

> Covid-19 Client Alert

Governor Cuomo Outlines Plan to Re-Open New York State by Region

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Authors and Key Contacts

If you require any additional information about the regional reopening plan for New York State, or any other employment issue related to COVID-19 or otherwise, please contact any of the attorneys listed below.

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Yesterday, Governor Cuomo set forth a blueprint for reopening New York State after the expiration of the current stay-at-home order on May 15, 2020. Under the Governor's plan, New York State will use a series of metrics based on CDC guidelines to determine when non-essential businesses in [certain regions of the state](#) are eligible to reopen. Those metrics include:

- Regions must have at least 14 days of (continuous) decline in total hospitalizations and deaths on a 3-day rolling average;
- Regions with fewer COVID cases, must not exceed 15 new total cases or 5 new deaths on a 3-day rolling average;
- Regions must have fewer than two new COVID patients admitted per 100,000 residents per day;
- Regions must have at least 30% total hospital and ICU beds available;
- Regions must have hospitals with at least 90 days of PPE stockpile; and
- 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.¹

Once these thresholds are met in a particular region of the state, that region would be permitted to enter Phase One of the plan following the expiration of the stay-at-home order on May 15. The priority industries selected for reopening in Phase One include construction, manufacturing and "select retail using curbside pickup only."²

The effect of Phase One in each region will be evaluated after two weeks. If the metrics continue to trend in a positive direction, Phase Two would be initiated in the region. Phase Two would include the reopening of professional services, finance and insurance, in-store retail operations -- likely at a limited capacity, administrative support, and real estate and rental leasing businesses.

The reopening of restaurants, bars and hotels would occur in Phase Three, followed by a final Phase Four that would include art museums, movie and Broadway theatres, and schools.

¹ [This chart](#) identifies each of the 10 Regions in the state and illustrates where each Region currently stands with respect to these metrics.

² It is unclear from the guidance to date what "select retail" means and which retail stores will be able to participate in this phase. We will provide an update on this issue when further guidance is released.

The [State's guidelines](#) require each business to have a plan that (i) protects employees and consumers; (ii) makes the physical workspace safer; and (iii) implements processes to lower the risk of infection. The following precautions are listed to assist businesses in meeting these requirements:

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

Further precautions can be garnered from our [prior alert](#) on reopening the workplace.

Naturally, the less populated areas of the state, where infection rates are significantly lower, will be the first to reopen.

At present, the Governor's plan is still in formulation with little in the way of hard definitional materials or other details. We will keep you updated as the May 15th deadline approaches and various regions prepare to reopen or when further guidance is released.

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Morrison Cohen LLP has created the [COVID-19 Resource Taskforce](#), a multidisciplinary taskforce comprised of attorneys with deep expertise in a broad range of legal areas, to assist clients navigating the challenging and uncertain business and legal environment caused by the COVID-19 pandemic. We encourage clients to utilize our capabilities by reaching out to their primary Morrison Cohen attorney contact, who will put you in touch with the appropriate Taskforce person. You may also reach out directly to Joe Moldovan and Alec Nealon, the Taskforce co-chairs:

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