

New York Reopening: Finger Lakes, Mohawk Valley and Southern Tier Lead the Way, Central New York and North Country are Close Behind

On Monday, May 11, Gov. Cuomo announced that New York State has started a new chapter: the reopening. New York FORWARD will largely revolve around two measures: (1) regional reopening and (2) business safety precautions.

Regional Reopening

Three regions currently meet the state's criteria for reopening: the Finger Lakes, the Mohawk Valley and the Southern Tier. Central New York and the North Country are close behind and could be able to reopen by May 15.

The counties in each region reopening are the following:

Finger Lakes:

- Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates

Mohawk Valley:

- Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie

Southern Tier:

- Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins

The counties in each region close to reopening are the following:

Central New York:

- Cayuga, Cortland, Madison, Onondaga, Oswego

North Country:

- Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence

Each region must establish a "regional control room" that closely monitors the above seven factors. If a region falls below any of the metrics, it must begin to "shut the valve." The governor's office will be updating the regional statistics daily. View those statistics [here](#).

Phased Approach

The first phase of reopening includes construction, manufacturing, wholesale supply trade, agriculture, forestry, fishing and all retail with curbside pickup. See a detailed examination of the industries eligible to reopen in the first phase [here](#). In those regions that are reopening, these activities may presumably resume on May 15. **There will be at least two weeks between each phase of reopening.** For a list of all the phases, please see this [information memo](#).

Additionally, the governor announced that, statewide, certain low-risk businesses and recreational activities may reopen as of May 15. So far, these include:

- Landscaping and gardening;
- Outdoor, low-risk recreational activities (e.g. tennis); and
- Drive-in movie theaters.

Business Precautions – What Can Everyone Do Now?

Apart from the phases, individual businesses and entities should start working now on a plan to reopen. The governor announced that every business must develop a plan for safe reopening. Among other things, these plans must include the following:

- **Enhancing Personal Safety**
 - Implement social distancing – this may require restricting access to common areas, removing public furniture, etc.
 - Restricting non-essential travel.
 - Adjusting workplace hours and shift designs to avoid crowding.
- **Protecting Places**
 - Require masks or face coverings if employees come into frequent contact with others;
 - Frequent and effective cleaning and sanitation of your workspace, especially in restrooms and other “high-touch” areas.
- **Process Measures**
 - Screen employees for health metrics upon entering the workplace. This **does not** necessarily require taking temperatures at the door. Remember, all personal health data must be stored in a separate, secure location and may only be accessed by certain designated individuals.
 - Continually trace, track and report instances of COVID-19.

At this point, it appears that regions and local authorities will oversee these plans. It is not clear if these plans will need to be submitted to local authorities for approval.

The attorneys at Bond, Schoeneck and King can help you develop such a plan. Our attorneys have already worked with clients on the development and submission of plans to the state and regional Empire State Development directors. We have also formed a new practice, COVID-19 Recovery for Business to help clients recover and reopen.

If your industry needs its voice to be heard, now is the time to act. Please contact [Hermes Fernandez](#), [Caitlin Anderson](#) or the attorney at the firm with whom you are regularly in contact.



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