

# MSF CLIENT ALERT

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## Coronavirus Guidance – NY Essential Businesses

*Meister Seelig & Fein LLP is equipped to assist you as needed during this unprecedented time. We take pride in our strong client relationships and are prepared to assist you around the clock as you navigate this rapidly changing landscape.*

*March 29, 2020*

On March 20, 2020, Governor Cuomo signed an executive order directing all non-essential businesses in the state of New York to cease in-person personnel function as of 8:00 PM on March 22, 2020, meaning that employees can only work from home and may not go to their place of work. Essential businesses may continue operations in accordance with the Department of Health's guidelines regarding clean and safe working conditions, which includes social distancing and cleaning.

Pursuant to the Executive Order, the following businesses are deemed essential and permitted to continue in-person operations:

1. **Essential Health Care Operations, Including:**
  - a. research and laboratory services
  - b. hospitals
  - c. walk-in-care health facilities
  - d. emergency veterinary and livestock services
  - e. elder care
  - f. medical wholesale and distribution
  - g. home health care workers or aides for the elderly
  - h. doctor and emergency dental
  - i. nursing homes, or residential health care facilities or congregate care facilities
  - j. medical supplies and equipment manufacturers and providers
2. **Essential Infrastructure, Including:**
  - a. utilities including power generation, fuel supply and transmission
  - b. public water and wastewater
  - c. telecommunications and data centers
  - d. airports/airlines
  - e. transportation infrastructure such as bus, rail, or for-hire vehicles, garages
  - f. hotels, and places of accommodation
3. **Essential Manufacturing, Including:**
  - a. food processing, manufacturing agents, including all foods and beverages
  - b. chemicals
  - c. medical equipment/instruments
  - d. pharmaceuticals
  - e. sanitary products
  - f. telecommunications
  - g. microelectronics/semi-conductor
  - h. agriculture/farms
  - i. household paper products
4. **Essential Retail, Including:**
  - a. grocery stores including all food and beverage stores
  - b. pharmacies
  - c. convenience stores

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- d. farmer's markets
- e. gas stations
- f. restaurants/bars (but only for take-out/delivery)
- g. hardware and building material stores

## 5. **Essential Services, Including:**

- a. trash and recycling collection, processing and disposal
- b. mail and shipping services
- c. laundromats
- d. building cleaning and maintenance
- e. child care services
- f. auto repair
- g. warehouse/distribution and fulfillment
- h. funeral homes, crematoriums and cemeteries
- i. storage for essential businesses
- j. animal shelters

## 6. **News Media**

## 7. **Financial Institutions, Including:**

- a. Banks
- b. Insurance
- c. Payroll
- d. Accounting
- e. services related to financial markets

## 8. **Providers of Basic Necessities to Economically Disadvantaged Populations, Including:**

- a. homeless shelters and congregate care facilities
- b. food banks
- c. human services providers whose function includes the direct care of patients in state-licensed or funded voluntary programs; the care, protection, custody and oversight of individuals both in the community and in state-licensed residential facilities; those operating community shelters and other critical human services agencies providing direct care or support

## 9. **Construction**

- a. All non-essential construction must shut down except emergency construction, (e.g. a project necessary to protect health and safety of the occupants, or to continue a project if it would be unsafe to allow to remain undone until it is safe to shut the site).
- b. Essential construction may continue and includes roads, bridges, transit facilities, utilities, hospitals or health care facilities, affordable housing, and homeless shelters. At every site, if essential or emergency non-essential construction, this includes maintaining social distance, including for purposes of elevators/meals/entry and exit. Sites that cannot maintain distance and safety best practices must close and enforcement will be provided by the state in coordination with the city/local governments. This will include fines of up to \$10,000 per violation.
- c. For purposes of this section construction work does not include a single worker, who is the sole employee/worker on a job site

## 10. **Defense**

- a. defense and national security-related operations supporting the U.S. Government or a contractor to the US government

## 11. **Essential Services Necessary to Maintain the Safety, Sanitation and Essential Operations of Residences or Other Essential Businesses, Including:**

- a. law enforcement
- b. fire prevention and response

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- c. building code enforcement
- d. security
- e. emergency management and response
- f. building cleaners or janitors
- g. general maintenance whether employed by the entity directly or a vendor
- h. automotive repair
- i. disinfection

## 12. **Vendors that Provide Essential Services or Products, Including Logistics and Technology Support, Child Care and Services:**

- a. Logistics
- b. technology support for online services
- c. childcare programs and services
- d. government owned or leased buildings
- e. essential government services

MSF's attorneys are continuing to monitor developments on essential business operations in New York and will update this list as it may be revised during the course of the COVID-19 pandemic.

*The information contained in this publication should not be construed as legal advice. The invitation to contact is not a solicitation for legal work under the laws of any jurisdiction in which Meister Seelig & Fein LLP are not authorized to practice.*

### ***Additional COVID-19 Resources***

[MSF Coronavirus Guidance Hub](#)

[Coronavirus Guidance -Corporate](#)

[What Every Employer Needs To Know](#)

[Coronavirus Guidance – Paid Sick Leave](#)

[New COVID-19 Protections for New York Employees signed on March 18, 2020](#)

[Federal Response to COVID-19 – Paid Sick Leave](#)

[Coronavirus Guidance - Real Estate](#)

[Coronavirus Guidance – Taxation & Estates](#)