

Governor Cuomo Signs Executive Order Mandating All Non-Essential Businesses Close and Employees Work from Home

Description of Program and Relief

Governor Andrew Cuomo issued Executive Order 202.8 or the New York State on PAUSE Executive Order (the “PAUSE Order”), including a directive requiring all non-essential for profit or non-profit businesses statewide to close their in-office personnel functions, effective Sunday March 22, 2020 at 8:00 pm.

The Governor’s Office also issued guidance regarding which businesses or entities are essential for the purposes of the PAUSE Order. The following is a non-exhaustive list of entities designated to be essential:

1. Essential health care operations: including research and laboratory services; hospitals; walk-in-care health facilities; emergency veterinary and animal health services; 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; and medical supplies and equipment providers.
2. Essential infrastructure: including utilities (including power generation, fuel supply and transmission); public water and wastewater; telecommunications and data centers; airports/airlines; transportation infrastructure such as bus, rail, or for-hire vehicles and garages; and 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; telecommunications; microelectronics/semi-conductor; agricultural/farms; and household paper products.
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); and hardware and building material stores.
5. Essential services: including trash and recycling collection, processing and disposal; mail and shipping services; laundromats; building cleaning and maintenance; child care services; auto repair; warehouse/distribution and fulfillment; funeral homes, crematoriums and cemeteries; storage for essential businesses; and animal shelters.
6. News media.
7. Financial institutions: including banks, insurance, payroll, accounting, and services related to financial markets.

8. Providers of basic necessities to economically disadvantaged populations: including homeless shelters and congregate care facilities; food banks; and 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: including skilled trades such as electricians and plumbers, and other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes.
10. 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 essential businesses: including law enforcement, fire prevention and response, building code enforcement, security, emergency management and response, building cleaners or janitors, general maintenance (whether employed by the entity directly or a vendor), automotive repair, and disinfection.
12. Vendors that provide essential services or products: including logistics and technology support, child care and services, include logistics, technology support for online services, child care programs and services, government owned or leased buildings, and essential government services.

Any other business not covered by the guidance may request a designation as an essential business from the Empire State Development Corporation. The Empire State Development Corporation will grant the request only if it determines that it is in the best interest of the State for the business to continue in-office personnel functions in order to properly respond to the COVID-19 emergency.

With respect to businesses or entities that operate or provide essential services, supplies, or support to either an essential business or non-essential business, those business or entities are exempt from the restrictions of the PAUSE Order, and may operate those lines and/or business operations necessary to support the essential services, supplies, or support.

Businesses and entities that provide other essential services must implement rules that help facilitate social distancing of at least six feet.

Any business that only has a single occupant/employee (i.e. gas station) has been deemed exempt and need not submit a request to be designated as an essential business.

Businesses ordered to close under separate 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, must remain closed and are not eligible for designation as an essential business.

Any business violating the PAUSE Order shall be subject to enforcement and to the penalty provisions of Section 12 of the Public Health Law, which includes civil penalties of up to \$2,000 for each violation.

Government or Lead Agency

The Office of the New York State Governor and the Empire State Development Corporation

Dates Available

Effective Sunday March 22, 2020 at 8:00 p.m. through April 17, 2020, unless continued.

Contact for More Information

To apply for essential business designation, a business may fill out an application here:
https://esd.ny.gov/sites/default/files/Request%20for%20Designation%20Form_0.pdf.

The form is not currently available in other languages.

List of Additional Information

Further guidance for determining whether businesses, services, or personnel are essential is available here: <https://esd.ny.gov/guidance-executive-order-2026>

The text of the PAUSE Order is available here: <https://www.nycourts.gov/whatsnew/pdf/EO-202.8-ocr.pdf>

Section 12 of the Public Health Law is available here: <https://www.nysenate.gov/legislation/laws/PBH/12>

More information is available on the Governor's Office website here:
<https://www.governor.ny.gov/news/governor-cuomo-signs-new-york-state-pause-executive-order>, and
here: <https://coronavirus.health.ny.gov/home>