

Client Alert

New York Requires Employers to Reduce In-Person Workforce by 75% through April 17, 2020

March 19, 2020

On March 18, 2020, Governor Cuomo signed Executive Order 202-6 (the "**Order**"), requiring all businesses and not for profit entities in New York State to impose and enforce telecommuting or "work-from-home" policies for their employees *to the maximum extent possible*. Under the Order, employers in New York State must reduce their in-person workforce at any work location by 50% by Friday, March 20 at 8:00 p.m. with the exception of certain essential businesses discussed below. The Governor announced today that the original 50% work-from-home *restriction has been increased to 75%*. The Order is currently in effect through April 17, 2020.

The Governor stated in a news conference that if the Order fails to contain the spread of COVID 19, further restrictions may be imposed.

Businesses or other entities providing essential services or functions that are *exempt from the in-person restriction* include:

- Research and laboratory services
- Utilities
- Telecommunication
- Airports and transportation infrastructure;
- Food processing and pharmaceuticals
- Grocery stores and pharmacies
- Trash collection
- Mail and shipping services
- News media
- Banks and related financial institutions
- Providers of basic necessities to economically disadvantaged populations
- Construction
- Vendors of essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses
- Vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public

The Order provides no specific guidance as to the definition of “in-person workforce” but employers should consider all workers—full-time, part-time and temporary—to be included to the extent that they work or have worked onsite. Should you have any questions about the Order, including whether your business falls within one of the enumerated exceptions to the Order, or any other employment issue related to COVID-19, please contact any of the lawyers listed below. We are here to assist during this difficult and unprecedented time for employers and employees.

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Morrison Cohen LLP has also 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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