

Albany Updates: Travel Advisory, Executive Orders Extended, New York City Indoor Dining Prohibited

Some significant developments have occurred in Albany. First, [Executive Order 202.45](#) (the Order) was issued. Among other things, the Order impacts paid leave and the travel advisory in New York. Additionally, the Order extends certain previously issued executive orders for another thirty days. Finally, there are signs that the governor is slowing down reopening and changing restrictions for certain indoor businesses, including prohibiting indoor dining in New York City.

Travel Advisory Update

New York, New Jersey and Connecticut issued a joint travel advisory, effective on June 25, 2020. The travel advisory requires travelers coming from certain high COVID-19 infection rate states to quarantine for 14 days. The advisory is enforceable under Public Health Law § 12, allowing for civil penalties of up to \$10,000. [This information memo](#) answers some frequently asked questions about the travel advisory.

Although there are still some open questions relating to the travel advisory, this new executive order answers at least one of them. An employee that voluntarily travels, commencing June 25, 2020, to a state designated by the Department of Health, will not be eligible for “paid sick leave benefits or any other paid benefits” under the New York COVID-19 Leave Law. Importantly, the loss of benefits does not apply if the employee travels as a part of his/her employment or at the direction of his/her employer. For more information on the impacts of the travel advisory on employee benefits, please see [this information memo](#).

Extension of Prior Executive Orders

In addition to clarifying the impact of the travel advisory, the Order extended prior executive orders until July 26. With almost 50 executive orders being issued so far, suspending and/or changing hundreds of laws, it can be confusing to know when prior executive orders are extended. The below chart should provide some help.

Executive Order	EO 202.1	EO 202.13	EO 202.14	EO 202.18	EO 202.28	EO 202.29
Extended Orders	EO 202	EOs 202.3 - 202.8, 202.10, 202.11	EOs 202 – 202.8, 202.10, 202.11, and 202.13	EO 202.14	EOs 202 – 202.14, 202.18	EOs 202.15 - 202.21

Executive Order	EO 202.31	EO 202.32	EO 202.34	EO 202.35	EO 202.39	EO 202.40	EO 202.41	EO 202.45
Extended Orders	EO 202.28	EOs 202.23 -202.27	EO 202.31	EO 202.34	EOs 202 - 202.14, 202.18	EOs 202.15 - 202.21	EOs 202.31, 202.35	EOs 202.34, 202.35, 202.41

Please note, this chart does not detail exactly how the extended orders were extended. In certain cases, an executive order will only partially extend another executive order.

Reopening Changes on the Horizon

On July 1, Gov. Cuomo announced that indoor dining will remain prohibited in New York City when the city starts Phase Three. Currently, New York City is projected to enter Phase Three on July 6. The governor based his decision on the increase in COVID-19 cases across the country – in large part driven by bars and restaurants. The governor did not state when indoor dining could resume in New York City, stating only that it will remain closed “until the facts change” and reopening is “safe and prudent.” Please note, this does not impact indoor dining in any other region of New York.

In addition, on June 29, Gov. Cuomo discussed requiring large malls to install High Efficiency Particulate Air (HEPA) filtration systems. There has been no information released at this time about which category of filtration systems will be appropriate. We will provide more information when it is available.

The changes in dining and potential additional requirements for malls demonstrates the fluidity of our current environment. Although New York is now containing COVID-19, the dramatic increase in cases across the country is causing the governor grave concern. The governor holds open the possibility of continued delayed openings or even increased restrictions if the data requires.

If you have questions, or want to effect the standards applicable to your industry, please contact [Hermes Fernandez](#) or the attorney at the firm with whom you are regularly in contact.



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