



March 20, 2020

New York Reduction of Workforce and “Pause” Order Due to Covid-19

On March 19, 2020, Governor Andrew Cuomo signed Executive Order 202.7 mandating that all non-essential businesses reduce their in-person workforce by 75% by March 21, 2020 at 8:00 p.m. Due to the rapid rise of COVID-19 cases in New York, on March 20, 2020, Governor Cuomo announced an adjustment to that mandate to 100% of non-essential businesses. The mandate, which is called “Pause,” requires that all non-essential workers stay home, except in certain critical sectors needed to ensure the health and welfare of New Yorkers. The Pause mandate is to go into effect Sunday evening.

While the list of sectors that are exempt from the Pause mandate will be provided later in the day, the Governor stated that New York will follow the federal guidelines. The federal critical infrastructure sectors identified by the Cybersecurity and Infrastructure Security Agency (“CISA”) during COVID-19 are limited to the following sectors:

1. Chemical
2. Commercial Facilities
3. Communications
4. Critical Manufacturing
5. Dams
6. Defense Industrial Base
7. Emergency Services

8. Energy
9. Financial Services
10. Food and Agriculture
11. Government Facilities
12. Healthcare and Public Health
13. Information Technology
14. Nuclear Reactors, Materials, and Waste
15. Transportation Systems
16. Water and Wastewater Systems

Accordingly, it would appear that only businesses directly involved in providing services within the sixteen critical sectors, or necessary to continue the supply chain to these sectors, would be excluded from the Pause Order. These would include among other things, hospitals, public transportation, gas stations, pharmacies, grocery stores, food banks, and restaurants that offer take-out and delivery service.

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If you have any questions concerning this alert, please do not hesitate to contact us.

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