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## New York announces additional re-opening guidelines for regions and businesses

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Amid the ongoing COVID-19 crisis, New York State Governor Andrew Cuomo has officially announced guidelines for reopening regions and businesses across the state as we anticipate the May 15 expiration of the New York State “PAUSE” [Order](#).

The governor announced four core factors that the state will assess prior to determining whether a region may begin to re-open:

- Regions must have at least 14 days of decline in total net hospitalizations and deaths on a three-day rolling average;
- Regions must have at least 30 percent total hospital and ICU beds available;
- Regions must have the capacity to conduct 30 diagnostic tests for every 100,000 residents per month; and
- Regions must have a baseline of 30 contact tracers for every 100,000 residents.

From there, businesses and industries in the respective regions will be permitted to re-open in a phased approach, based on how “essential” the particular business is considered to the public, and the risks of infection to employees and customers that are inherent in its operations. Precise details remain unknown; for now, however, the following schedule has been released:

- Phase 1: Construction, manufacturing, and select retail (with curbside pickup);
- Phase 2: Professional services, finance and insurance, retail, administrative support, and real estate/rental leasing;
- Phase 3: Restaurants, food services, and hotels; and
- Phase 4: Arts, entertainment, recreation, and education.

It appears no region of the state currently will be permitted to open attractions or businesses that would draw a large number of visitors from outside the local area.

In addition, the governor also announced new safety precautions businesses in New York will be required to put in place upon re-opening, including:

- Adjusting work hours and shift design as necessary to reduce density in the workplace;
- Enacting social distancing protocols;
- Restricting non-essential business travel for employees;
- Requiring all employees and customers to wear face masks if in frequent contact with others;
- Implementing strict cleaning and sanitation standards;
- Enacting a continuous health screening process for individuals to enter the workplace;
- Tracing, tracking, and reporting of cases; and
- Developing liability processes.

Although the governor did not expand on what, exactly, will be required of businesses or how such requirements will be enforced, Nixon Peabody attorneys are monitoring these and other return-to-work issues closely. Additional guidance can also be found in our prior alerts for employers [generally](#) and [retailers](#) specifically.

For more information on the content of this alert, please contact your Nixon Peabody attorney or:

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