?

MR. FALL: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. FITZPATRICK: Thank you. Thank you, Charles. Just currently in order to get a vaccine, you have to go online and get an appointment, correct?

MR. FALL: Yeah, you can go online or there is a number that folks can call if they do not have access to the Internet.

MR. FITZPATRICK: Right. So we -- so we have people -- we've read stories about people who are trying to cut the line, that they've gone to Florida to get the vaccine. They're even

traveling Upstate to get the vaccine. So, my -- my question is, if -- if someone calls to get an appointment and say I can get an appointment -- I live on Long Island, but I can get an appointment in -- in Albany, and I have that appointment. Well, that's going to take me four hours just to drive up to Albany, four hours back, so that's eight hours. And then if I have to go for my second appointment, that's another eight hours. What would stop an employee from filing say, in the public sector, filing a grievance and say, *Because of -- because I had to go to Albany to get an appointment I should -- I should get those additional hours paid, and file a grievance.* So my question is, when you crafted this bill, did you have any discussion with the public employee unions about an issue like this, a possible problem, and if you did, what did they say? Did they agree not to file grievances if, you know, hold fast at that four-hour limit, or did they leave it open-ended if you had that discussion?

MR. FALL: Yeah, well, a few of them were very supportive of -- of the bill and I also want to just also include that the bill includes language to make sure that, you know, any collective bargainings are not impacted and that the integrity of an existing Collective Bargaining Agreement is not diminished. It also includes language to allow such requirements to be waived by any CBA in the private sector. I also know there were -- there was a few cases I believe -- I read a report that -- or some article I believe in the *Times* where folks were coming from Jersey to New York to get vaccinated, and then the City kind of were very strict on making sure that only

New York City residents or residents in that area get vaccinated. So, I think that's starting to change as time goes and I think it's also very important to keep in mind, you know, this is a -- a new time, a new period that we're in. None of us has ever experienced a pandemic like this, the vaccine rollout like this and -- and things are changing little by little, you know, so we're kind of going with the flow here.

MR. FITZPATRICK: Very good. So -- so as the -- as more vaccine becomes available and the rollout improves, we hope, you have to make an appointment. So you go to that appointment, you -- since you have an appointment, you will not be waiting long, more than likely it will be close by, so why not tighten this up a bit and say allow for two hours rather than four? You know, four hours is a lot of time, and it's a lot of time both for the -- not just for the private sector, but for the public sector as well, in lost productivity. So would a two-hour -- you know, this isn't like donating blood where you need time, or other -- other things, other types of medical benefits that we've conferred, this Legislature's conferred in -- in terms of giving paid time off, but for an -- you know, to go get a shot doesn't take a lot of time. So would a two-hour limit rather than four reduce that -- reduce that cost for employers both public and private? And why not -- why not do that?

MR. FALL: I mean, it's -- it's up to four hours, right? So if, you know, someone was going to get vaccinated in the same building that they're in and it takes six minutes, so you go downstairs to get vaccinated, you know, then they would have to doc -- document

six minutes, right? You know, I live on Staten Island, right, and if I needed to get my vaccine on the other side of the Island, that could be about what, maybe an hour-and-a-half, you know, depending on what the traffic is. And, you know, so I want to be flexible and mindful. We understand one shoe doesn't fit all across the State, things are different everywhere and I think four -- up to four hours is a good amount of time. It may not take four hours in many cases, but we just want to be flexible and understanding to folks across the State that, you know, may not have a car, that may have to take a train or a bus to get somewhere. I understand, you know, how interesting the traffic is in Queens sometimes. So, that could be very helpful for folks that live out there. You know, so I think that's why it's important to have flexibility with the timing here.

MR. FITZPATRICK: Very good. Thank you, Charles. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.
Mr. McDonald.

MR. MCDONALD: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MCDONALD: I actually first want to respond to just a couple of questions that were asked just to clarify things. There's a question about whether the employee's salary can be applicable to a PPP. And it's true, it could be, that is one of the -- actually, that's what most businesses will use, so that's the answer to that question. There are currently two approved vaccines on the

market, they are both two-dose. A third one is probably coming by the end of this month, beginning of next month, it will be one dose, and there will be more to come.

That being said, I want to commend the sponsor for this bill. He has done a remarkable job recognizing something that's critical during what is probably going to be the most critical time in most of our lives. Vaccine anxiety -- excuse me. Vaccine anxiety is rampant. Take it from somebody who's on the ground dealing with vaccines on a regular basis. People are manic about getting on the portal, getting an appointment, finding a pharmacy. Pharmacies are manic about getting vaccines. It is a very difficult time. So there's an old expression, you see an opportunity, take it. This is what applies here on this legislation. Because that opportunity to get that window is going to be few and far between.

Now, I actually support many of the ideals behind NFIB, they're a great organization, they do good work, and many of the other business organizations. And at the same token, I'm a small business employer, I have 35 employees. Being a pharmacy, we were actually able to send a majority of our staff because they fall into that 1-A category, over the last three weeks. And I have said to my staff just go get it done, don't charge any time. It's more important for you to get the vaccine, but it's more important for my business to have my people back to work. So as much as, yeah, there's always going to be one or two people who take the opportunity and take the advantage, that's really on them. That's their problem in life. The reality is this:

As a business owner I look at the fact as what happens if my staff doesn't get vaccinated? What happens if somebody gets infected and I have to shut my business down? That is going to have just as much of an impact on the bottom line as anything else.

So, to our colleague who supported the legislation -- and I appreciate the dialogue on both sides of the aisle. I will be supporting this legislation. Thank you.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Glick.

MS. GLICK: I'm trying to unmute. I think I'm unmuted and I'm trying to start the video. Got it. I keep the video off because of the bandwidth always being a problem.

On the bill. This pandemic is an incredible threat to the lives of fellow New Yorkers. Over 400,000 fellow Americans have died. I don't know anyone who is anxious to be exposed to this, let alone to actually contract it. Everyone who I know is anxious to get the vaccine. This is like a World War II mobilization. I don't understand -- I'm sympathetic to business, but as one of my colleagues just pointed out, if people who work for you get sick, you could be out of business for 14 days, let alone four hours of losing that person's ability to be there.

This seems like a reasonable measure. So many New Yorkers don't get sick time. They don't get paid time off regardless of what laws we've tried to put in place. This is a health emergency and it's gone on too damn long. And it's gone on this long in part because

of the hodgepodge of regulations and conspiracy theories that have been promulgated at the highest level of government. We need to act as quickly as we can to get New Yorkers vaccinated. It is clear that with variants popping up that the single most important thing is to get New Yorkers vaccinated as quickly as vaccines are available. And no one, no one should have to say, *I can't go because I can't leave work at this time that I've been assigned, and I can't take the chance of losing the job, and I can't take the chance of losing those few hours of pay.*

This is an emergency. I don't know when we stopped caring about the greater good, but we have to get back to that. That is what is the essence of our American spirit. And this is a part of that American spirit, the greater good. And we all have to do what we can whether we like it or not to get ourselves through this, including giving people who are working the surety that their jobs won't be at risk if they go to get the vaccine at the time that has been designated for them.

Thank you very much, Mr. Speaker. I will be happily supporting this bill and I thank the sponsor for bringing it forward.

ACTING SPEAKER AUBRY: Thank you very much.

Mr. Gallahan.

MR. GALLAHAN: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Fall, will you

yield?

MR. FALL: Yeah -- yes.

MR. GALLAHAN: Thank you, sir.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. GALLAHAN: Thank you, sir. I have a -- a question and -- and a clarification. My first question is, I've been -- I've been addressed by many of my constituents that they've gone for their appointments and when they've gotten there, the vaccine wasn't delivered and they were unable to receive their -- their vaccine. So, how does this bill handle something like that when you take your four hours and you schedule it, you're congenial with your employer, you've got it set, away you go, and you get there and there's no vaccines available; how does this bill address that?

MR. FALL: Well, you know, the bill doesn't speak to issues like you're mentioning, but an issue like that is something that, you know -- you know, we would encourage both the employee and the employer to -- to work it out together.

MR. GALLAHAN: So, potentially, they could end up going three or four different times and this -- this bill would cover that and it would be okay with -- with this bill?

MR. FALL: I mean, have you -- have you heard of instances where folks had to, you know, reschedule three or four times? This is the first I'm hearing about that. I heard about one rescheduling, but three or four, that sounds --

MR. GALLAHAN: Not three or four, no. No, not

three or four, but one -- one constituent did have an issue two different times. That would equal four trips to the -- to the -- with the two-dose serum, it would equal four trips.

MR. FALL: Yeah, they got like -- the bill doesn't address something like that, but if we're seeing a pattern across the State where this is a significant issue, then it's something we will have to look at and, you know, see what we could present to the Body so we could address those specific matters. But to -- so like, you know -- what I've heard, at least in my district and in certain areas, there have been cases where there have been at least one instance where a constituent had to reschedule and in the case like that, you know, they -- they should work a solution with -- with their employer, just like they have been under other, you know, articles that we've seen that have been around for decades.

MR. GALLAHAN: Thank you. A clarification. Earlier you mentioned that the employer could request a doctor's note from the employee when they came back. I want to make sure I heard you correctly on that.

MR. FALL: Yeah. No, what I was alluding to was basically the bill does not require or prevent the employer from asking for such documentation.

MR. GALLAHAN: So the employer can ask for that documentation?

MR. FALL: Yeah -- that -- it doesn't, you know, there's no language in that that prohibits them or encourages it.

MR. GALLAHAN: Okay. Thank you.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GALLAHAN: You know, small business takes it on the chin quite often, and until you're that person that -- that signs the front of that check, a lot of times you don't understand and you think that -- you know this -- this bill is -- it's easy, it's good, it's got to go. And I agree, this is a great bill, and people should be vaccinated. But the fact of the matter is, it's an unfortunate situation that our small businesses, they have no -- they have no recourse as to their budgeting issues. Just a small -- small businesses can cost some tens of thousands of dollars with ten employees over the course over the next -- a couple, three, four, five, six months and that affects their bottom line. And it's going to affect the bottom line on some companies, they're not going to survive. And I don't like to see that.

So I think that -- that overall this bill is good, I'm going to support this bill, but I still think that I agree with some of my colleagues that this is an unfunded mandate and I wish that -- that it could be dealt with in a different way. And I think that the amendments that the Minority Conference offered made this bill much stronger. And I appreciate your time. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Kelles.

MS. KELLES: Yes, on the bill.

ACTING SPEAKER AUBRY: On the bill, ma'am.

MS. KELLES: I appreciate previous comments from Assemblymembers about the impact on small businesses, absolutely, and -- and honor that that is really difficult, but I do want to express some concern about what has been expressed about people taking advantage of this legislation or what this legislation allows.

So I just wanted to share a personal story that I have been dealing with with a constituent who works for a State agency. There has been two outbreaks in this agency. It is a facility that she works in-house as a teacher, she is eligible and has tried to get time off multiple times to get a vaccine during the day and has been denied that for the -- for the reasoning that has been presented here, that they have staffing issues and so she's not allowed to leave. While they've had outbreaks and she has had to quarantine multiple times, the State only allows for paid hours for being quarantined for 14 days and after that, they have to use their open personal time. And she has had to quarantine multiple times using her own time off. This is an untenable situation.

I -- I am in strong support of this bill. This should not be happening. She should be allowed to get a vaccine. This is not a case where it is someone who is abusing. If there are people who had abused this, I believe that the numbers would be negligible, and we cannot create legislation to the few cases that anyone may be trying to abuse legislation that we're putting in place. We have to prioritize getting as many people vaccinated as possible and I believe this bill does that. So I am in strong support. We have to protect people like

my constituent. I do not believe that this is a rare case. In her case, I think that would be more the norm. So I support this bill. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Kim.

MR. KIM: Thank you, Mr. Speaker. Will the sponsor yield for a quick question?

ACTING SPEAKER AUBRY: Mr. Fall, will you yield?

MR. FALL: Yes.

MR. KIM: Mr. Fall, it's good to see you. Thank you for this legislation. Mr. Fall, you -- you represent parts of Staten Island, correct?

MR. FALL: Yes.

MR. KIM: And do you have small businesses in your district?

MR. FALL: Yes.

MR. KIM: When you talked to the employers, I mean, do they want to vaccinate and do whatever they can to help their workers and -- and have a collective mindset to get, you know, to get in front of this COVID, and -- or are they making the worst assumptions about their workers?

MR. FALL: They want to, you know, get folks vaccinated and get ready to run and, you know, operate their business, sir.

MR. KIM: Right. Thank you.

On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. KIM: Mr. Speaker, I represent the most number of mom and pop small businesses in any -- in the entire State of New York in the Assembly district. And I also grew up in a small business environment. My dad, you know, ran a grocery store in the '80s and my family ran nail salons throughout the City. So, I've -- I've been around the small business environment all my life and I can tell you, when I talk to my mom and pop store owners, even at the worst of times, they care very deeply about their workers. They don't make the assumptions. Some of these workers have been with them for ten, 15 years, you know, their help is their help and they thoroughly understand that, you know, we are as weak as the most vulnerable members in a pandemic.

So while it may be difficult, they're not -- they refuse to buy into this narrative that, *I am going to be pitted against my workers during this -- during these tough times*. And I think there's -- I do recognize my colleagues on the other side of the aisle, there is grave difficulty in our small businesses. Some of these small business owners that are -- that think that way and that are calling about how to get vaccinations about their workers. You know, they are struggling, they are struggling with their rent, with trying to negotiate their leases and there's -- some of them may go bankrupt. But they haven't lost sight of their humanity. They know who the important people around them that they want to take care of.

But, again, there is a failure to take care of our small businesses, and that failure has nothing to do with workers taking time to get vaccinated. We can make the worst assumptions about workers and pit employees against employers who actually try to bail out their small businesses, you know, and that requires a much larger, tougher discussion. You know, that failure is part of a larger economy that socializes all the risks for the biggest corporations in the world so they were completely taken care of while local neighborhood businesses are left on their own.

So moving forward, if we genuinely do want to get to the bottom of this, like we need to figure out how to redirect all the frustrations around revenues and how do we truly invest in our local communities and our mom and pops. So I hope I can work with my colleagues to get to that point moving forward. Thank you so much, Mr. Speaker, and I support this measure from Mr. Fall.

ACTING SPEAKER AUBRY: Thank you, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. I just want to rise to commend all my colleagues for this detailed debate about an issue that is not going away until we figure out as a society how to fix it together. We are in a pandemic. People do need to have vaccines and they need to have it with some speed. Clearly, it would be all of our preference if there was enough to go around and it could happen within five to six months, that would be our preference. We're not sure that it will happen in that fashion

because as was said by many other speakers today, this whole issue has not been dealt with from the top down.

Now at this moment, I think it's appropriate to commend the sponsor of this legislation, because he clearly understands the value of getting people access to vaccines. This is by no means an attempt to allow people an opportunity to take advantage of the kindness of their employees -- employer to let them take the time to go do it because, in fact, as was stated earlier in this debate, there are not a lot of sites that are open at 8:00 and 9 o'clock at night. They mostly happen during business hours.

And so, again, I want to commend the sponsor of this legislation and say to my colleagues that there are going to be a line of very contentious and difficult decisions that we'll have to make as we try to move our citizens through this global pandemic in a healthy State and as we try to bring our economy back to where it should be and we try to get our children back in to schools. We're going to have to make a lot of very difficult decisions. This one is not that difficult. So I hope that we would all be in concurrence in voting in favor of this legislation.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote on Assembly print A03354-B. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leaders at the numbers previously

provided.

(The Clerk recorded the vote.)

Mr. Goodell.

MR. GOODELL: Thank you, sir, to explain my vote.

First, I want to thank the sponsor, my colleague, for doing a phenomenal job answering a lot of questions over an extended time period, and I appreciate your service not just this year, but the last two years where you've done a great job here on the floor of the Assembly, as well. And so, thank you to my colleague.

Earlier I spoke on the bill and indicated that I would be supporting it, and I think it's important for all of us on both sides of the aisle to keep an open mind and listen to the debate. And I appreciate the comments I've heard from both sides of the aisle, and I have been listening and reviewing this bill, and -- and some of those comments struck a cord in me that -- that changed my perspective on this bill a little bit. I certainly appreciate the desire to make sure that employees have an opportunity to get the vaccine, and I appreciate the opportunity that most of the time this vaccine is only available during normal business hours. And so, I completely support the sponsor's position to ensure that employees have that opportunity to take time off as necessary to get the vaccine.

But I'm also very appreciative of the comments from some of my colleagues that this is an unfunded mandate, because this bill doesn't say that an employee is entitled to time off, it says an employee is entitled to paid time off. And when we add the word

"paid," we're saying that every single employer regardless of the situation of their employees, that they must pay them. If the bill had said "unpaid leave of absence," then some employers would say, *Hey, this is so important, I want you to do it and I'll pay it.* If it said "unpaid," the employee could decide whether to access their paid sick or vacation time. Because of that difference, I will be voting no, but I would remind my Republican colleagues that most of us will be voting yes so if you want to vote no, contact the Minority Office.

Thank you, sir.

ACTING SPEAKER AUBRY: Thank you.

Mr. Dilan to explain his vote.

MR. DILAN: Thank you, Mr. Speaker, for allowing me to explain my vote. I want to start by commending my colleague for this legislation, because this legislation will benefit our entire State, our entire society. As a government, our priority must be to the people of this State whether they're a business, employee or anyone, that priority number one is if you wish to be vaccinated, that takes priority and precedent over everything during this period that we are in.

Now, I've heard some of my colleagues say that this is an unfunded mandate on business and that is their view and, yes, it does ask the businesses to pay, but the businesses will benefit in the long run once the majority of the society is vaccinated, because they get to reopen. There's some businesses that would love to just be open, and this is the first step to getting open. So I can't see any

bigger benefit to a business than just having society flow freely and businesses being open because the majority of our State is vaccinated. So with that, I want to commend the sponsor and vote yes.

ACTING SPEAKER AUBRY: Mr. Dilan in the affirmative.

Mr. Benedetto.

MR. BENEDETTO: Yes, Mr. Speaker, to explain my vote. I've listened to the debate here and to tell you the truth, I am incensed, I am embarrassed. I'm embarrassed that we are debating for almost two hours when this is all done a bill that will let workers have four hours of paid leave to possibly save their lives. I'm embarrassed that we have to debate a bill that will allow workers to go out and get a second shot that is going to save their lives. Do we think so little of the workers of the State of New York that they're going to cheat their employers? Do we think so little of the businesses in the State of New York that they want to risk the lives of their workers, workers that would gladly come back to work in their now safe businesses? Why are we debating this for two hours? This is a no-brainer. I proudly vote in the affirmative on this bill and urge everyone to do likewise.

ACTING SPEAKER MCDONALD: Mr. Epstein.

MR. EPSTEIN: Thank you, Mr. Speaker. I rise to explain my vote. I want to thank the sponsor of the bill. I'm proud to be a cosponsor of this legislation. And I just really want to applaud my colleagues here, my colleague who just went. Just think about it, what's worse for a business, giving someone four (unintelligible/mic

cut out) -- vaccinated or to close their business for weeks if someone gets diagnosed with COVID. We've seen it time and time again, local businesses who have to close for weeks to scrub because an employee gets COVID; worse, an employee might get sick and die.

This is a smart piece of legislation that says, Hey, we don't know when the COVID tests [sic] are happening, we want to ensure this person has a right to get a test [sic]. I stand with my colleagues, I stand with the sponsor. I encourage everyone to vote in favor of this bill. I'll be voting in the affirmative.

ACTING SPEAKER MCDONALD: Mr. Epstein in the affirmative.

Ms. Griffin.

MS. GRIFFIN: Thank you, Mr. Speaker, for allowing me to explain my vote. While I recognize that this legislation can present a burden to our small businesses who are still operating under pandemic guidelines and, as a result, many are struggling, but I think the importance of employees being vaccinated as soon as possible is most essential. I voted for the amendment since it was an effort to make this legislation stronger and more supportive of small businesses while prioritizing the vaccination for employees. It is my intention to explore more ways that we can provide relief to small businesses to help them through this difficult time. I commend the sponsor and I also appreciate the dialog that we had during this debate, and I vote in the affirmative. Thank you.

ACTING SPEAKER MCDONALD: Mr. Lavine.

MR. LAVINE: America's workers and New York -- New York's workers are the best in the world. They always rise to the occasion, and they have done so repeatedly during this crisis. Sincere gratitude goes to our nurses, our teachers, our law enforcement officers, our municipal employees, our manufacturing section -- sector.

I ran a small business, and when I ran a small business, this was the priority - real life comes first. And this is real life, my friends. I have a concern that I want to share, and it's a certain resentment I have at an insinuation, at an intimation, at a tone that workers, America's workers, New Yorkers, New York's workers will rise in unity to take advantage of their employers? These are the same people who are laying their lives on the line for us every day.

You know, Ruth Bader Ginsburg had a great quote, and this is it: *When interpreted in its extreme, almost any new legislative power looks dangerous.* Well, I want to thank the sponsor, and I also want to thank all of you on both sides of the aisle who will vote for this. Our challenge today, and it's a challenge we must meet, is this: Will we finally rely on science after years of rejecting science? It is time for us to rely on science. It is time for us to reject superstition and surmise. Our lives depend on it. My vote is in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you, Mr. Speaker, to explain my vote. Early on in the pandemic, people were ordering from grocery stores because they were told not to go out, and I remember a very fearful man coming to my door and my neighbor's doors with their arms laden with groceries from their store. And I spoke to him and I said, *Thank you so much for coming out and doing your job despite the fact that you might get sick.* And he said, *I have a family to feed, I want to keep the store going and it's my job to make sure New Yorkers are fed.* That is the essence of who we are trashing and saying they're going to take advantage of a four-hour period to go have fun? People who lay their lives on the line, teachers, nurses, health care professionals, pantry workers. You know, we accord people the time to get a mammogram, a prostate exam, a colonoscopy. Do we question if they're really going to use the time for that purpose?

This is an all hands on deck effort to save people's lives across the world, and it is insulting to think that New Yorkers are plotting to take a free four-hour trip to Disney. I -- I just don't believe what I heard, but I'm grateful that we had a discussion and I commend the sponsor. It's a wonderful bill and I hope everyone has the opportunity to obtain a vaccine because the initial rollout from the Federal government was abysmal. So I vote in the affirmative and urge my colleagues to do the same.

ACTING SPEAKER AUBRY: Ms. Rosenthal in the affirmative.

Mr. Colton.

MR. COLTON: Thank you, Mr. Speaker. To explain my vote. I think this is a very important bill and I commend the Speaker because this is in the middle of a health pandemic. Getting COVID is not a trivial matter, and when we have an opportunity, very small cost to an employer to make sure that their employees stay healthy and their employers stay healthy, then I think that it is simply something that we should be doing. We need to (unintelligible/mic cut out) working people and their families who have been out there during this pandemic serving others. And I believe most business owners, even though it is very difficult for them, this small kind of a giveaway is very, very -- is very, very significant to prevent and to protect the health of employees and, therefore, I clearly wholeheartedly support this bill and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Colton in the affirmative.

Ms. Joyner.

MS. JOYNER: Thank you, Mr. Speaker. I would like to just commend the sponsor of this very piece -- this very important piece of legislation. We have seen the difficult and haphazard rollout of this vaccine process, and workers have very little control over when these vaccines are -- are scheduled. And we want to make sure that all of the employees have the ability to ensure equal access to this vaccine regardless of their geographic location, immigration status or socioeconomic status. And, today, we are

ensuring that individuals receive all the resources that they need to get vaccinated, which is the most important thing, paid time off. We don't want people to have to choose between their present-day needs and their long-term health needs. And data already supports that low -- low-wage workers and retail, hospitality are at greatest risk of exposure to COVID-19, and these are the same people who cannot afford to take off time to take care of their health care needs.

So I want to commend companies that have stepped up during this time who have already offered incentives and paid leave, and this bill will benefit not only workers, but our economy because it would allow us to get back on track faster. So I commend the sponsor for this piece of legislation. Thank you.

ACTING SPEAKER AUBRY: Ms. Joyner in the affirmative.

Mr. [sic] Rajkumar.

MS. RAJKUMAR: Thank you, Mr. Speaker, for this opportunity to explain my vote. I'm a proud cosponsor of this bill and I would like to thank the sponsor for introducing it. And I appreciated the debate here today and important considerations on both sides from those who want to fully explore the consequences and the implications of this bill, with important attention to the details of the legislation.

The bottom line is that we must do whatever we can to protect New Yorkers in this historic global health crisis. Those helped by this bill are frontline workers who put their lives on the line for us every day. They are health care workers, firefighters, and

teachers, among others. I represent what is now the epicenter of the pandemic, so this is personal to me. My district in South Queens now has the highest COVID rate in the City, with Ozone Park and Richmond Hill leading New York City's neighborhoods in those rates. We know that this model works because right now, civil servants are also granted four hours of paid leave for cancer screening, and that has been successful.

The logistics of vaccination are, to say the least, very challenging on a national, Statewide, and local level. My office receives frequent calls from seniors and from immigrants trying to figure out where and how to get a vaccine. My district is 72 percent immigrant. Immigrant families call my office asking for assistance, for guidance, and translation services to schedule their vaccination appointments. The process is overwhelming for many. This law will make it easier for my constituents and many New Yorkers across the State by giving them the space and time they need to get a vaccination. Families are struggling right now in the economic crisis we are in, so they cannot afford to lose their pay when they get vaccinated, and this bill will undoubtedly save employers in costs by preventing their workers from getting seriously ill.

ACTING SPEAKER AUBRY: Ms. Rajkumar, your time has run out. How do you vote?

MS. RAJKUMAR: Well, for all these reasons, I vote in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Thank you so much,

Ms. Rajkumar. Ms. Rajkumar in the affirmative.

Ms. Giglio.

MS. GIGLIO: Thank you, Mr. Speaker, on my vote.

I think that the debate today was good, it was healthy. I think that properly ruling out the balance of the vaccinations that are coming into New York is a serious concern of mine and the residents in my district. We have received 1,554,450 doses to date, 90 percent of them being administered, which started six weeks ago.

I think that should be the discussion for today. I think we need to rescind the emergency powers of the Governor and work together as a legislative Body to come up with a better plan on how to administer the vaccinations. A tent at Jones Beach 85 miles away from people in my district does not make sense, especially when it's a tent in the middle of a snowstorm where they could be expected to drive four hours to make their appointment. I think we need a COVID recovery committee and we need to make sure that these vaccinations are distributed equally and that the residents of New York are covered and we are doing our jobs as a legislative Body working with the Governor to come up with a better plan. And I will be voting in the affirmative and will, again, ask the sponsor to consider the amendments. Thank you.

ACTING SPEAKER AUBRY: Ms. Giglio in the affirmative.

Mr. Lawler to explain his vote.

MR. LAWLER: Thank you, Mr. Speaker. One of

my colleagues, and I will not say his name, said that he's embarrassed. Well, it made me laugh because I'm embarrassed, too. I'm embarrassed by the way we choose to legislate in this Body. Just think, if we actually worked together to improve this bill, we could have saved two hours of debate and passed this two hours ago. None of us were elected to be potted plants or to do what our Legislative Leaders want. We are independently elected to debate, to inform, to ask questions, and fight to improve legislation. And if we want to fix the vaccine rollout and follow the science, then let's rein in the emergency Executive powers of the Governor and return to regular order as a co-equal branch of government. I support the objective of ensuring that our citizens and our residents can get vaccinated, so I will vote in favor of this bill, but I would just remind everybody, we could have saved two hours by actually trying to work together.

ACTING SPEAKER AUBRY: Mr. Lawler in the affirmative.

Mr. Taylor to explain his vote.

MR. TAYLOR: Thank you, Mr. Speaker. I am proud to be a cosponsor on this legislation. I'm excited and, you know, God Bless America. We live in a place where we can have these healthy conversations and debates. Although we may not always agree, but if we look at where it all comes from, there's reason to pause. But I'm reminded just merely a few months ago when first responders were required to go to work without proper PPE. They didn't have what they needed, they couldn't exercise their sick time

and, at the same time, the people that were mostly impacted we saw -- we know were Black and Brown people and they're still being impacted when people come from the 'burbs to come into the hood to get the vaccine. So, we're talking about really protecting a particular type of group. And I understand that this may be a little bit of a hardship on the actual store owners, but I think they would -- would -- would come around and say, *Yes, thank you because I'd rather have some employees that are healthy and we can continue to excel with business.*

So I want to thank the sponsor again. I'm happy and proud to support and vote in the affirmative for this because this is unconscionable, the conversations where the root of all this started and the fact that we don't have the vaccine started under an Administration that lied and said they had it. But we're not going down that rabbit hole right now. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Taylor in the affirmative. Thank you, sir.

Ms. Jean-Pierre.

MS. JEAN-PIERRE: Thank you, Mr. Speaker, for allowing me to speak on this legislation. And I commend the sponsor for introducing this important piece of legislation. As the COVID-19 vaccine begins to be administered around the State, it is essential that New Yorkers have adequate time and flexibility to receive the vaccine without fear of retribution or loss of pay from their employer, especially those workers who are on the front lines. It is imperative

that New Yorkers receive the vaccine in order to slow the spread of this terrible disease and as lawmakers, it is extremely important that we find ways to incentivize vaccinations across our workforce in order to help us restore pre-pandemic normalcy by allowing employees to receive paid time off to get the COVID-19 vaccine. We are (unintelligible) them of the stress associated with time and financial constraints that could inhibit these individuals from becoming vaccinated.

Thank you, Mr. Speaker, and I'll be voting in the affirmative and I encourage my colleagues to do the same.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre in the affirmative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. To explain my vote. I am proud -- a proud cosponsor of this bill, and I do want to say that I found some of the debate to be -- to be troubling. As a small business owner for many years, for several decades, I would never have thought of denying an employee the right to take time off to take care of medical need, and particularly to get vaccinated against a global pandemic. It is in the employer's interest that the employees are healthy and can continue to work. It actually improves the employer's bottom line if their workers can work.

And so I think that we should be doing everything we can to protect workers and to ensure that people are able to get vaccinated, and I will be happy to be voting for this bill. Thank you.

ACTING SPEAKER AUBRY: You're unmuted, ma'am.

(Pause)

Can you hear me? You can speak now.

MS. MITAYNES: Thank you. This capitalist society prioritizes the right of property owners and business owners over workers and human rights. We must demand society put people before profits, where workers rights come first. Thank you.

ACTING SPEAKER AUBRY: Thank you.

Mr. Lemondes.

MR. LEMONDES: Mr. Speaker, thank you. I rise to explain my vote. As many of my colleagues have mentioned, I think it's -- this bill is imperfect. I would have preferred to have been included in its formulation. Its short-term impacts are obvious, but its long-term impacts far outweigh them. As a small business owner myself, I understand that. As a leader in the military for my entire adult life up to this point, I never denied medical treatment to anybody that needed it, could not even contemplate doing so, and think this is simply the right thing to do. We're elected to be leaders, we're elected to make decisions in gray space, which this is and, again, for that reason, I am defaulting to what I believe the right thing to do is and that is to vote for this. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Fall to close.

MR. FALL: Thank you, Mr. Speaker. You know,

when we schedule a regular doctor's appointment, you know, sometimes you have flexibility on when that could change or when you could reschedule it. You know, with the COVID vaccine, it's very specific on when folks can get their vaccination. And I want to make sure that there are no hurdles or barriers in place for New Yorkers to get vaccinated, which is the reason why this bill is right here before us and the reason why I'm encouraging all of my colleagues to support it, because we want to make sure that our economy is reopened and folks are back to work and our businesses are back open. And I understand the points from my colleagues about how this may impact the small businesses, but we all support our small businesses here and I think we have also encouraged our Federal government to do its part to make sure that they are relieved, and we will continue that advocacy. And, you know, so I want to thank all my colleagues who have supported this bill, and I also want to, you know, thank you, Mr. Speaker, for your leadership.

ACTING SPEAKER AUBRY: Mr. Fall in the affirmative.

Mr. Goodell, exceptions?

MR. GOODELL: Thank you, sir. Please record the following Republican members in the negative on this legislation: Mr. Brabenec, Ms. Byrnes, Mr. DiPietro, Mr. Fitzpatrick, Mr. Friend, Mr. Hawley, Mr. Manktelow, Mr. Montesano, Mr. Palmesano, Mr. Simpson, Mr. Tague and Mr. Walczyk. Thank you, sir.

ACTING SPEAKER AUBRY: So noted.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03988, Rules Report No. 17, Abbate. An act to amend the Retirement and Social Services Law, the Education Law, the Public Authorities Law and the Administrative Code of the City of New York, in relation to establishing a coronavirus disease 2019 (COVID-19) benefit for public employee death benefits; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER AUBRY: Mr. Goodell.

An explanation is requested, Mr. Abbate.

MR. ABBATE: Okay. Can we hear me?

ACTING SPEAKER AUBRY: Yes, sir.

MR. ABBATE: Okay. Yes, Mr. Goodell, yes, this bill would extend the COVID-19 accidental death benefits, which were established in Chapter 89 of the Laws of 2000, and it would extend it to December 31st, 2222.

MR. GOODELL: Thank you, Mr. Abbate. Just so we're all in agreement, what's entailed in an accidental death benefit?

MR. ABBATE: What's entailed --

ACTING SPEAKER AUBRY: Mr. Abbate, will you yield?

MR. ABBATE: I will yield.

MR. GOODELL: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Abbate yields.

MR. ABBATE: Yeah, sure. Basically the benefit would be an accidental death benefit on most member's tiers and in most cases would be an allowance of 50 percent of the member's final average salary. You know, under normal circumstances the widow or widower or the beneficiary would receive just three times the salary of that person. This is giving up to 50 percent of their final average salary.

MR. GOODELL: And that's based on their last annual salary?

MR. ABBATE: I think on most of them it's based on their last three years.

MR. GOODELL: I see. And it's irrespective of length of service, correct?

MR. ABBATE: Correct.

MR. GOODELL: When we enacted the first bill that provide this benefit, there was great concern that we wanted to make sure that our first responders, police, firemen, frontline nurses that work for government came to work without -- without fear that they might contract COVID in their workplace and -- and we wanted to reassure them if -- if that unfortunate situation occurred and they died, they would be eligible for an accidental death benefit. That was the rationale for the original legislation, wasn't it?

MR. ABBATE: Not to my knowledge it wasn't. Mine was to take care of the families if someone did pass away

because of COVID. Fire, I think our fire, police, and first responders were going to work whether or not this was going to be there. This was to make sure that the families were taken care of after, God forbid, they did pass away. You know, some people had no choice whether to go to work or not, so the idea was to make sure the families were taken care of.

MR. GOODELL: Well, most of our public employees after they're vested already have a death benefit, right, that applies regardless of the cause of death if they're an employee.

MR. ABBATE: I'm not --

MR. GOODELL: So this is in addition to that, isn't it?

MR. ABBATE: Yes, but not everyone has an automatic death benefit.

MR. GOODELL: I see.

MR. ABBATE: You know, when you have CSEA and DC 37 in the City and some localities, they do not have that. As I said, sometimes they just get a benefit of three times the salary of the employee, no different, unfortunately, for members of the Legislature.

MR. GOODELL: Since - and I appreciate your comment about the members of the Legislature - so if a member of the Legislature dies while in office, we have a death benefit, correct? It's like three times our salary.

MR. ABBATE: Right. Three times our salary which is when you're talking about someone who put 20 years in and their

pension would be equivalent to maybe, you know, a lot more than three times their salary.

MR. GOODELL: Well, doesn't this legislation then create an inherent conflict for us? We're included in this legislation, right, so if we pass this legislation all of us will vote for it and -- well, all of us whether we vote for it or not, if it passes would be entitled to a much higher death benefit?

MR. ABBATE: You would basically be getting the death benefit -- the death benefit of your final average salary.

MR. GOODELL: Now, I'm very, very thankful that my wife and I are on excellent terms, but it does make me just a little nervous that I'd be worth a lot more dead than alive.

MR. ABBATE: I would be nervous if I were you, too.

(Laughter)

MR. GOODELL: When -- when COVID started, of course, we didn't know how it was going to impact people and where people would likely become infected or how. Since then, with contact tracing, we've become much more knowledgeable about where people are likely to contract the disease. And from time to time, I'll hear statistics thrown out, typically by the Governor, that says something along the lines of, you know, less than two percent are traced back to restaurants, a certain percent -- a very small percentage back to gyms, and the Governor a couple months ago said the vast majority of COVID positive cases were traced back to private family gatherings.

Do you have information on where people are most likely to contact COVID?

MR. ABBATE: Well, this bill basically states that it would have to be in a place of their work or an alternate site of work if they were transferred or asked to go by an employee, and not their place of residence.

MR. GOODELL: So are you saying then that in order to be eligible for this death benefit there would have to be a finding of some kind that the employee contacted COVID while at their place of employment and not at a, whatever, Thanksgiving gathering or wherever?

MR. ABBATE: The intent of the law is that it's at their usual place of work or alternate site of work if they were transferred or asked by the employee [sic] to go to that location to work.

MR. GOODELL: And is there a requirement that there be any evidence that they actually contracted COVID while working?

MR. ABBATE: Well, just since we passed this bill, you know, I think it was in July of last year, we think right away that everyone's going to get -- there are still claims, just like in any other ordinary accidental death benefits at all, claims still being looked at to make sure that the person, you know, got it within 45 days, the Pension Boards, the Retirement Systems go through that, you know, regularly and look at it. And sometimes, it's actually a burden to the

family waiting so long but, yes, there's a lot of checks and balances into this.

MR. GOODELL: Now, this legislation states that in order to be eligible for the accidental death benefit in addition to being testing positive for COVID, there has to be a certification by an authorized physician, nurse practitioner, or physician's assistant that the COVID infection caused or was a contributing factor to their death; is that correct?

MR. ABBATE: That is correct.

MR. GOODELL: And am I also correct, though, that it can also be shown on the death certificate, correct?

MR. ABBATE: Should be on the death certificate, yes.

MR. GOODELL: But even if it's not on the death certificate, they could still be eligible if it was certified by a nurse practitioner or physician assistant, for example?

MR. ABBATE: Right. Sometimes the cause of death is a different thing, but in the explanation if you look at a death certificate, on a lot of them it will have an explanation of why; maybe it was a heart attack or a stroke or something. What do you call it, the nurse, the physician, the physician's assistant will have notes while signing that death certificate of why the case -- why it would have been COVID or some other disease, you know, was related to the cause of death, you know. A lot of times the actual death certificate and then the death certificate that the family gets is sometimes two

different things. The one that's actually filed has a lot more to it than a death certificate you might get from a funeral director.

MR. GOODELL: And am I correct that a nurse practitioner or a physician's assistant, they are not authorized on their own to sign death certificates?

MR. ABBATE: They are not authorized to sign it, but there are notes in the death certificate whether they're in a hospital, a nursing home, or any place else. There are, you know, notes from that person sometimes attached to the files.

MR. GOODELL: As you know, there's been a considerable amount of controversy over the death rate, if you will, of COVID. There was initially, and I think still is, an enhanced reimbursement rate for hospitals and medical facilities if they indicated that COVID was a contributing cause of death. And we're seeing more and more situations where people say, *Yeah, the decedent had COVID, but that's not why he died.* And most recent, perhaps, was Larry King where it was originally reported that he died from COVID complications and then his widow said no, it was something unrelated. Is there any definition of what's meant by "contributed to the death of the individual?"

MR. ABBATE: I would assume that's the same as all other death benefits that we do through the medical boards of the pension systems. I do not know exactly what that says.

MR. GOODELL: Thank you, Mr. Abbate.

On the bill, please.

ACTING SPEAKER MCDONALD: On the bill.

MR. GOODELL: Thank you, Mr. Speaker. I appreciate the sponsor's desire to be supportive of all families of individuals who were State or local employees who passed away with COVID. This death benefit is -- is very expensive because it provides 50 percent of a person's average salary for the lifetime of the widow. And for those of us who have been in the retirement system for many, many years, we know that if you elect for your widow to get benefits if you should die later -- or if you die before your wife, for example, that very, very rarely does it come anywhere close to 50 percent, and you have to be working in the State for probably longer than I'm alive in order to get that percentage up to that -- that -- that height. Of course, there's other factors because if a person died while in the employ of the State because of their work activities, their earning capacity is also reduced. And so, that's one reason why that's higher.

What's concerning to me is that there's no nexus or any requirement that there be any evidence of any kind that the State or local employee who passed away from COVID got the COVID because they were working in their State or public employment. So, you can have an employee who shows up for work maybe once a month and the rest of the time works from home, contracts COVID unrelated to their employment in any way, passes away - terrible situation which we all are very compassionate and feel very badly about - but then the taxpayers end up footing the bill for a lifetime benefit to the individual's spouse. And we have a dual role as

legislators. On the one hand, we want to make sure that we are absolutely fair to all of our employees and other employees that are public employees, and that's a role that we have to take very seriously to make sure that our employment policies are fair to all the employees. But we also have a second role, and that is to be fair to the taxpayers and recognize that we have a fiduciary duty, as well.

And so, it seems to me that if we want to provide a death benefit that's related to a person's employment, we ought to require at least some evidence that the person's employment in some way contributed to that death, and that's missing from this legislation. There's no requirement of any kind that connects an employee's death from COVID - which in and of itself is horrific and tragic - but there's no connection between contracting COVID and your public sector employment; yet, we're asking all the taxpayers to pay for lifetime benefits for the survivor. And while I'm very compassionate and feel extraordinarily bad whenever this happens, I think there should be some nexus, some connection between contracting the COVID and getting an accidental death benefit from the State and local government.

Thank you, sir, and I appreciate any comments that my colleague might have on that subject. He has 24 seconds, otherwise thank you, sir, for allowing me to speak on the bill.

MR. ABBATE: Basically they do have to confirm and, as I said, the medical boards of these pension systems actually go through the cases to confirm that it was basically COVID-related

disease (unintelligible). Work with some of the pension systems in the past or public employees, what the families go through to get access to these benefits.

ACTING SPEAKER MCDONALD: Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker.

Would the sponsor yield for a couple questions?

ACTING SPEAKER MCDONALD: Will the sponsor yield?

MR. ABBATE: Yes.

ACTING SPEAKER MCDONALD: The sponsor yields.

MR. FITZPATRICK: Thank you, Peter. Peter, we, you know what we are very good at in the State Legislature is -- is giving things away and this -- this sounds like a very reasonable proposal. I'm not totally opposed to giving somebody an accidental death benefit due to contracting COVID, but I do -- I do have a very real concern because the money is coming out of the pension system. And under normal circumstances, as -- as your discussion with the previous speaker, under normal circumstances if someone passed away from any other type of accident they would get three times the salary, correct?

MR. ABBATE: That's ordinary death benefit, not an accidental death benefit.

MR. FITZPATRICK: Okay, ordinary death benefit.

MR. ABBATE: Right.

MR. FITZPATRICK: So if we're giving an accidental death benefit here that is going to come from the proceeds of the pension system, which have to -- have to be there for current and future beneficiaries, retirees, would it not be unfair to put, perhaps rather than give this benefit away for the lifetime -- the lifetime of the beneficiary, but to maybe put a, say, a ten-year, like a ten-year certain benefit that for ten years, that individual would get that benefit.

And the reason I raise this issue is, you know, when I listened to the Governor's, you know, Emmy award-winning briefings, he talks about the fact that we are going to see another pandemic, that this is not the last pandemic we're going to experience. So if we do have to suffer another pandemic, wherever it may come from, and it's as serious, if not more serious than the one we are experiencing now, we are of course going to give that accidental death benefit to the next round of beneficiaries because of the next pandemic. So not -- not knowing how serious that future pandemic could be, whether it be -- it could be much more serious than the one we're experiencing now, and the one we are experiencing now is pretty serious.

I'm very concerned about putting stress on the pension system. It's already under some tremendous stress. One, we use an unrealistic assumed rate of return that's artificially low which keeps, you know, the contribution percentages low for taxpayers due to very lax accounting. Two, we have pressure, you know, from different parts not to invest in certain sectors of the economy because today they're out of favor. Right now it's -- it's fossil fuel companies

who, by the way, perform well and have a generous dividend, which helps our retirees and their beneficiaries.

So, I'm just nervous about granting a benefit, as deserving as it may be, but because the Governor believes, as some people do, that this may be the first of one or more future pandemics, you're going to see tremendous stress on our pension system. It's not a bottomless pit and I just think we should consider putting some kind of limitation, a time limit on that benefit rather than make it lifetime, maybe do it for a ten-year period so as not to put undue stress on a -- on a -- on a benefit fund that is already under tremendous stress, though it is at a healthy level, I will give you that, but that's not guaranteed into the future. Your thoughts?

MR. ABBATE: Yeah, no. The Comptroller said this is not a burden on the system; I've spoken to people in the Comptroller's Office. But I don't understand when you're saying put a ten-year limit on it. You have a highway worker out in Nassau or Suffolk County who is 38 years old. He's worked for 18 years, you know, for the Department of Highways, leaves a widow with two children, she's 33. So, at 43 she should be cut off -- or he should be cut off from the pension when the spouse could still be working if they were alive?

MR. FITZPATRICK: No, you'd still have the pension benefit, the normal pension benefit, but the accidental portion of it, the additional benefit should be, you know, I just -- I just throw this out as a rhetorical question, but it's something we should be

mindful of because, Peter, if there is another pandemic and if it is as serious or more serious, or we have multiple pandemics, there's going to be tremendous pressure put on this pension system to, you know, to fund these benefits. And the potential for the number of these beneficiaries to grow and grow exponentially is certainly there. You can't deny that and, in fact, if the Governor is to be believed and, you know, he is believable on a lot of things, but he believes that we're going to see more pandemics. And if we are, this benefit is going to be extended to those victims, as well. But all I'm saying is the -- what -- what would be given over and above the normal retirement benefit should maybe have some kind of a limit because of the potential to deplete the system to a dangerously low level if a -- if a future pandemic is -- is -- is worse than the one we're experiencing now. I just raise it as a concern, it's a -- but I think it's -- I think it's something we should be mindful of.

MR. ABBATE: Well, first of all, this bill, you know, it extends it only for two years until 2022. If something comes about in the future, we'll look at it. But, you know, I've been around awhile and I remember fighting in some of these same questions when we did the World Trade Center benefits. And to this day, to this day people are still collecting and people are passing away and it hasn't really affected our pension system in any negative ways. This is 20 years, 20 years since 9/11. We passed the 9/11 bill four years after -- after 9/11 itself and members are getting benefits in there and our pension fund is at an all-time record.

MR. FITZPATRICK: Right. Well, you're right, but --

MR. ABBATE: And when that came about we needed more, we went (unintelligible/mic cut out) -- but those people deserve what they're getting.

MR. FITZPATRICK: No, I'm not saying they don't deserve it, Peter. But what I'm saying is we need to be careful and be mindful of the cost. You're right about the World Trade Center incident; however, some very important precautions were put in place so that a 9/11 never happens again. We have no such guarantees, there's nothing we can do to prevent a future pandemic from hitting, you know, the world. And if that does happen and if it's worse, or if there are multiple pandemics, the pressure on the retirement system to fund these benefits is -- is going to be overwhelming, potentially and I just believe we need to be very, very careful when we confer additional benefits, not that they're not deserving of it -- no one is saying, I'm not saying that, but I'm just saying, you know, look, I'm, you know, I like to look at costs because it's absolutely necessary to look at costs and there are -- there's a very real future risk out there that I believe needs to be taken into consideration because the Governor believes it's going to happen. You know, he's pretty confident that's going to happen and I think we need to be mindful of that.

MR. ABBATE: Well, I'm glad you're confident in the Governor. I'll be on the record, I'm not so confident -- and, you

know, what we learned, you know, if God forbid there is another pandemic --

MR. FITZPATRICK: Well, he does follow the science, Peter, right? He does follow the science and we're all confident in science, are we not?

MR. ABBATE: We're all confident in science, and hopefully what we've learned over the last four years, God forbid there isn't, but it will be handled a lot better than it was in the past and we won't have so many instances and it won't be so widespread that we can crack down on it again.

MR. FITZPATRICK: Very good.

MR. ABBATE: Right now --

MR. FITZPATRICK: Peter, thank you. Always enjoy talking with you on these things and, Mr. Speaker, just briefly on the bill.

I just -- I need -- I do believe we need to be mindful of -- of the potential impact of a future pandemic or pandemics on the pension fund's ability to confer these kinds of benefits. I just ask my colleagues to be mindful of that, not to vote against, it's -- I'll probably be voting for it myself, but I'm very nervous. This is -- a pandemic is not like a terror -- a terror attack. A terror attack can be prevented in the future, a pandemic cannot. And I just worry that a future pandemic could be very taxing to all the pension systems that will be used to pay this -- this benefit. Thank you.

ACTING SPEAKER MCDONALD: Read the last

section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER MCDONALD: The Clerk will record the vote on Rules Report No. 17. This is a fast roll call. Any member who wishes to be recorded in the negative is reminded to contact the Majority or Minority Leader at the numbers previously provided.

(The Clerk recorded the vote.)

Mr. Goodell for exceptions.

MR. GOODELL: Thank you, Mr. Speaker. Please record the following Republican members in the negative: Mr. DiPietro, Mr. Friend, and Mr. Montesano. Thank you, sir.

ACTING SPEAKER MCDONALD: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, do we have any further housekeeping or resolutions?

ACTING SPEAKER MCDONALD: Yes, we do. We have one resolution by Mr. Lawler on which he wishes to be heard.

The Clerk will read.

THE CLERK: Assembly Resolution No. 40, Mr. Lawler.

Legislative Resolution commemorating Dr. Frances Pratt upon the occasion of her designation for special recognition after 40 years of dedicated service as President of the Nyack NAACP.

ACTING SPEAKER MCDONALD: Mr. Lawler.

MR. LAWLER: Thank you, Mr. Speaker. I appreciate my colleagues giving me the opportunity to speak on this resolution. As we are in Black History Month, I thought it was important to recognize one of the iconic leaders in the Black community in my district, Dr. Frances Pratt.

For over 40 years, she served as President of the Nyack NAACP, and she is known for her distinctive style. She wears an oversized hat that fits the tone and purpose of every event that she attends. She has been a stalwart in the fight against racism and injustice, and she has worked with leaders throughout our community to improve the lives of our residents, to improve the lives of people of color, and to ensure that we have a more just and equal society. I'm extremely honored that this is the first resolution that I am speaking on as a member of the State Assembly, and an honor to recognize her contributions to our community.

She fought for and achieved, with many of her colleagues in the NAACP, for the recognition of Dr. Martin Luther King Day, and every year she has held a celebration in our community that respects and represents all different faiths and all different nationalities, races, and creeds. And it's an event that we had just a few weeks ago and that is always well-attended from elected leaders

and community leaders and residents all throughout our county. And that is a testament to her work and the work that she has done to -- to bring equality and justice to our community.

Dr. Pratt was a nurse for many years at Nyack Hospital, which is -- which is also in our community, and she's just somebody who is well-respected, revered and appreciated, and I'm proud to call her a friend. I'm proud to be a member of the Nyack branch of the NAACP, and it's my distinct honor to recognize her contributions to our community with this resolution and I encourage all of my colleagues to join me in passing it.

Thank you, Mr. Speaker.

ACTING SPEAKER MCDONALD: On the resolution, all those in favor signify by saying aye; those opposed, no. The resolution is adopted.

Ms. Hyndman.

MS. HYNDMAN: (Mic not on).

ACTING SPEAKER MCDONALD: Ms. Hyndman, we have a number of fine resolutions before the House. Without objection, these resolutions will be taken up together.

On the resolutions, all those in favor signify by saying aye, those opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 38, 39, and 41 were unanimously approved.)

Ms. Hyndman.

MS. HYNDMAN: Mr. Speaker, please recognize

Ms. Hunter.

ACTING SPEAKER MCDONALD: Ms. Hunter.

MS. HUNTER: Yes, thank you, Mr. Speaker. There will be a need for an immediate Majority Conference at the adjournment of Session.

ACTING SPEAKER MCDONALD: Conference at the end of Session, Majority Conference.

Ms. Hyndman.

MS. HYNDMAN: I now move that the Assembly stand adjourned until Thursday, February 4th, tomorrow being a legislative day, and that we reconvene at 2:00 p.m., Friday [sic], February 8th, Monday being a Session day.

ACTING SPEAKER MCDONALD: As we adjourn today, please stand with me and do a moment of silence in memory of Officer Brian D. Sicknick, who lies in honor today in the United States Capitol having tragically lost his life protecting our Democracy on January 6th, 2021.

(Whereupon, a moment of silence was observed.)

Thank you.

On Mrs. Peoples-Stokes' [sic] motion, the House now stands adjourned.

(Whereupon, at 1:41 p.m., the Assembly stood adjourned until Thursday, February 4th, Thursday being a legislative day, and to reconvene on Monday, February 8th at 2:00 p.m., Monday being a Session day.)