

## New York Regions Begin to Enter Phase Two: Guidance Issued for Additional Industries

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On May 29, 2020, New York State issued guidance documents for the industries in [Phase Two](#), as a part of the New York Forward Plan (“Plan”).

Phase Two of the Plan authorizes the reopening of additional industries subject to the mandates of accompanying industry-specific guidance, including for [office-based businesses](#). Additional detailed guidance documents are available for the following industries in Phase Two: [Real Estate](#), [Essential and Phase II In-Store Retail](#), [Vehicle Sales, Leases, and Rentals](#), [Retail Rental, Repair, and Cleaning](#), [Commercial Building Management](#), and [Hair Salons and Barbershops](#). As was true for Phase One industries, the Phase Two guidelines impose myriad obligations on covered New York employers, including, most significantly, a mandate to create a COVID-19 health and safety plan (“Mandated Safety Plan”) for employees and the public.

**Please see [our Advisory for office-based employers](#), detailing the guidance for such businesses, which are permitted to open once a region is eligible for Phase Two.**

Many New York regions are entering Phase Two this week. New York City is currently slated to enter Phase One on June 8, 2020, which would mean City office-based businesses may be eligible to reopen in Phase Two as early as June 22, 2020.

For those who have reviewed the various industry guidance documents published for the industries covered in Phase One, you will note that many requirements remain the same for Phase Two industries; however, there are some notable changes. For example, as compared to the guidance for Phase One industries, the guidelines for office-based businesses differ as follows:

- Offices must limit indoor workforce presence to 50 percent of the maximum occupancy (not all Phase One businesses had this capacity limit).
- The Mandated Safety Plan requirements generally apply to contractors, as well as employees (Phase One guidance did not address contractors).

- Screening processes may be conducted remotely, before the employee or contractor comes to the workplace (this option was not offered in the Phase One guidance).
- An employee or contractor who has had close contact with a person with COVID-19 and is asymptomatic must self-quarantine for 14 days (the Phase One guidance allowed such employees to remain working, as long as certain precautions were taken).

### **What New York Employers Should Do Now**

- Employers should monitor which phase their industry falls within under the Plan, and review any applicable guidance documents as they are released.
- Employers may review the [Regional Monitoring Dashboard](#) to watch when their region may enter the next Phase.

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