

Insights

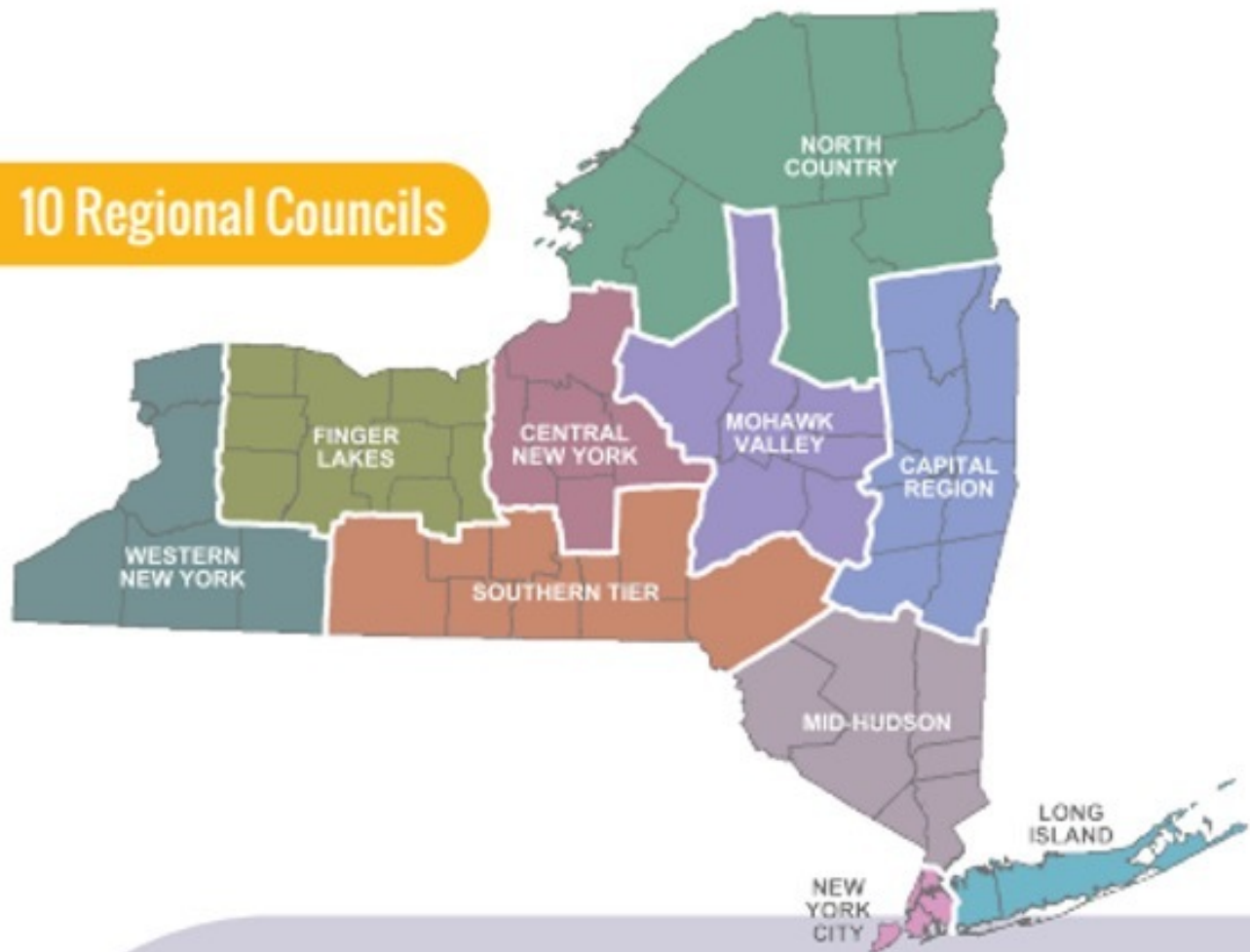
**MOVING NEW YORK FORWARD: GOVERNOR CUOMO
AUTHORIZES THE FIRST NEW YORK REGIONS TO ENTER
PHASE ONE OF REOPENING**

May 20, 2020

Reopening Plan Structure:

Governor Cuomo's [New York Forward](#) reopening plan split the state of New York into ten (10) [regions](#).

10 Regional Councils



Western New York:	Allegany, Cattaraugus, Chautauqua, Erie, Niagara
Finger Lakes:	Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates
Southern Tier:	Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins
Central New York:	Cayuga, Cortland, Madison, Onondaga, Oswego
Mohawk Valley:	Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie
North Country:	Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence
Capital Region:	Albany, Columbia, Greene, Saratoga, Schenectady, Rensselaer, Warren, Washington
Mid-Hudson:	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester
New York City:	Bronx, Kings, New York, Richmond, Queens
Long Island:	Nassau, Suffolk

The restrictions on business operations will be considered on a regional basis based on established criteria tailored to allow phased reopenings to begin in each region only if:

1. The infection rate is sufficiently low;
2. The health care system has the capacity to absorb a potential resurgence in new cases;
3. Diagnostic testing capacity is sufficiently high to detect and isolate new cases; and
4. Robust contact-tracing capacity is in place to help prevent the spread of the virus.

Only the regions that meet the prescribed public health and safety metrics, as determined by the Department of Health, will be eligible for reopening. An up to date monitoring dashboard tracking the various regions can be accessed [here](#).

Businesses that are Permitted to Reopen:

The New York Forward plan is broken down into four separate phases, with each phase allowing for additional industries to reopen.

On May 14, 2020, Governor Cuomo signed [Executive Order No. 202.31](#) (the “Order”) authorizing the Finger Lakes, Central New York, Mohawk Valley, Southern Tier and North Country regions to enter into Phase One of the New York Forward reopening plan. The Order allows those regions’ Construction, Agriculture, Forestry, Fishing and Hunting, Retail – (Limited to curbside or in-store pickup or drop off), Manufacturing, and Wholesale Trade industries to reopen subject to [industry specific guidelines](#).

The following chart provides a summary of industries allowed to reopen in each designated phase, as well as the current status of the regions.

Phase One			
Industries Reopened	Construction, Agriculture, Forestry, Fishing and Hunting, Retail – (Limited to curbside or in-store pickup or drop off), Manufacturing, and Wholesale Trade	Authorized Regions	Central New York, Finger Lakes, Mohawk Valley, North Country, Southern, and Western New York ¹
Phase Two: Not Open			
Industries Reopened	Professional Services, Retail, Administrative Support, Real Estate / Rental & Leasing	Authorized Regions	None
Phase Three: Not Open			
Industries Reopened	Restaurants and Food	Authorized Regions	None

	Services		
Phase Four: Not Open			
Industries Reopened	Education, Arts, Entertainment, Recreation	Authorized Regions	None

Restrictions on Reopening:

All industries permitted to reopen in Phase One are required to implement measures to mitigate the exposure and spread of COVID-19. These measures are industry specific and should be monitored on a regular basis, as they are subject to updating, but generally include:

- Ensuring **six (6) feet of distance** between personnel, unless safety or core function of the work activity requires a shorter distance.
- Any time personnel are less than six (6) feet apart from one another, personnel must wear acceptable face coverings.
- Restricting workforce presence to **no more than 50% max occupancy for any work occurring indoors** in a particular area as set by the certificate of occupancy.
- **Posting social distancing markers** using tape or signs that designate six (6) feet of spacing in commonly used and other applicable areas on the site.
- Limiting in-person gatherings as much as possible and using tele- or video-conferencing whenever possible. Essential in-person gatherings (e.g. meetings) should be held in open, well-ventilated spaces with appropriate social distancing among participants.
- **Establishing designated areas for pick-ups and deliveries**, limiting contact to the extent possible.
- Employers must **provide employees with an acceptable face covering** at no-cost to the employee and have an adequate supply of coverings in case of replacement. Acceptable face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana) and surgical masks, unless the nature of the work requires stricter PPE (e.g. N95 respirator, face shield).
- Adhering to hygiene and sanitation requirements from the Centers for Disease Control and Prevention (CDC) and Department of Health (DOH) and **maintaining cleaning logs** on site that document date, time, and scope of cleaning.
- Providing and maintaining **hand hygiene stations** for personnel, including handwashing with soap, water, and paper towels, as well as an alcohol-based hand sanitizer containing 60% or

more alcohol for areas where handwashing is not feasible.

- Providing and encouraging employees to use cleaning/disinfecting supplies before and after use of shared and frequently touched surfaces, followed by hand hygiene.
- Conducting regular **cleaning and disinfection at least after every shift, daily, or more frequently as needed**, and more frequent cleaning and disinfecting of shared objects and surfaces, as well as high transit areas, such as restrooms and common areas.

Next Steps for Businesses in New York:

Businesses in New York should identify which phase will allow them to reopen, and prepare to implement the required safety precautions in anticipation of reopening. For those regions not included in the Order, the New York on PAUSE Order will remain in effect through May 28, 2020. We are actively tracking the New York Forward Plan on a real time basis, as well as all of the similar orders signed by governors across the United States. Please contact the [COVID-19 Shutdown Team](#) if you have any questions about your business in New York or elsewhere.

1. On May 18, 2020, the Western New York Region joined the regions listed in the Order as satisfying the metrics required to begin reopening.

RELATED CAPABILITIES

- Regulation, Compliance & Advisory
- Public Policy & Government Affairs
- Real Estate
- Environment
- Employment & Labor
- Business & Commercial Disputes
- Retail & Consumer Products
- Restaurants, Pubs & Clubs

MEET THE TEAM



Thomas S. Lee

San Francisco

tom.lee@bclplaw.com

[+1 415 675 3447](tel:+14156753447)



Nicholas A. Bedo

Atlanta

nick.bedo@bclplaw.com

[+1 404 572 6670](tel:+14045726670)

This material is not comprehensive, is for informational purposes only, and is not legal advice. Your use or receipt of this material does not create an attorney-client relationship between us. If you require legal advice, you should consult an attorney regarding your particular circumstances. The choice of a lawyer is an important decision and should not be based solely upon advertisements. This material may be “Attorney Advertising” under the ethics and professional rules of certain jurisdictions. For advertising purposes, St. Louis, Missouri, is designated BCLP’s principal office and Kathrine Dixon (kathrine.dixon@bclplaw.com) as the responsible attorney.