

(3.20.20) Update from our public policy consultants, Brown & Weinraub.

EXECUTIVE ORDER EXPANDS WORKPLACE RESTRICTIONS

Late last evening, Governor Cuomo issued an Executive Order including the following provisions:

The provisions of Executive Order 202.6 requiring in-person work environment restrictions are modified as follows: Effective March 21, 2020 at 8 p.m. and until further notice all businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 75% no later than March 21 at 8 p.m. Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions.

Effective March 21, 2020 at 8 p.m. and until further notice, all barbershops, hair salons, tattoo or piercing parlors and related personal care services will be closed to members of the public. This shall also include nail technicians, cosmetologists and estheticians, and the provision of electrolysis, laser hair removal services, as these services cannot be provided while maintaining social distance.

The Executive Order also provides for notary services to be performed using audio-visual activity. Access the Executive Order here: <https://www.governor.ny.gov/news/no-2027-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

GUIDANCE FROM ESDC RE: WORKFORCE REDUCTION

The Empire State Development Corp issued guidance regarding the Executive Orders restricting attendance of employees at non-essential businesses. It provided the following background on the requirement:

On March 18, 2020, Executive Order 202.6 (or as revised) directed that all businesses and not-for-profit entities in New York State, shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize.

It is directed that, no later than March 20, 2020 at 8 p.m., each for-profit or not-for profit employer (excluding state and local governments and authorities) shall reduce the in-person workforce at each business/work location by 75% from pre-state of emergency declaration employment levels.

ESSENTIAL BUSINESSES OR ENTITIES, including any for profit or non-profit, regardless of the nature of the service, the function they perform, or its corporate or entity structure, are not subject to the in-person restriction. (Essential Businesses must continue to comply with the guidance and directives for maintaining a clean and safe work environment issued by the Department of Health).

Access the Guidance here: <https://esd.ny.gov/guidance-executive-order-2026>