

CORONAVIRUS UPDATE: NY BUSINESSES ARE REQUIRED TO KEEP 50 PERCENT OF WORKFORCE HOME

Hodgson Russ Labor & Employment Alert
March 18, 2020

During a press conference early Wednesday afternoon, Gov. Andrew Cuomo announced that “no business can have more than 50% of their workforce report to work outside of the home.” This mandatory workforce reduction order is a further development of the Governor’s policy of requesting employers to implement remote work programs to help prevent the spread of COVID-19.

The newly announced requirement does not apply to essential services which includes, as stated by the Governor, “food, food delivery, pharmacies, healthcare, shipping, supplies, etc.” During the conference, Gov. Cuomo clarified that he intended to enact the new requirements via Executive Order.

Gov. Cuomo acknowledged the significant impact the new requirement will have on businesses statewide, but emphasized that the State’s focus is on resolving the public health crisis before dealing with any resulting economic impact.

This new directive is in addition to steps taken by the Executive Department to implement social distancing and prevent the further spread of COVID-19, including:

- Asking all business to *voluntarily* implement work from home programs, if at all possible;
- *Mandatory* requirement to close schools state-wide;
- *Mandatory* requirements reducing state and local workforces
- *Mandatory* Tri-State Agreement (soon to include Pennsylvania) to close all bars, restaurants and gyms.

At the time of this writing, the Governor’s Office had not issued a formal executive order or clarified the list of businesses or industries that will be exempt as essential services.

As of Wednesday morning, there are 1,008 new positive cases reported, bringing New York State’s total to 2,382.

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Hodgson Russ is continually monitoring this and all other aspects of the Coronavirus pandemic as it affects employers. If you have any questions, please contact a member of our Labor & Employment team.

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