

DOW JONES

369.04 to 24,575.90

Over the past year:



CRUDE OIL

\$1.53 to \$33.49

Over the past year:



OIL, TECH DRIVE MARKET REBOUND

Stocks closed higher on Wall Street Wednesday, clawing back all of its losses from a day earlier and extending its strong gains for the week.

The S&P 500 rose 1.7% as the market bounced back from a sudden drop on Tuesday that snapped the index's three-day winning streak. Crude oil prices posted their fifth straight gain.

Technology, the only sector that's holding on to a gain for the year, accounted for much of the market's upward move. Bond yields moved broadly lower, a sign of caution in the market.

Fresh hope about a potential vaccine for COVID-19 and optimism that the U.S. economy will recover in the second half of the year as businesses gradually reopen and stay-at-home orders aimed at stemming the spread of the coronavirus are relaxed have spurred stocks higher this week.

"Although this is optimism, this is very cautious optimism," said J.J. Kinahan, chief strategist with TD Ameritrade. "You're seeing people also buy bonds today. That's very surprising seeing the stock market doing well and also seeing people buy bonds."

The S&P 500 gained 48.67 points to 2,971.61. The Dow Jones Industrial Average rose 369.04 points, or 1.5%, to 24,575.90. The Nasdaq composite, which is heavily weighted with technology stocks, climbed 2.1%, to 9,375.98. — AP

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An employee monitors access to the BJ's warehouse in Freeport recently. Liability waivers are essential in protecting employers from frivolous lawsuits, supporters say. Opponents argue waivers could shield bad actors from the consequences of negligence.

Liability shield debate

As full economic reopening nears, issues of safety, litigation weigh on LI businesses

BY CAROL POLSKY
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SPECIAL REPORT



The signs telling customers to wear masks are up in the vestibule, and the hand sanitizer dispenser is located by the front door. Masks are offered to those without them, and those who refuse have the option to conduct their business with an employee outside.

Customers who refuse his safety precautions can go elsewhere, said Evan Bloom, co-owner of a family signage and printing business with three franchises on Long Island. He doesn't want to expose his employees or customers to the coronavirus that causes COVID-19 or be exposed to a lawsuit by someone claiming they were infected in his establishments.

"I'm willing to not do business with the person if they are going to be difficult," he said. "As a small business, I don't have a large bankroll to settle lawsuits. We are a local small business. We want to

try to put all the proper precautions out there so if someone did sue, we could say we took all these precautions."

State executive order

In New York State, an executive order by Gov. Andrew M. Cuomo directs local governments to mandate face coverings be worn in public areas where social distancing of at least 6 feet might not be possible. But nationally, businesses — from meatpacking plants to supermarkets, warehouses and small retail stores — have been uneven in how or even whether they enforce such safety guidelines.

Organizations such as the United States Chamber of Commerce are calling for a federal waiver of liability against workers' claims stemming from COVID-19 infections, even as businesses on Long Island rush to prepare for the

safe return of workers.

U.S. Senate Majority Leader Mitch McConnell (R-Kentucky) has said that no future COVID-19 aid package will proceed without it. Congressional Democrats oppose the waiver and say businesses that follow federal safety guidelines would be protected from litigation.

A liability waiver, opponents say, could shield employers from consequences even if they neglect safety precautions, including providing protective gear and testing.

"I think it gives them a license not to be as safe. It's a license for negligence," said Lenard Leeds, a plaintiffs attorney from Leeds Brown Law PC with offices in Carle Place and Manhattan, pointing to the difficulty in suing nursing homes, which require a high threshold of gross negligence for a suit. "If you could sue for standard negligence, they

would be more careful about their day-to-day operations. I think that standard has resulted in unnecessary deaths."

Edward Steinberg, a malpractice and accident attorney whose practice covers Long Island, New York City and Westchester County, is the president-elect of the New York State Trial Lawyers Association. He is worried such a waiver would place the concerns of business over the public health as the economy reopens.

"Although the everyday challenges from this pandemic may be entirely new, Mitch's political playbook is the same old, same old, once again putting the profits of big business over the health and safety of consumers and exploiting workers," Steinberg said in a statement. "Given everything New Yorkers have been through, Mitch's dangerous assault on our legal rights is both absurd and outrageous."

But business groups and attorney

See **WAIVERS** on A38

Business liability waivers debated

WAIVERS from A37

neys representing employers say the majority are trying to comply with a rapidly changing array of guidelines and rules and want to keep employees and customers safe.

“It was like a blitzkrieg of new legal requirements that employers overnight had to get compliant with,” said Christopher Valentino, managing principal of the Long Island office, in Melville, of JacksonLewis, a national firm that represents management in employment and labor cases.

“The challenge was in some circumstances you have legislation that is now being contradicted or being interpreted differently by subsequent guidelines from different agencies,” Valentino said. “You have a situation where employers are trying to comply, but the workplace law landscape was and is constantly changing.”

Valentino said he believes the liability waiver initiative would try to provide “a layer of protection” for employers adjusting to shifting rules and would not protect against gross negligence. In any case, he said, New York employers are generally insulated by the Workers Compensation Law, which requires employees to file a claim through workers’ compensation for damages rather than sue except in cases of intentional harm.

One regional supporter of the liability waiver is the Association for a Better Long Island, a trade group with members in the development and real estate industry. Its executive director, Kyle Strober,

said: “Our biggest fear is that in three months, instead of watching mesothelioma commercials, lawyers are advertising for COVID-19 victims. While we understand there will always be bad actors who exhibit gross negligence, we need to protect the business owners who follow proper safety protocols so that they are not susceptible to frivolous lawsuits.”

Bloom said his family’s Sir Speedy franchises in Westbury, Melville and Hauppauge are preparing signs and acrylic barriers for business customers busy modifying workplaces in anticipation of reopening when conditions permit. The demand for such barriers between workstations, graphic floor designs directing people where to stand and walk and signage directing people to wear masks already have led to delays in getting materials, he said.

“Businesses are taking this seriously much more than I expected,” Bloom said.

Meanwhile, videos of crowding inside and outside of reopening parks, bars and restaurants around the country show the difficulties in maintaining social distancing guidelines.

On Long Island, there have been thousands of public complaints about businesses improperly staying open or not enforcing social distancing or other rules. But as of early May in Nassau, only 22 summons were issued.

“You can’t have a complete waiver of liability — unfortunately there is always going to be that small percentage, those bad apples who will ruin it for everyone else,” Bloom said.



TNS / DREW PHILLIPS

Lacking its cousin’s charm

ROAD TEST

BY SCOTT STURGIS

The Philadelphia Inquirer (TNS)

The Palisade is Hyundai’s answer to the new Kia Telluride. It’s a three-row SUV that rides high and offers spaciousness, luxury, and plenty of new features, and both were new for the 2020 model year, although they made their road debuts early in the cycle.

Unfortunately, the Palisade is missing much of the charm of the Kia cousin.

The Palisade’s straight-line acceleration should make any potential buyer quite happy. The 3.8-liter V-6 creates 291 horsepower and gets to 60 mph in 7.1 seconds, according to Motor Trend. And plenty of power is available for passing and other speed-enhancing maneuvers.

I’ve often remarked that Hyundai is the fluffier version of Kia, with softer handling but a smoother ride. But it’s been a few years since twin models were this obvious about it.

The Palisade’s handling is far inferior to the Telluride. When I hopped in the Telluride, I remember just thinking “Ooooooh.” It glided over the twists and turns of my home territory with more ease than any three-row SUV had the right to, even before I made any adjustments.

The Palisade, on the other

hand, lumbered through those same stretches, bouncing me around and sending me on a desperate quest for the Sport mode. But even that didn’t improve the handling noticeably.

In fact, with five drive-mode choices, a perfect blend should be available, but alas it is not. Handling remained adequate at best, and choppy at worst. The Palisade most reminded me of the old Expedition or Sorento.

The eight-speed transmission worked pretty quietly under the hood, keeping the momentum. It’s operated through a Honda-style series of buttons.

The Nappa leather seats included in the Limited trim are kind of firm, and also slippery; when I set the bolster full on to try getting myself comfortable, I could feel myself shifting from corner to corner. But overall the seats were not too bad.

The view of the dashboard was clear, although the steer-

ing wheel doesn’t telescope as much as I might have liked.

Among the gizmos are cameras on both sides that show the view of the nearby lane when the turn signal is switched on. The left side of the instrument panel displays the view to the left and to the right. Nice idea; a little hard to see. seat.

The third-row seat is snug, with little knee room because it sits so close to the floor. But overall, it’s not bad for what it is, unless you try cramming three adults back there. Uh-uh.

Cargo space is 85.4 cubic feet with two rows folded; 45.8 with one down; and 18 behind the third row, all fairly healthy, but still little more than half a Sienna.

The Harmon Kardon premium audio operated pretty easily. Dials control volume and tuning, while a row of buttons gets around main functions. The heater controls are mixed into a panel with the traction control, and it all becomes a little overwhelming. Dials control the temperature settings and buttons control the other functions.

I averaged about 20 mpg in the usual range of Philadelphia region testing, pre-COVID-19. Built in Ulsan, South Korea, you can feed the Palisade whatever type of gas you prefer.

Consumer Reports predicts its reliability to be a four out of five.

In the end: There’s a lot to like about the Palisade, but I’d definitely take the Telluride instead.



An employee at Herrick Hardware in Southampton, right, discusses coronavirus prevention measures with a customer recently.

NEWSDAY / STEVE PROST