

April 1, 2020 | 6:20 am

**Information on Novel  
Coronavirus**<https://coronavirus.health.ny.gov/home>

Governor Cuomo has put NY State on PAUSE: All non-essential workers are directed to work from home, and everyone is required to maintain a 6-foot distance from others in public.

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**Empire State  
Development**  
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## **GUIDANCE FOR DETERMINING WHETHER A BUSINESS ENTERPRISE IS SUBJECT TO A WORKFORCE REDUCTION UNDER RECENT EXECUTIVE ORDERS**

(enacted to address the COVID-19 Outbreak)

Please review our Frequently Asked Questions [here](https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf) ([https://esd.ny.gov/sites/default/files/ESD\\_EssentialEmployerFAQ\\_033120.pdf](https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf)).

UPDATED: MARCH 27, 2020 at 11:00 AM

**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 and every business, even if essential, is strongly urged to maintain social distance to the extent possible.*

This guidance is issued by the New York State Department of Economic Development d/b/a Empire State Development and applies to each business location individually and is intended to assist businesses in determining whether they are an essential business. With respect to business or entities that operate or provide both essential and non-essential services, supplies or support, only those lines and/or business operations that are necessary to support the essential services, supplies, or support are exempt from the workforce reduction restrictions.

For purposes of Executive Order 202.6, "Essential Business," means businesses operating in or as:

### **1. Essential health care operations including**

- research and laboratory services
- hospitals
- walk-in-care health clinics and facilities
- emergency veterinary, livestock services
- senior/elder care
- medical wholesale and distribution
- home health care workers or aides for the elderly
- doctor and emergency dental
- nursing homes, or residential health care facilities or congregate care facilities
- medical supplies and equipment manufacturers and providers

- licensed mental health providers
- licensed substance abuse treatment providers
- medical billing support personnel

## 2. Essential infrastructure including

- public and private utilities including but not limited to power generation, fuel supply and transmission
- public water and wastewater
- telecommunications and data centers
- airports/airlines
- commercial shipping vessels/ports and seaports
- transportation infrastructure such as bus, rail, for-hire vehicles, garages
- hotels, and places of accommodation

## 3. Essential manufacturing including

- food processing, manufacturing agents, including all foods and beverages
- chemicals
- medical equipment/instruments
- pharmaceuticals
- sanitary products including personal care products regulated by the Food and Drug Administration
- telecommunications
- microelectronics/semi-conductor
- food-producing agriculture/farms
- household paper products
- defense industry and the transportation infrastructure

## 4. Essential retail including

- grocery stores including all food and beverage stores
- pharmacies
- convenience stores
- farmer's markets
- gas stations
- restaurants/bars (but only for take-out/delivery)
- hardware, appliance and building material stores
- pet food

## 5. Essential services including



- trash and recycling collection, processing and disposal
- mail and shipping services
- laundromats and other clothing/fabric cleaning services
- building cleaning and maintenance
- child care services
- bicycle repair
- auto repair
- automotive sales conducted remotely or electronically, with in-person vehicle return and delivery by appointment only
- warehouse/distribution and fulfillment
- funeral homes, crematoriums and cemeteries
- storage for essential businesses
- maintenance for the infrastructure of the facility or to maintain or safeguard materials or products therein
- animal shelters/ and animal care

#### 6. News media

#### 7. Financial Institutions including

- banks or lending institution
- insurance
- payroll
- accounting
- services related to financial markets

#### 8. Providers of basic necessities to economically disadvantaged populations including

- homeless shelters and congregate care facilities
- food banks
- human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

#### 9. Construction

- All non-essential construction must shut down except emergency construction, (e.g. a project necessary to protect health and safety of the occupants, or to continue a project if it would be unsafe to allow to remain undone until it is safe to shut the site).
- Essential construction may continue and includes roads, bridges, transit facilities, utilities, hospitals or health care facilities, affordable housing, and homeless shelters. At every site, if essential or emergency non-essential construction, this includes maintaining social distance, including for purposes of elevators/meals/entry and exit. Sites that cannot maintain distance and safety best practices must

close and enforcement will be provided by the state in coordination with the city/local governments. This will include fines of up to \$10,000 per violation.

- For purposes of this section construction work does not include a single worker, who is the sole employee/worker on a job site.

#### 10. Defense

- defense and national security-related operations supporting the U.S. Government or a contractor to the US government

#### 11. Essential services necessary to maintain the safety, sanitation and essential operations of residences or other businesses including

- law enforcement, including corrections and community supervision
- fire prevention and response
- building code enforcement
- security
- emergency management and response, EMS and 911 dispatch
- building cleaners or janitors
- general maintenance whether employed by the entity directly or a vendor
- automotive repair
- disinfection
- residential moving services

#### 12. Vendors that provide essential services or products, including logistics and technology support, child care and services including but not limited to:

- logistics
- technology support for online services
- child care programs and services
- government owned or leased buildings
- essential government services
- any personnel necessary for on-line or distance learning or classes delivered via remote means

Houses of worship are not ordered closed however it is strongly recommended not to hold congregate services. If held, social distance must be maintained and compliance with DOH guidance, which can be found at <https://coronavirus.health.ny.gov/information-providers> (<https://coronavirus.health.ny.gov/information-providers>).

If the function of your business is not listed above, but you believe that it is essential or it is an entity providing essential services or functions, you may request designation as an essential business.

Requests by businesses to be designated an essential function as described above, should only be made if they are NOT covered by



the guidance.

To request designation as an essential business, please [click here \(https://esd.ny.gov/content/request-designation-essential-business-purposes-executive-order-2026\)](https://esd.ny.gov/content/request-designation-essential-business-purposes-executive-order-2026).

Restrictions on requesting designation as an essential business:

Businesses ordered to close on Monday, March 15, 2020 under the restrictions on any gathering with 50 or more participants, including but not limited to, bars, restaurants, gyms, movie theaters, casinos, auditoriums, concerts, conferences, worship services, sporting events, and physical fitness centers, are presumed to be compliant with NYS issued restrictions and must remain closed and are not eligible for designation as an essential business for purposes of this guidance.

For Guidance on cleaning and disinfection of facilities, refer to the New York State Department of Health Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID -19

at [https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning\\_guidance\\_general\\_building.pdf](https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning_guidance_general_building.pdf)  
([https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning\\_guidance\\_general\\_building.pdf](https://coronavirus.health.ny.gov/system/files/documents/2020/03/cleaning_guidance_general_building.pdf)).

For further information: New York State Department of Health's COVID-19 Webpage <https://coronavirus.health.ny.gov/home>  
(<https://coronavirus.health.ny.gov/home>)

Center for Disease Control and Prevention Webpage: <https://www.cdc.gov/coronavirus/2019-ncov/>  
(<https://www.cdc.gov/coronavirus/2019-ncov/>)

Local health department contact information can be found at: [https://www.health.ny.gov/contact/contact\\_information/index.htm](https://www.health.ny.gov/contact/contact_information/index.htm)  
([https://www.health.ny.gov/contact/contact\\_information/index.htm](https://www.health.ny.gov/contact/contact_information/index.htm))

## Frequently Asked Questions

[CLICK HERE \(HTTPS://ESD.NY.GOV/SITES/DEFAULT/FILES/ESD\\_ESSENTIALEMPLOYERFAQ\\_032220.PDF\)](https://esd.ny.gov/sites/default/files/esd_essentialemployerfaq_032220.pdf)

## Apply for Essential Business Designation

[CLICK HERE \(HTTPS://ESD.NY.GOV/CONTENT/REQUEST-DESIGNATION-ESSENTIAL-BUSINESS-PURPOSES-EXECUTIVE-ORDER-2026\)](https://esd.ny.gov/content/request-designation-essential-business-purposes-executive-order-2026)

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**PUBLIC INFO**

[Board Meetings \(https://esd.ny.gov/esd-media-center/board-meetings\)](https://esd.ny.gov/esd-media-center/board-meetings)

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(4)



MARCH 30, 2020 Albany, NY

# **No. 202.13: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency**

No. 202.13

## EXECUTIVE ORDER

### **Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency**

**WHEREAS**, on March 7, 2020, I issued Executive Order Number 202,  
declaring a State disaster emergency for the entire State of New York; and

**WHEREAS**, both travel-related cases and community contact transmission of  
COVID-19 have been documented in New York State and are expected to be  
continue;



**NOW, THEREFORE**, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 28, 2020 the following:

- Sections 16.03 and 16.05 of the Mental Hygiene Law and Part 619 of Title 14 of the NYCRR to the extent that they limit the provision of certain services to certified settings provided, however, that use of such settings shall require the approval of the commissioner of OPWDD;
- Sections 16.33, 16.34, 31.35 and 19.20 of the Mental Hygiene law; sections 378-a, 424-a and 495 of the Social Services law; sections 550, 633.5, 633.24 and 805 of Title 14 of the NYCRR; Article 3, sections 442.18, 447.2, 448.3, 449.4, 450.9, 451.6 of Title 18 of the NYCRR ; and sections 166-1.2, 180-1.5, 180-3.4, 182-1.5, 182-1.9, 182-1.11, 182-2.5, -182-2.9 and 6051.1 of Title 9 of the NYCRR, to the extent necessary to allow current employees of OPWDD or OPWDD approved providers, OCFS licensed or certified programs, OASAS certified, funded or authorized programs, OMH or OMH licensed, funded or approved programs who have previously undergone such background checks to be employed by a different OPWDD approved provider and/or OCFS licensed or certified program and/or OASAS certified, funded or authorized program and/or OMH licensed, funded or approved program without undergoing new background checks. These provisions are also waived to the extent necessary to allow providers the discretion to permit already qualified individuals and who are not listed on the Staff Exclusion List to work unsupervised while an updated background check is completed;
- Sections 3203 and 4510 of the Insurance Law are modified to extend the grace period for the payment of premiums and fees to 90 days for any life insurance



policyholder or fraternal benefit society certificate holder, as those terms are used in such sections, facing a financial hardship as a result of the COVID-19 pandemic;

- Sections 3203, 3219, and 3220 of the Insurance Law are modified to provide a life insurance policyholder or annuity contract holder or a certificate holder, as those terms are used in such sections, under a group policy or contract with 90 days to exercise rights or benefits under the applicable life insurance policy or annuity contract for any policyholder or contract holder or certificate holder under the group policy or contract who is unable timely to exercise rights or benefits as a result of the COVID-19 pandemic;
- Section 1116 and Articles 34, 53, 54, and 55 of the Insurance Law and Sections 54 and 226 of the Workers' Compensation Law are modified to impose a moratorium on an insurer cancelling, non-renewing, or conditionally renewing any insurance policy issued to an individual or small business, or, in the case of a group insurance policy, insuring certificate holders that are individuals or small businesses, for a period of 60 days, for any policyholder, or in the case of a group insurance policy, group policyholder or certificate holder, facing financial hardship as a result of the COVID-19 pandemic. The foregoing relief shall also apply to the kinds of insurance set forth in paragraphs (16), (17), (20), (21), (24), (26), and (30) of Section 1113(a) of the Insurance Law. For purposes of this Executive Order, a small business shall mean any business that is resident in this State, is independently owned and operated, and employs one hundred or fewer individuals;
- Section 576 of the Banking Law is modified to grant the Superintendent of Financial Services the authority to promulgate an emergency regulation to apply the provisions of the Executive Order relevant to policy cancellations, to premium finance agencies (as defined in Article XII-B of the Banking Law), subject to the safety and soundness considerations of the premium finance agencies;
- Subdivisions three and four of section 42 of the Public Officer's Law to the extent that it requires that a proclamation be separately issued by the Governor for an election to fill a vacancy; and
- Subdivision (i) of section 414 of the Education Law to the extent necessary to allow the school districts to pay for the cost of such child care services.



**IN ADDITION**, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through April 28, 2020:

- All instruments that are signed and delivered to the superintendent under the New York Banking Law (the "Banking Law"), and are required to be verified or acknowledged under the Banking Law, may be verified or acknowledged by including standard verification or acknowledgement language in the instrument and transmitting a legible copy of the signed instrument by fax or electronic means.
- The special election in the City of New York to fill the vacancy in the Office of Borough President of Queens is rescheduled for June 23, 2020. Only candidates who were eligible to appear on the ballot for the March 24, 2020 special election shall appear on the ballot for the June 23, 2020 special election.
- Any special election which was previously scheduled to occur on April 28, 2020 and rescheduled for June 23, 2020 by virtue of Executive Order 202.12 shall only contain the names of those individuals who had previously been qualified to appear on the ballot on April 28, 2020.
- Circulation, filing, and collection of any designating petitions, or independent nominating petitions for any office that would otherwise be circulated or filed pursuant to the Election Law, Education Law or any other consolidated law for any office commencing March 31, 2020 are hereby postponed.
- Any school board, library board, or village election scheduled to take place in April or May of 2020 is hereby postponed until at least June 1, 2020, and subject to further directive as to the timing, location or manner of voting for such elections.
- Any worker who is employed by the state of New York, shall, if deemed non-essential by their agency shall work from home or shall be able to stay home without charging their accruals until April 16, 2020.
- Executive Order 202.6 is hereby modified to clarify that construction which was an essential service not subject to the in-person work restrictions is modified to provide only **certain** construction is considered exempt from the in-person restrictions as of March 28, 2020. Further, on and after March 27, 2020, Empire State Development



Corporation is hereby authorized to determine which construction projects shall be essential and thereby exempt from the in-person workforce prohibition, contained in EO 202.6 and subsequent Executive Orders which further reduced the workforce requirements. All continuing construction projects shall utilize best practices to avoid transmission of COVID-19.

- By virtue of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11 which closed or otherwise restricted public or private businesses or places of public accommodation, all such Executive Orders shall be continued, provided that the expiration dates of such Executive Orders shall be aligned, such that all in-person business restrictions will be effective until 11:59 p.m. on April 15, 2020, unless later extended by future Executive Orders.
- The directive of Executive Order 202.12 requiring a support person for a patient giving birth is modified insofar as to cover labor, delivery as well as the immediate postpartum period.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twenty-ninth day of March in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor



1915 Lucas Avenue  
Cottekill, NY 12419

Phone (845) 658-3159  
Fax (845) 658-8744

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## TOWN OF ROSENDALE BUILDING & CODES

I certify to the Town of Rosendale that I have received and am aware of Governor Cuomo's Executive Order 202.13, and The Empire Development Corporation document "Guidance for determining whether a business enterprise is subject to workforce reduction under recent executive orders" (specifically #9 Construction) which documents set forth

1. Essential, emergency non essential, and non essential construction projects;
2. Rules for the conduct of essential and emergency non essential construction, and fines of up to \$10,000 PER VIOLATION of same;
3. States that construction work does not include a single worker, who is the sole employee/worker on the job site.

I agree to follow the mandates of the executive orders, and guidance of Empire State Development Corporation, as now exist and as may be amended in the future.

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SIGNATURE AND DATE