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Governor Cuomo Extends "New York on PAUSE" through April 29, 2020 and Issues Executive Order 202.14

April 7, 2020

On Friday, March 20, 2020, Governor Andrew Cuomo issued **Executive Order 202.8**, which, among other things, directed "each employer to reduce the in-person workforce at any work locations by 100% no later than March 22 at 8 p.m." The executive order does not apply to those who work in essential businesses, including but not limited to utilities, financial institutions, grocery stores, and pharmacies, however, essential businesses must implement rules that facilitate social distancing of at least six feet. The Empire State Development Corporation has issued guidance regarding "essential businesses" and that guidance can be found at **https://esd.ny.gov/guidance-executive-order-2026**.

On April 6, 2020, Governor Cuomo announced that he was extending the so-called "New York on PAUSE" executive order through at least April 29, 2020 in order to slow the spread of the coronavirus (COVID-19). "New York is plateauing, because social distancing is working, so we need to continue that," Governor Cuomo said during his morning press conference. "Schools and non-essential businesses will remain closed until April 29." In addition to the 100% workforce reduction requirement, the "New York on PAUSE" order also temporarily bans all non-essential gatherings of individuals (e.g. parties, celebrations or other social events) of any size for any reason. During Governor Cuomo's briefing, the New York State Education Department also announced that the Regents exams for this year have been canceled.

This briefing was followed up by **Executive Order 202.14**, issued on April 7, 2020, which, among other things, confirmed the extension of "New York on PAUSE" until April 29, 2020 and expanded enforcement options regarding the directives of prior Executive Orders that limited business operations and/or social gatherings. Methods of enforcement stated in previous Executive Orders also remain in effect.

A violation of the "New York on PAUSE" order carries a penalty of up to $2,000 for a first-time offense. Under Executive Order 202.14, the fine for individuals violating social distancing policies in public places was doubled from $500 to $1,000. In addition to civil fines, any New York business not in compliance is subject to mandatory closure and the New York Attorney General may also seek injunctive relief for violations of the order. Regarding criminal penalties, willful violations of the "New York on PAUSE" order are now also punishable as misdemeanors. Complaints can also be made online with the **Department of Labor.**

Executive Order 202.14 comes as the number of New Yorkers infected with the coronavirus (COVID-19) reaches 138,836 and the death toll rises to 5,489 – accounting for over 45 percent of all deaths in the United States. New York City reported 72,324 confirmed cases as of Tuesday morning and 3,485 deaths.

We will continue to update this as more information becomes available. In the meantime, if you have questions regarding any aspects of employment law and/or the implications of the coronavirus (COVID-19) on your place of business, feel free to contact Thomas B. Wassel at (516) 357-3868 or via email at **twassel@cullenllp.com**, James G. Ryan at (516) 357-3750 or via email at **jryan@cullenllp.com**, or Hayley B. Dryer at (516) 357-3745 or via email at **hdryer@cullenllp.com**.

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