



**VIA E-MAIL [compliance@lidl.us](mailto:compliance@lidl.us); [rebecaa.philbert@bestmarket.com](mailto:rebecaa.philbert@bestmarket.com)**

April 30, 2020

Lidl US, LLC  
Compliance  
Attn: Johannes Fieber, CEO  
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Arlington, VA 22202

Rebecca Philbert, President and CEO  
Best Market `  
1 Lexington Avenue  
Bethpage, NY 11714

**Re: New York State Lidl Essential Workers COVID-19 Policies, Practices and Hazard Pay**

Dear Lidl U.S. Management,<sup>1</sup>

We write on behalf of Jobs with Justice, a worker's rights organization, and a number of essential workers<sup>2</sup> across several of the 22 stores owned and operated by Lidl in New York City and Long Island, who are concerned for the health and livelihood of Lidl's essential workers during the pandemic outbreak of the virus known as COVID-19. As detailed below, these essential workers seek modification of Lidl policies, practices and training, including:

- Informing workers of potential or actual COVID-19 exposure within 8 hours of a worker's confirmed exposure;
- Detailing how, when and the frequency of cleaning and disinfecting a store when a worker is confirmed COVID-19 positive,

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<sup>1</sup> Lidl acquired 27 Best Market stores in the New York, New Jersey Connecticut area in or around 2018. For the purpose of this letter all stores will be referred to as Lidl stores. Best Market's website directs all compliance inquiries to the Lidl compliance page used for all Lidl U.S. stores. *See* Forbes, Lidl Steps Up U.S. Expansion And Adds American Products available at <https://www.forbes.com/sites/walterloeb/2019/09/09/lidl-2019--steps-up-expansion-and-adds-us-products/#7bfe6891323f> (last visited April 28, 2020).

<sup>2</sup> For purposes of this letter "essential worker" is being used consistent with New York State Executive Order 202.6 and with the CDC's definition of "Critical Infrastructure Worker." *See* New York State, Governor Cuomo Issues Guidance on Essential Services Under The 'New York State on PAUSE' Executive Order available at <https://www.governor.ny.gov/news/governor-cuomo-issues-guidance-essential-services-under-new-york-state-pause-executive-order> (last visited April 28, 2020); *See also* Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) available at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> (last visited April 24, 2020).



- Mandating posted cleaning schedules to notify workers when the store has been cleaned and when it is next scheduled for cleaning;
- Posting regular scheduled cleaning within a store, including bathrooms and break rooms;
- Requiring store managers and appointed persons to be trained on how to address workers and store clientele who fail to practice social distancing and safe behavior in the store;
- Providing training regarding:
  - New York State Paid Sick Leave and COVID-19 benefits
  - How to clean, disinfect and maintain the workplace and
  - Managers' obligations to enforce COVID-19 related practices and policies; and
- Providing Hazard Pay<sup>3</sup> to essential workers.

## **Background**

Over the past several months, as you are aware, several employees have tested positive for the COVID-19 virus in your stores. Indeed, there have been recent reports of fatalities in several stores, including the Harlem and Islip locations. These deaths have sent shockwaves through Lidl's essential worker community not only because of the grief and loss of life but, also because it has confirmed their suspicions and anxieties of being left uninformed of the imminent dangers in their workplace.

These essential workers expressed concerns about not receiving information when a colleague is sick with the COVID-19 virus, is symptomatic and/or has tested positive or absent from work because of COVID-19. Many learn that they may have been exposed to a co-worker who has tested positive through rumors and innuendos, which management fails to confirm or rectify. This, understandably, causes extreme anxiety for workers who are left without guidance or information necessary to take precautionary measures.

Additionally, the essential workers are concerned that their work areas, including breakrooms and bathrooms, are not regularly sanitized and cleaned, nor are they informed when and how frequently their workspaces will be cleaned. Further, there are no clear protocols on enforcing social distancing guidelines with employees and customers. Lastly, these essential workers seek compensation for working in an environment that exponentially exposes them to a virus that has cost them their co-workers', friends' and loved-ones' lives.

## **Policy Modifications**

### **I. Manner of and Notice to Workers Informing Them of Exposure or Potential Exposure to COVID-19**

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<sup>3</sup> Many Lidl workers have organized around this matter by circulating a petition seeking premium pay rate during this time.

## 1. Notice of Exposure or Potential Exposure to COVID-19.

Pursuant to the Occupational Safety and Health Act (“OSHA”) employers are obligated “to furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.”<sup>4</sup> The Center for Disease Control and Prevention (the “CDC”), an arm of the Department of Health and Human Services, is the primary public health agency of the United States and is meant to promote and protect the health of the country, by detecting and responding to domestic and global viruses and diseases, like COVID-19.<sup>5</sup> Since March 11, 2020 the World Health Organization (“WHO”), has determined that COVID-19 is a global pandemic.<sup>6</sup>

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Since March 2020, the CDC and OSHA have issued a number of protocols to employers that are necessary to stop the spread of COVID-19.<sup>7</sup> The United States has been in a state of emergency since March 13, 2020<sup>8</sup>, and Governor Cuomo announced a state of emergency in New York State as of March 7, 2020.<sup>9</sup> Since March 26, 2020, New York State has been identified as the epicenter of the COVID-19.<sup>10</sup> As of April 22, 2020, the CDC reports that the state of New York has 253,219 reported cases.<sup>11</sup>

The CDC’s protocols make clear that an essential worker who exhibits symptoms of COVID-19, cannot continue working without placing others in the workplace at risk of potential exposure to COVID-19.<sup>12</sup>

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<sup>4</sup> 29 U.S.C. § 654.

<sup>5</sup> See Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), CDC Organization available at [https://www.cdc.gov/about/organization/cio.htm?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fabout%2Forganization%2Findex.html](https://www.cdc.gov/about/organization/cio.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fabout%2Forganization%2Findex.html) (last visited April 28, 2020).

<sup>6</sup> See World Health Organization, WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020 available at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> (last visited April 24, 2020).

<sup>7</sup> See Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Public Health Recommendations for Community-Related Exposure available <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html> (last visited April 28, 2020). Adjust citation

<sup>8</sup> See Whitehouse.gov, Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak available at <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/> (last visited on April 24, 2020).

<sup>9</sup> See New York State, Executive Order 202, available at <https://www.governor.ny.gov/news/no-202-declaring-disaster-emergency-state-new-york> (last visited on April 24, 2020).

<sup>10</sup> See CNN, Why New York is the Epicenter of the American Coronavirus Outbreak available at <https://www.cnn.com/2020/03/26/us/new-york-coronavirus-explainer/index.html> (last visited April 24, 2020).

<sup>11</sup> See Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Cases of Coronavirus Disease (COVID-19) in the U.S. available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last visited April 22, 2020).

<sup>12</sup> See Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) available at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> (last visited April 24, 2020).

The risk of harm to essential workers of contracting COVID-19 is considered so substantial that general rules proscribing employer inquiry into a worker's health status have shifted to permit an employer to make limited inquiries, including taking temperatures and monitoring employee symptoms in the workplace.<sup>13</sup>

More specifically, the CDC directs employers to: 1) take workers' temperatures; 2) inquire about a workers' potential exposure to COVID-19; 3) enjoin workers from continuing working if they exhibit symptoms of COVID-19 or have been exposed to someone who has exhibited symptoms; and 4) collect a list of workers who have been in contact with a co-worker who has been enjoined from working because they are confirmed negative of COVID-19 or they have not exhibited symptoms for 14-days.<sup>14</sup>

Lidl workers reported that they have experienced practices contrary to the CDC's protocols, leaving them needlessly anxious while needing to independently investigate and guess whether they have been exposed to COVID-19, and subsequently exposing their loved ones to COVID-19 illness.

Take for example, Lidl's Islip, NY location. Diane Cantave, Solidarity Organizer of Jobs with Justice says, that on or about April 9, 2020, was the first time the store workers heard from management regarding the health of one of their co-workers, and the report was that Gladys Cortez, their co-worker, had died. Gladys Cortez was a single mother to a young child, and a caretaker for her elderly mother. Lidl has offered the essential workers little information about Ms. Cortez's death. Independently, workers inquired and were able to confirm that Ms. Cortez died of COVID-19 complications. The essential workers are dismayed by what they perceive as a lack of compassion from Lidl for the loss of life of their co-worker.

Diane Cantave describes:

"The workers are outraged and just feel as though there was no humanity from management. When they were told about Gladys' death they were given a two-day bereavement period that they must take before June 1. Some feel like it is 'shut up money.' They are upset that Gladys' death did not receive a memorial or some show of care. Workers report feeling robotic and a sense of, now more than ever, that they do not matter or are not even human. And through the grief, they are terrified, they do not even know if the store has been sanitized."

Ms. Martha Veronica Guerra's account of her experience in the Astoria location is exemplary of concerns shared by many workers across Lidl stores.

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<sup>13</sup> *Id.* See also, See U.S. Equal Employment Opportunity Commission, What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws available at [https://www.eeoc.gov/eeoc/newsroom/wysk/wysk\\_ada\\_rehabilitaion\\_act\\_coronavirus.cfm](https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm) (last visited April 24, 2020).

<sup>14</sup> See Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) available at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> (last visited April 24, 2020).

Ms. Guerra, as you know, is a 56-year-old mother who has worked with the supermarkets for 16 years, rising to the position of manager of the bakery department. In late March 2020, the store was abuzz that one of the workers had tested positive for the virus. However, Ms. Guerra was not notified by the store manager.

In fact, when she addressed her concern to the manager, he rebuffed her. Ms. Guerra, on her own accord, independently verified that a co-worker had, indeed, tested positive for the COVID-19 virus. Upon confirmation, Ms. Guerra sent a letter to a number of managers including the CEO Rebecca Philbert. She also reminded management that she suffers from diseases identified as high risk for susceptibility to COVID-19, and that she had been in contact with the worker who tested COVID-19 positive.

Further, she gave voice to the consternation felt by many other workers who believed that management had unduly exposed them and their families to COVID-19 by failing to communicate the potential of exposure to them. Given the aforementioned CDC guideline, Ms. Guerra's susceptibility, and the earlier issued "shelter-in-place" order by Governor Cuomo, Ms. Guerra took sick days staying in isolation for 14-days. When she so advised human resources, she was informed that her time away from work would be unpaid.<sup>15</sup>

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Like Ms. Guerra, several other workers indicated that they learned of potential COVID-19 exposure through innuendos and rumors clouding their workspace.

The workers seek a clear and detailed policy, per store, requiring their managers be trained to implement the CDC protocols identified as preventative to spreading COVID-19 in the workspace. The workers also demand that Lidl impose an 8-hour time frame, where Lidl workers will be notified if one of their co-workers has been sent home because of potential or actual exposure to COVID-19. Moreover, the workers ask that Lidl notify all workers in contact with an infected worker up to two days prior to the infected worker exhibiting symptoms.

Lastly, while Lidl may operate in various jurisdictions, in New York State, there is mandated paid sick leave (PFLB). Thus, anyone similarly situated to Ms. Guerra who took sick leave because they had been exposed to a co-worker who had the COVID-19 virus should be afforded paid sick leave.<sup>16</sup>

## **2. Cleaning, Disinfecting and Ventilation**

Another startling theme across the stores, is Lidl's failure to shut down and initiate ventilation and cleaning and disinfecting efforts upon notice that one of their workers was

<sup>15</sup> Consistent with the federal Families First Coronavirus Response Act and state law, Ms. Guerra is entitled to compensation for the 14-days she was in quarantine because of her exposure to COVID-19 in the workplace. *See* Pub. L. No. 116-127, § 7002, 134 Stat. 178, 212 (2020); *See also* New York State, Governor Cuomo Issues Guidance on Essential Services Under The 'New York State on PAUSE' Executive Order available at <https://www.governor.ny.gov/news/governor-cuomo-issues-guidance-essential-services-under-new-york-state-pause-executive-order> (last visited April 28, 2020).

<sup>16</sup> *Id.*

infected with COVID-19. The CDC advises that to quell the spread of COVID-19, upon notice that a worker has been infected with COVID-19 the store should minimally close down their work station and/or the store for 24 hours before initiating cleaning then, disinfecting the location and increase ventilation throughout the store.<sup>17</sup>

Take Marian Meszaros account for example:

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Ms. Meszaros is a 63-year-old essential worker in the Franklin Square, NY Lidl store. Ms. Meszaros works in the Meat Department, normally with 3 other workers and the department manager. Since the COVID-19 outbreak all three of her co-workers have stopped working. She was unsure why. She heard rumors that one worker who stopped coming to work sometime in March 2020 may have been diagnosed with COVID-19 but she is unsure.

Then, on or about April 17, 2020, her two other colleagues stopped coming in for work shifts. A week later, on or around April 23, 2020, Lidl store manager informed the store's morning shift that someone had COVID-19. The store manager also told Ms. Meszaros that one of the other workers was coming back the following day. At the end of Ms. Meszaros' shift the Meat Department manager asked her to come to work the following day. After working several hours of overtime the next day, the store manager called Ms. Meszaros and the Department manager into the office. Ms. Meszaros was told she had contact with someone who had been infected and she had to go home, and she was only allowed to take 5 days of leave because she had contact with the person over a week ago and still wasn't showing symptoms. When the Department Manager asked the store manager whether he would be put on leave, the store manager said no he would be fine.

Ms. Meszaros believes she was not informed earlier because of the shortage of essential workers in her Department, she also believes that is why her Department manager has not been sent home, despite his exposure or potential exposure to the virus. Ms. Meszaros is unaware of whether the store or her department has ever been cleaned and disinfected pursuant to CDC protocols. She also in unaware of any efforts to increase ventilation throughout the store.

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Ms. Meszaros' account is consistent with the experiences of other Lidl essential workers. In fact, there are reports of only two stores Huntington, NY and Astoria, NY having closed a station or the store to clean, and disinfect the store, and the reports indicate the shutdowns occurred well after Lidl essential workers tested positive for COVID-19. The workers demand that Lidl comply with CDC protocols of closing down areas for cleaning and disinfecting, and increasing ventilation when a worker has tested positive in one of the stores. Further, the

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<sup>17</sup> See Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Cleaning and Disinfecting Your Facility available at [https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Fdisinfecting-building-facility.html](https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Fdisinfecting-building-facility.html) (last visited April 24, 2020).



essential workers request that Lidl post a schedule indicating when the store has been cleaned and will next be cleaned.

### **3. New York State mandated benefit regarding COVID-19.**

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As stated above, New York State mandates paid sick leave for essential workers that must take leave because of potential or actual COVID-19 exposure. Currently, New York State mandates employers with more than 100 employees provide 14-days of paid leave.<sup>18</sup> Further, New York State has issued guidance to employers that they educate their workers regarding the new State mandated benefits.<sup>19</sup> Additionally, the State has mandated paid leave for workers who need to care or provide for a sick relative.<sup>20</sup>

Lidl essential workers from some of the stores report a failure to receive paid leave as previously described. Further, they reported a general lack of awareness of the right to paid sick leave if they are mandated to stay home, and their right to health care if they exhibit symptoms of COVID-19 and need to be tested. The Lidl essential workers ask that Lidl comply with State law and inform them of their right to such benefits.

## **II. Enforcement of Safe Practices**

As of April 20, 2020, Lidl appears to have posted new protocols, including taking essential workers temperature upon arriving at work, and purported enforcement for social distancing.<sup>21</sup> The CDC and OSHA both mandate practices of social distancing and reporting symptoms in the workplace, in order to provide a healthier work space.<sup>22</sup> The CDC has listed symptoms of COVID-19, with some symptoms readily observable like coughing and less visual like fever.<sup>23</sup> The CDC has maintained that areas such as the bathroom and employee breakroom must be maintained clean to combat the spread of COVID-19 at work.<sup>24</sup>

The essential workers report that Lidl fails to engage employees and clientele improperly practicing social distancing within the store, including allowing too many

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<sup>18</sup> See N.Y. Workers' Comp. Law Part 380 (known as the Paid Family Leave) See also, New York State New Paid Leave for COVID-19 available at <https://paidfamilyleave.ny.gov/COVID19> (last visited April 24, 2020).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> See Lidl, COVID-19 update available at <https://www.lidl.com/coronavirus-update> (last visited April 24, 2020).

<sup>22</sup> See Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) available at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> (last visited April 24, 2020); See also United States Department of Labor, OSHA COVID-19, available at <https://www.osha.gov/SLTC/covid-19/standards.html#workers> (last visited April 24, 2020).

<sup>23</sup> See Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Symptoms of Coronavirus available at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html> last visited April 24, 2020).

<sup>24</sup> See Centers for Disease Control and Prevention, Coronavirus Disease 2019 (COVID-19), Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) available at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html> (last visited April 24, 2020).

customers in the store at one time. Also, management does not seem to follow any discernable protocol when workers exhibit symptoms like coughing or visually appear sick and run down. Contrary to Lidl's posted policies that they take workers' temperatures at work, no worker reported that such practices occur in their stores.

Additionally, some workers reported that their bathrooms are not cleaned frequently. Indeed, some workers commented that their bathrooms "give[s] [them] the creeps, [they are] so disgusting", "they are filthy" and "they need to be cleaned." Some workers also reported that because their breakrooms were not properly cleaned, they initiated a cleaning schedule without direction from management.

Ms. Meszaros of the Franklin Square, NY store, reports that the employee break room is located next to the bathrooms. These bathrooms are open to the public. This means that while essential workers sit in the breakroom, and take off their masks to eat, they have customers come through the breakroom to access the bathroom. Further, the bathrooms and the breakroom are unclean. The worker who used to clean the Franklin Square, NY bathroom retired months ago and Lidl has yet to fill the position.

Moreover, the essential workers expressed concern that they have not been properly trained to navigate the workspace in the era of COVID-19. Pursuant to the CDC and OSHA, training is pivotal to maintaining a safe workspace.<sup>25</sup> Training includes understanding transmission of COVID-19 specific to their workspace, cleaning methods, and education on the symptoms and best practices when returning home from work.<sup>26</sup>

The essential workers ask that Lidl train managers on how to address: 1) workers and clientele who fail to abide by social distancing standards; and 2) workers who exhibit symptoms of COVID-19 and who are not reporting said symptoms. The essential workers also demand that Lidl train them on how to comply with safety standards including social distancing in all areas of the store, cleaning work stations and proper reporting of symptoms and exposure.

### **III. Hazard Pay**

The federal government recognizes "hazard pay" as "additional pay for the performance of hazardous duty or duty involving physical hardship."<sup>27</sup> Hazardous duty includes exposure to hazardous agents such as "virulent biologicals."<sup>28</sup> Virulent biologicals are defined as "materials of micro-organic nature which when introduced into the body are likely to cause serious disease or fatality and for which protective devices do not afford complete protection."<sup>29</sup> The federal government designates a 25% rate of pay increase for federal employees who are exposed to virulent biologicals.<sup>30</sup>

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> 5 C.F.R. § 550.902.

<sup>28</sup> 5 C.F.R. § Pt. 550, Subpt. I, App. A.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*



On March 11, 2020, the WHO recognized COVID-19 as a global pandemic.<sup>31</sup> COVID-19 is a virus which when introduced into the body is likely to cause serious disease or fatality. COVID-19 meets the definition for “severe acute respiratory syndromes” as set forth in Executive Order 13295, as amended by Executive Orders 13375 and 13674, and, therefore, is a “quarantinable communicable disease.”<sup>32</sup>

Since March 22, 2020 the State of New York has mandated all non-essential workers to stay at home regardless of whether they are able to continue working to reduce the rate of spread of this disease.<sup>33</sup> The disease is readily communicable from person to person, and is estimated to exist on surface for several days.<sup>34</sup>

Despite the high-level of risk, essential workers are still expected to work, with little alternatives.<sup>35</sup> Lidl’s workers in New York are essential workers who are risking their health to uphold our society, with many of them making less than a living wage, and just hovering over the minimum wage.<sup>36</sup> The risks to the essential workers is not hypothetical, as reports not only in your own stores but throughout the country expose incidents of death and illness among essential workers in the grocery industry.<sup>37</sup>

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At the Lidl store in Merrick, NY, Mr. Angel Padro says he is proud and fortunate to be working and providing for his community. However, he is very fearful for himself and his coworkers because he is aware that they expose themselves daily to risk of the COVID-19 virus. Many of them have been picking up additional shifts and extending their hours. He knows several coworkers who take public transportation to get to work, increasing their likelihood of exposure to COVID-19. Mr. Padro and other workers have expressed concerns about how stressed and anxious they are in the workspace especially because they do not feel they are properly trained in practices to prevent further spread of COVID-19. Nor are they being compensated for working in a hazardous environment.

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<sup>31</sup> See World Health Organization, WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020 available at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> (last visited April 24, 2020).

<sup>32</sup> See Attachment to OPM Memorandum No. 2020-05, Coronavirus Disease 2019 (COVID-19): Additional Guidance (March 7, 2020).

<sup>33</sup> New York State, Executive Order No. 202.7: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency available at <https://www.governor.ny.gov/news/no-2027-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency> (last visited April 24, 2020).

<sup>34</sup> World Health Organization, Q&A on coronaviruses (COVID-19) (March 9, 2020), available at: <https://www.who.int/news-room/q-a-detail/q-a-coronaviruses> (last visited April 24, 2020).

<sup>35</sup> See New York State, Governor Cuomo Issues Guidance on Essential Services Under The 'New York State on PAUSE' Executive Order available at <https://www.governor.ny.gov/news/governor-cuomo-issues-guidance-essential-services-under-new-york-state-pause-executive-order> (last visited April 28, 2020).

<sup>36</sup> See The Brookings Institution, Report: COVID-19’s Essential Workers Deserve Hazard Pay available at <https://www.brookings.edu/research/covid-19s-essential-workers-deserve-hazard-pay-heres-why-and-how-it-should-work/> (last visited April 24, 2020).

<sup>37</sup> *Id.*

Lidl essential workers seek hazard pay for their work during this crisis. Not only are they exposing themselves in their work, but they are increasing their stress, and creating additional exposure pathways for their loved ones. It is widely known that comparable employers in the area, such as Albertson subsidiaries, Acme Markets, King Kullen, Stop & Shop, ShopRite, and Save Mart have all offered their workers hazard pay to compensate them for their sacrifice and loyalty to their employer and the community which, they serve.<sup>38</sup> The workers ask that they, too, be afforded hazard pay. We ask that the pay be provided to all Lidl essential workers retroactive to March 22, 2020.

These essential workers make these requests as a collective group across New York State Lidl stores for all employees who seek better working conditions. We appreciate your attention to this urgent matter and ask that you respond no later than May 7, 2020. Please contact Nathalia Varela at [NVarela@latinojustice.org](mailto:NVarela@latinojustice.org) or Francisca Fajana at [FFajana@latinojustice.org](mailto:FFajana@latinojustice.org).

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
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Nathalia Alejandra Varela  
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<sup>38</sup> See Winsight Grocery Business, Union Chains to Roll Out Bonuses available at <https://www.winsightgrocerybusiness.com/retailers/union-chains-roll-out-bonuses> (last visited April 24, 2020).