



UPDATE OF NEW YORK STATE COVID-19 LEGAL DEVELOPMENTS

DESIGNATION OF ESSENTIAL BUSINESSES:

As the COVID-19 pandemic continues to evolve, our firm has been monitoring legal developments which we will be sharing periodically with our clients and colleagues.

Among recent executive actions announced by government officials, there are a series of continuing executive orders issued by the Governor of the State of New York stemming from his initial Executive Order 202 on March 7, 2020, declaring a disaster emergency in the State of New York. The several ensuing Executive Orders further clarified the initial Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency known as the “Pause” Order, which was effective March 22, 2020 (Executive Order 202.8). The Order mandates that employers of non essential businesses shall reduce their in-person workforce by 100% and rely instead on telecommuting or other work-at-home arrangements.

Executive Order 202.8 includes an exemption for an “essential business or entity” providing essential services or functions. Exempted businesses are not subject to the in-person workforce restrictions or limitations. An essential business, as originally defined in Executive Order 202.6 (as modified by EO 202.13), includes by category:

- › essential health care operations including research and laboratory services;
- › essential infrastructure including utilities, telecommunication, airports and transportation infrastructure;
- › essential manufacturing, including food processing and pharmaceuticals;
- › essential retail including grocery stores and pharmacies;
- › essential services including trash collection, mail, and shipping services;
- › news media;
- › banks and related financial institutions;
- › providers of basic necessities to economically disadvantaged populations;
- › essential construction;
- › vendors of essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses; and
- › vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public.

For your reference, New York State’s Guidance on Executive Orders listing all the businesses within each of the above categories may be accessed here:

<https://esd.ny.gov/guidance-executive-order-2026>.

In addition, the NY Governor has issued a 10-Point Plan, which can be found here:

<https://coronavirus.health.ny.gov/new-york-state-pause> providing uniform guidelines for individual department and hygiene, in both public and private settings as well as in businesses



BEATTIE

PADOVANO^{LLC}

providing essential services.

We invite questions regarding the interpretation of these orders and other Covid-19 legal developments. We hope that this guidance assists in keeping you and your employees safe.

Article by: Steven Weisfeld and Cristin Keegan