

MARCH 19, 2020



New York requiring businesses to reduce in-person workforces by 75% and utilize telework

By Kimberly Harding

Late last night, Governor Cuomo released the official text of the Executive Order (the “Order”) he had announced earlier that afternoon, requiring that all New York State businesses and not-for-profits utilize telecommute and work-from-home arrangements “to the maximum extent possible,” and further requiring that all New York State businesses reduce the in-person workforce at any work locations by 50% no later than March 20 at 8:00 p.m.” This morning, he orally modified the Order, requiring a 75% reduction.

The Order excludes any “essential business or entity providing business functions” from its in-person restrictions. Such entities are defined to include the following:

- 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;
- 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.

Further guidance as to which businesses are considered “essential” will be released by the Empire State Development Corporation (“ESDC”) no later than 5:00 p.m. today, March 19, 2020.

Finally, the Order provides that other businesses may be “deemed essential” if they request an opinion from the Empire State Development Corporation that “it is in the best interest of the state to have the workforce continue at full capacity in order to properly respond to [the COVID-19] disaster.”

We will be closely monitoring for the EDC’s guidance and reviewing promptly when it is released.

For more information on the content of this alert, please contact our [Coronavirus Response team](#), your Nixon Peabody attorney, or:

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