

New York State Executive Order 202.6 and Essential Business Guidance

March 20, 2020

Executive Order 202.6

New York Governor Andrew Cuomo issued Executive Order 202.6

NOW, THEREFORE, 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 Executive Order through April 17, 2020:

Effective on March 20 at 8 p.m.: All businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 50% no later than March 20 at 8 p.m. Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions. This includes essential health care operations including research and laboratory services; essential infrastructure including utilities, telecommunication, airports and transportation infrastructure; essential manufacturing, including food processing and pharmaceuticals; essential retail including grocery stores and pharmacies; essential services including 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

New York State Executive Order 202.8 and Essential Business Guidance

March 22, 2020

Executive Order 202.8

New York Governor Andrew Cuomo issued Executive Order 202.8

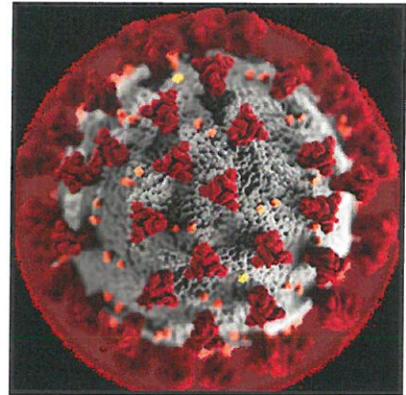
NOW, THEREFORE, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 19, 2020:

The provisions of Executive Order 202.6 are hereby modified to read as follows: Effective on March 22 at 8 p.m.: All businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 100% no later than March 22 at 8 p.m. Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions. An entity providing essential services or functions whether to an essential business or a non-essential business shall not be subjected to the in-person work restriction, but may operate at the level necessary to provide such service or function. Any business violating the above order shall be subject to enforcement as if this were a violation of an order pursuant to section 12 of the Public Health Law.

MARCH 23, 2020

Highway Departments & COVID-19

The COVID-19 virus has disrupted activities across the country and around the world. Highway and Public Works Departments need to figure out how to adjust activities as first responders, while keeping employees and citizens safe. Recent executive orders from Governor Cuomo ask local governments and businesses to reduce the number of workers in the workplace for non-essential work. Infrastructure work is listed as essential, but many agencies are interpreting the order in different ways. This Tech Tip provides some guidance on what is essential and how to keep those employees who cannot work from home as safe as possible.



- **Essential Work:** The Governor's Executive Orders list transportation infrastructure as essential for both public safety and commercial visibility. Ask yourself, what do you really need to keep doing to serve the public. NYSDOT is continuing implementation of its capital program as an essential government function and will continue to let and construct capital projects. NYSDOT feels local projects should continue to be delivered as well. They state that "response to COVID-19 is directly dependent upon a reliable transportation system."

Snow plowing, filling potholes, cutting down unsafe trees, and keeping water and sewer services operational are clearly critical and, in some cases, explicitly listed. However, there are many activities that could be postponed if needed due to supply or manpower issues. If you can delay something until summer you may need to do so, but not at the expense of being prepared and ready for an emergency regarding your roads and streets. Keep your equipment maintained. Here is a list of items that should NOT be delayed:

Essential Services

- Water & Sewer Operations
- Snow Plowing and Weather Emergencies
- Repairs of failed systems including culverts, traffic lights, signs ...
- Building cleaning and maintenance

Probably Essential

- Filling potholes
- Maintaining equipment
- Replacing signs and other worn out safety systems
- Cutting trees and brush related to safety

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If you are not sure if your work is essential, ask yourself the following questions:

- If the work isn't done, will critical infrastructure (utilities, roads, & streets) be placed in jeopardy?
- What is needed to make sure health and safety workers can get out and do their jobs?
- Is this work needed to be ready for an emergency weather event?

If you answered yes to any of those questions, you may want to go ahead and keep doing those activities.

- **Staying Safe on the Job:** Whether you are continuing to report to work, you should use best practices with regards to social distancing and cleanliness. Having your crew work in shifts, work every other week, or work 2 days on and 2 days off (except during emergencies) may be warranted. NYSDOT is going to 1/3 on 2/3 off. Different types of shift and work patterns may be more applicable for your particular department. Set up the minimum crew size to be safe. Recommend employees refrain from going out in public for breaks or lunches. Limit access to vendors or outside visits from the public. Ask yourself what you would do if one of your employees comes down with COVID-19 since those employees (and the ones working with those employees) would need to be quarantined for two weeks or more. Set up your operations to account for the possibility of staffing disruptions. Other common sense changes include requiring workers to not all take breaks at the same time, splitting up your crews, driving separately to any job site, limiting who is working in the building together, and being sure to clean and disinfect any surfaces and equipment. You may want to assign only one person to a particular vehicle during this time and use a single loader operator for filling trucks during snow events. If not, be sure to have the vehicle cleaned between use and try to let the equipment sit overnight after cleaning. Of course, the overall key is limiting exposure. Here are some additional items to think about as you modify your operations:

- Social distancing of all employees of at least 6 to 10 feet
- Stay home if you are sick, even if it's not COVID-19
- Have office personnel work from home
- Clean your hands often and avoid touching surfaces with bare hands
- Avoid touching your eyes, nose, and mouth with unwashed hands
- Cover coughs and sneezes
- Wear a face mask if you are sick and you have to work
- Clean and disinfect more often than you think you need to
- No public access to buildings or property without an appointment AND essential need



Resources on COVID-19

New York State Executive Orders and Associated Information

- **NY Executive Orders Webpage:** <https://www.governor.ny.gov/executiveorders>
Memo to Local Government Leaders Offering Guidance from Melissa DeRosa, Secretary to the Governor. https://mcusercontent.com/35d385595f0c7c99abc9c13f9/files/c4e2cd4e-01e3-4328-907c-21177461037f/March_16_2020_Governor_Memo_to_local_Governments.pdf
- **Governor Cuomo Executive Order Number 202.4 Work-From-Home & Workplace Density Reductions (Local Governments) *which is in effect through April 15, 2020.***

Any local government or political subdivision shall, effective March 17, 2020, allow non-essential personnel as determined by the local government, to be able to work from home or take leave without charging accruals, except for those personnel essential to the locality's response to the COVID-19 emergency. Such non-essential personnel shall total no less than fifty-percent (50%) of the total number of employees across the entire workforce of such local government or political subdivision.

Restrictions on reporting to work for any state worker whose service is non-essential, or not required to support the COVID-19 response, are expanded to all counties in the State of New York.

More at: <https://www.governor.ny.gov/news/no-2024-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

- **The Governor's Executive Orders define the following as essential businesses:** healthcare operations (research and lab services); infrastructure (including utilities, telecommunication, airports, and transportation); food production/manufacturing; manufacturing of pharmaceuticals; grocery stores; pharmacies; trash collection; mail and shipping services; news media; banks and related financial institutions; providers of basic necessities to economically disadvantaged populations (food banks); construction; and vendors that provide services or products to any of the above-mentioned businesses.
- **Empire State Development Guidance on Essential Businesses:** <https://esd.ny.gov/guidance-executive-order-2026> (for Emergency Orders 202.6 and 202.7 which are listing essential businesses as specific to private entities and not-for-profits, not the local government EO 202.4)



National Resources

- United States Center for Disease Control (CDC):
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- United States Department of Labor Occupational Safety and Health Administration:
<https://www.osha.gov/SLTC/covid-19/standards.html>
- Guidance on Preparing Workplaces for COVID-19:
<https://www.osha.gov/Publications/OSHA3990.pdf>
- 15 Days to Slow the Spread: The President's Coronavirus Guidelines for America:
https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf
- Homeland Security's definition of Emergency Responders: Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101):
<https://fas.org/irp/offdocs/nspd/hspd-8.html>

New York State Agencies

- New York State Department of Health:
<https://coronavirus.health.ny.gov/home>
 - » Guidance on Suspected of Close Contact with a Case of COVID-19:
https://mcusercontent.com/35d385595f0c7c99abc9c13f9/files/0b0bc41b-2d4b-4573-8a65-0e084c18924a/NYSDOH_contacts_of_contacts_guidance.pdf
- Office of General Services (OGS)
www.ogs.state.ny.us
- Office of the State Comptroller
www.osc.state.ny.us
 - » Local Government Management Guide (LGMG)
<http://www.osc.state.ny.us/localgov/pubs/listacctg.htm#lmg>
 - » Open Book New York
<http://www.openbooknewyork.com/index.htm>
- Department of Labor (DOL)
<https://www.labor.ny.gov/home/>
- Dept. of Transportation
www.dot.ny.gov
 - » Specifications
www.dot.ny.gov/main/business-center/engineering/specifications
 - » Procedures for Locally Administered Federal Aid Projects (PLAFAP)
www.dot.ny.gov/divisions/operating/opdm/local-programs-bureau/locally-administered-federal-aid-projects
 - » CHIPS Representatives
<https://www.dot.ny.gov/programs/chips/representatives>