

NEW YORK – COVID-19 – Executive Order No. 202.8 – Issued 3/20/20, as Modified by Subsequently Issued Executive Orders, and Related Orders

PART OF “NEW YORK STATE ON PAUSE”

EO 202.8 <https://www.governor.ny.gov/news/no-2028-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

Also see EO 202.3, EO 202.4, EO 202.6, EO 202.7, EO 202.10, EO 202.11, EO 202.13, EO 202.14, EO 202.16, EO 202.17, EO 202.18, EO 202.28
<https://www.governor.ny.gov/executiveorders>

GENERAL TOPIC	SUMMARY	SECTION # 202.8
Effective Period	March 22, 2020 at 8:00 PM EST until April 19, 2020, which was subsequently extended, most recently by Exec. Order 202.31 , to 11:59 PM on May 28, 2020. [Note: Certain restrictions under EO 202.8 are being lifted in phases for certain regions, starting 5/15/20 in accordance with the NY Forward reopening plan. See separate summary of Exec. Order 202.31 for details.]	Preamble & EO 202.31
Intent	Help combat the COVID-19 outbreak.	Preamble
Stay at Home	Not addressed specifically in an Executive Order; however, Governor Cuomo’s “New York State on PAUSE” 10 Point Plan, a policy to assure uniform safety for everyone, available at: NY State on PAUSE , includes the following: <ul style="list-style-type: none"> any concentration of individuals outside their home must be limited to workers providing essential services, and requires social distancing to be practiced; individuals “should” limit outdoor recreational activities and use of public transportation; and sick individuals should not leave their home unless to receive medical care and only after a telehealth visit to determine if leaving the home is in the best interest of their health. New York on PAUSE is continued until 11:59 PM on May 28, 2020.	N/A EO 202.31
Businesses in NY	Employers of businesses that are not <u>essential businesses</u> remain subject to the requirement to reduce in-person workforce by 100%. Starting 5/15/20, certain businesses are being allowed to reopen in phases, by regions, per Exec. Order 202.31 , and other reopening orders. All businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommunicating or work from home procedures that they can safely utilize. Pursuant to Exec. Order 202.16 , as of April 15, 2020 at 8:00 PM EST, all essential businesses are required to provide employees with face masks when in direct contact with customers or members of the public.	Pg. 2

Disclaimer: The information provided in this handout is general information and not designed to be and should not be relied on as your sole source of information when analyzing and resolving a specific legal issue. Each fact situation is different; the laws are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult with legal counsel.

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Public and Private Gatherings	<p>Pursuant to Exec Order 202.10 all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) are canceled or postponed.</p> <p>Pursuant to Exec. Order 202.17, as of April 17, 2020 at 8:00 PM EST, any individual over the age of 2 and able to medically tolerate a face-covering is required to cover their nose and mouth with a mask or cloth-face covering when in a public place and unable to maintain, or not maintaining, social distance.</p>	<p>EO 202.10</p> <p>EO 202.17</p>
Travel	<p>Pursuant to Exec. Order 202.18, as of April 17, 2020 at 8:00 PM EST, any individual over the age of 2 and able to medically tolerate a face-covering is required to cover their nose and mouth with a mask or face covering when utilizing public or private transportation carriers or other for-hire vehicles, and any person operating such vehicles shall cover their nose and mouth with a mask or face covering while any passengers are in such vehicle.</p> <p>Also see points noted above under “Stay at Home”.</p>	EO 202.18
Schools	<p>Schools remain closed through the remainder of the school year. See Exec Order 202.28 which further extended the directive contained in Exec. Order 202.4, as amended by Exec. Order 202.11.</p>	EO 202.28
Violations	<p>Any business violating this Order shall be subject to enforcement as if this were a violation of an order pursuant to Section 12 of the Public Health Law.</p>	Pg. 2
Additional Guidance	<p>With respect to employees of an “essential business,” only those employees that are essential to providing the products and services are permitted to work at the business location. Essential Businesses are still required to utilize telecommuting or work from home procedures to the maximum extent possible, and those employees that must report to work shall adhere to the requirements set forth in the Department of Health guidelines, which can be found at https://coronavirus.health.ny.gov/home</p> <p>See the FAQs, issued by the NYS Department of Economic Development d/b/a Empire State Development (ESD), for determining whether a business is subject to the in-person workforce restrictions imposed under the Executive Orders enacted to address the COVID-19 Outbreak.</p>	Pg. 2
DEFINITIONS (SUMMARY)		
Essential Businesses	<p>The ESD has issued a list of “essential businesses”, which is updated from time to time. At the very bottom of ESD's List of Essential Businesses, it provides a list of businesses that are specifically enumerated as non-essential, and therefore unable to request a designation.</p> <p>If a business does not appear on ESD's List of Essential Businesses, and has not been enumerated as non-essential, such business may request designation as an essential business online at: Request for Designation.</p>	

DISCLAIMER: *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.*

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