

Reopening New York: News from the Governor's Office

New York has been “on PAUSE” with schools and businesses closed since March 20. The latest on PAUSE order is set to expire on May 15. Although we expect that the governor will extend New York on PAUSE beyond May 15, we do not think it will be a blanket order like the others. The governor has begun to lay out how different regions of New York may begin to reopen and which industries in those regions should be the first to reopen.

When the governor discusses the different regions of New York, he is [using the ten regions established by the Empire State Development Corporation](#): Western NY, Finger Lakes, Southern Tier, Central New York, Mohawk Valley, North Country, Capital Region, Mid-Hudson, New York City and Long Island.

In his Tuesday, April 29 press conference, the governor laid out a series of factors to guide the regional reopening analysis:

- 1. CDC Guidelines:** The CDC recommends that once a region experiences a 14-day decline in the hospitalization rate, they may begin a phased reopening.
- 2. Industries:** Businesses in each region will reopen in phases. Phase one includes opening certain construction and manufacturing. Phase two will open certain industries based on priority and risk level. Businesses considered “more essential” with low risks of infection in the workplace and to customers will be prioritized, followed by other businesses considered “less essential” or those that present a higher risk of infection spread. To read more about this topic, please see [this information memo](#).
- 3. Business Precautions:** Each business and industry must have a plan to protect employees and consumers, make the physical workspace safer and implement processes that lower risk of infection in the business. To read more about this topic, please see [this information memo](#).
- 4. Building Health Care Capacity:** To maintain the phased reopening plan, each region must have at least 30% of hospital beds and ICU beds available after elective surgeries resume. Per [Executive Order 202.25](#), elective surgeries may resume in general hospitals in counties when the hospital inpatient capacity and ICU capacity is more than 30%, and the total change in the number of hospitalized patients who tested positive for COVID-19 from April 17, 2020 to April 27, 2020 is fewer than 10.
- 5. Testing Regimen:** Regions must prioritize testing frontline and essential workers as well as symptomatic persons and individuals who encountered a known COVID-19 positive person. Regions must maintain an appropriate number of testing sites to accommodate its population and must advertise where and how people can get tested.
- 6. Tracing System:** There must be at least 30 contact tracers for every 100,000 people. The region must also monitor the regional infection rate throughout the reopening plan.
- 7. Isolation Facilities:** Regions must have rooms available for people who test positive for COVID-19 and who cannot self-isolate.

8. **Regional Coordination:** Regions must coordinate the reopening of schools, transportation systems, testing and tracing with other surrounding regions.
9. **Reimagining Telemedicine:** Telemedicine must continue to be made a priority.
10. **Reimagining Tele-Education:** Tele-education must continue to be made a priority.
11. **Regional Control Rooms:** Each region must appoint an oversight institution as its control room. This control room must monitor, among other things, hospital capacity, rate of infection, PPE usage rate and rates of infection at businesses. The rate of transmission in the region must stay below 1.1 cases transmitted per person.
12. **Protect and Respect Essential Workers:** Regions must continue to ensure protections are in place for essential workers.

This list should not be regarded as final as the situation remains fluid. The factors could change, and the weight accorded to individual factors may vary. As we learn more, we will keep you apprised.

The attorneys at Bond, Schoeneck and King are here to help your businesses transition back to work. If you have questions about developing a plan for getting back to work, or if you need assistance developing a proactive infection plan, please contact [Hermes Fernandez](#), [Caitlin Anderson](#) or the attorney at the firm with whom you are regularly in contact.



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