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Prerequisites For Re-Opening Your Business In New York State

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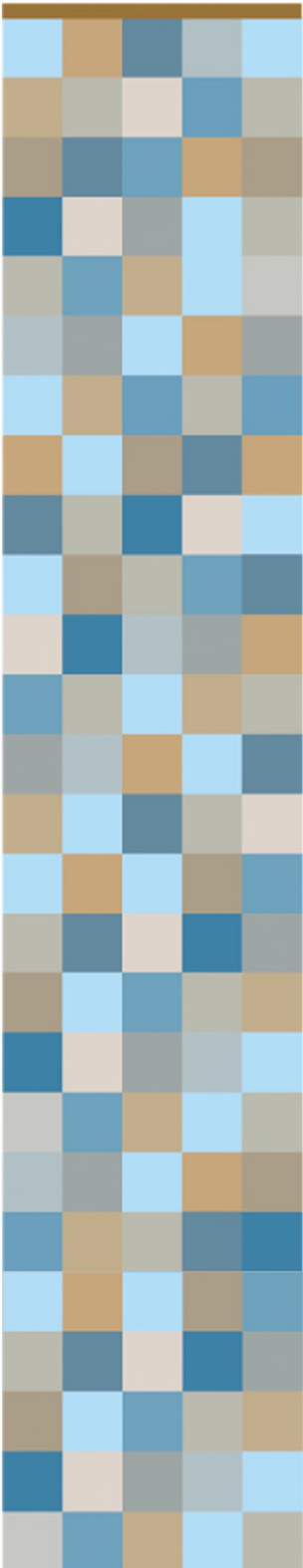
Several states and cities across the country have begun re-opening after COVID-19 forced them to shut down. New York is one of the latest states to announce its re-opening plan starting (tentatively) after the May 15, 2020 expiration of the New York State Executive “PAUSE” Order. As part of New York’s strategy for re-opening (the “Re-Opening Plan”), Governor Andrew Cuomo has imposed several new obligations on businesses. Businesses must begin developing a strategy for complying with these new requirements soon to ensure compliance.

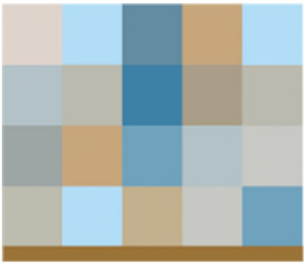
The Re-Opening Plan

The first step in the Re-Opening Plan is determining which regions within the state are “ready” to re-open. To make that determination, New York will assess the following four core factors in each region:

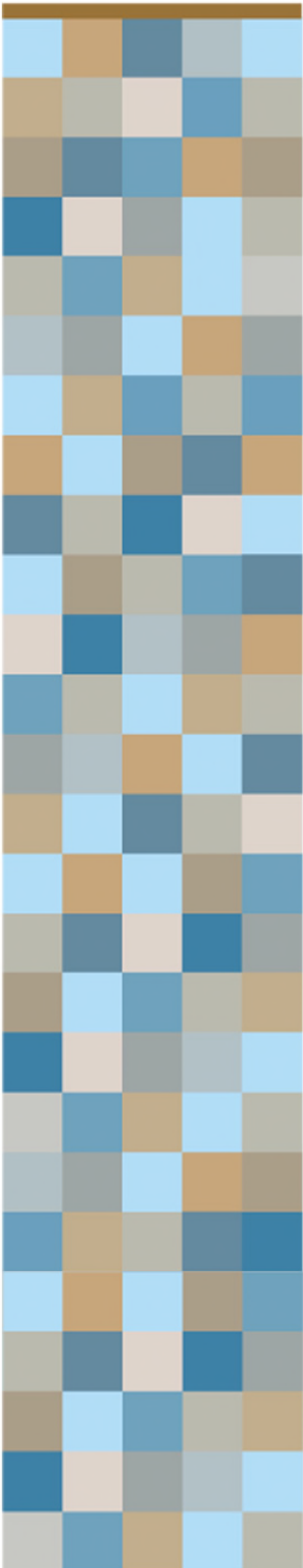
1. **New Infections:** Regions must have at least 14 days of decline in total net hospitalizations and deaths on a 3-day rolling average. In regions with few COVID cases, the region cannot exceed 15 net new total hospitalizations or 5 new deaths on a 3-day rolling average. In order to monitor the potential spread of infection in a region, a region must have fewer than two new COVID patients admitted per 100,000 residents per day.
2. **Health Care Capacity:** Regions must have at least 30 percent total hospital and ICU beds available.
3. **Diagnostic Testing Capacity:** Each region must have the capacity to conduct 30 diagnostic tests for every 1,000 residents per month.
4. **Contact Tracing Capacity:** Regions must have a baseline of 30 contact tracers for every 100,000 residents, and additional tracers based on the projected number of cases in the region.

The Regional Monitoring Dashboard, which provides the re-opening status of each region in New York, can be found [here](#).





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If a region satisfies all four factors, it will be deemed “ready” to re-open, and the businesses and industries in the respective region will be permitted to re-open in the following phased approach:

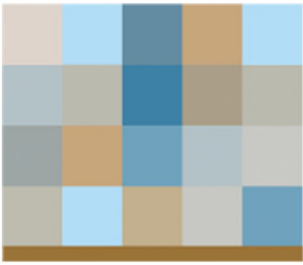
1. **Phase One:** Construction, manufacturing, and select retail (with curbside pickup).
2. **Phase Two:** Professional services, finance and insurance, retail, administrative support and real estate/rental leasing.
3. **Phase Three:** Restaurants, food services and hotels.
4. **Phase Four:** Arts, entertainment,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

Businesses or attractions that would likely draw a large number of visitors from outside the local area are explicitly prohibited from opening at this time.

When a business is permitted to re-open, pursuant to the Re-Opening Plan described above, it must put the following safety precautions in place:

1. Adjust work hours and shift design, as necessary, to reduce density in the workplace;
2. Enact social distancing protocols;
3. Restrict non-essential business travel for employees;
4. Require all employees and customers to wear face masks if in frequent contact with others;
5. Implement strict cleaning and sanitation standards;
6. Enact a continuous health screening process for individuals to enter the workplace;
7. Continue tracing, tracking and reporting of cases; and
8. Develop liability processes.

The New York State Re-Opening Plan does not provide specific guidance concerning these new safety precautions or how such requirements will be enforced. Moritt Hock



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