

New York Executive Order 202.7 and Essential Business Guidance

New York Governor Andrew Cuomo issued [Executive Order 202.6](#) late on March 18. Under the order, effective as of March 20 at 8 p.m., all businesses and not-for-profit entities are to use any telecommuting or work from home procedures that they can safely utilize to the maximum extent possible. This order does not apply to government entities, municipalities and public schools. This order requires every employer, unless exempted, to reduce its **in-person workforce at any work locations by 50%** by today, March 20, at 8 p.m.

On March 19, the Governor issued [Executive Order 202.7](#). This order requires every employer, unless exempted, to reduce its **in-person workforce at any work locations by 75%** by tomorrow, Saturday March 21 at 8 p.m.

[The Empire State Development Corporation issued guidance](#) late on March 19 about which businesses are determined to be essential. This guidance is issued by the Empire State Development and applies to each business location individually. It is intended to assist businesses in determining whether they are an essential business and steps to request such designation. 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 restrictions.

For purposes of Executive Order 202.6, “Essential Business,” means:

1. Essential health care operations including

- research and laboratory services
- hospitals
- walk-in-care health facilities
- veterinary and animal health services
- elder care
- medical wholesale and distribution
- home health care workers or aides
- doctor and dentist offices
- nursing homes, or residential health care facilities or congregate care facilities
- 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, garages

3. Essential manufacturing including

- food processing, including all foods and beverages
- chemicals

- medical equipment/instruments
- pharmaceuticals
- safety and sanitary products
- telecommunications
- microelectronics/semi-conductor
- agriculture/farms
- 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)
- hardware and building material stores

5. Essential services including

- trash and recycling collection, processing and disposal
- mail and shipping services
- laundromats/dry cleaning
- building cleaning and maintenance
- child care services
- auto repair
- warehouse/distribution and fulfillment
- funeral homes, crematoriums and cemeteries
- storage for essential businesses
- animal shelters or animal care or management

6. News media

7. Financial Institutions including

- banks
- insurance
- payroll
- accounting

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 including

- skilled trades such as electricians, plumbers
- other related construction firms and professionals for essential infrastructure or for emergency repair and safety purposes
- defense and natural security-related operations supporting the U.S. Government or a contractor to the US government

10. Defense

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
- disinfection
- doormen

12. 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 including

- logistics
- technology support
- child care programs and services
- government owned or leased buildings
- essential government services

If your business function 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 **by applying to the Empire State Development Corporation.**

BUSINESSES SHOULD ONLY REQUEST SUCH A DESIGNATION IF THEY ARE NOT COVERED BY THE GUIDANCE ABOVE.

To request designation as an essential business, please [click here](#).

The attorneys at Bond, Schoeneck and King can help you determine if you are considered an essential business and apply to the Empire State Development Corporation for such determination. Please contact the attorney at the firm with whom you are regularly in contact, or [Hermes Fernandez](#) or [Caitlin Anderson](#).



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