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REMINDER: New York Employers Must Submit Affirmation to State When Reopening

By: Keith J. Gutstein, Co-Managing Partner of the Long Island Office and Co-Chair of KD's Labor & Employment Law Practice Group,
Jennifer E. Sherven, LI Partner and Co-Chair of KD's Women's Initiative,
and Kaitlin Silletti, LI Associate

As "Phase 2" non-essential businesses reopen, New York State has issued industry-specific interim guidance, which includes detailed safety measures, such as physical distancing and the use of protective equipment, that businesses must implement prior to reopening, and once business operations resume. Specifically, prior to reopening, all non-essential businesses must complete the following compliance steps:

1. Read its industry's particularized reopening guidelines and have its owner or agent submit an online affirmation confirming that the business will reopen and operate in accordance with the State's guidelines, which includes "daily health screening practices." These guidelines, and affirmation, for Phase 2 non-essential businesses can be found here.

2. Create a written business reopening safety plan and conspicuously post it in the workplace. Businesses can use this template, provided by New York State, to create a safety plan, or use our custom Kaufman Dolowich & Voluck safety plan template found here. Businesses may also create their own safety plan in accordance with such guidelines.

As various counties within New York begin to reopen, it is crucial that all businesses are aware of these new guidelines and proactively to take steps towards compliance. It is also critical that all non-essential businesses review their industry specific guidance to ensure compliance with the unique requirements applicable to their business. The attorneys at Kaufman Dolowich & Voluck are available to provide such guidance as New York employers reopen.

Disclaimer: The samples provided herein are for general informational purposes only and do not constitute legal advice. Employers should carefully review and discuss these materials with their KD counsel to tailor the materials to their specific business needs.

KD IS HERE TO HELP

The experienced Labor & Employment attorneys at Kaufman Dolowich & Voluck are available to assist. We will continue to keep you apprised of any further developments impacting the workplace, and are available to answer any questions and provide additional guidance to help you navigate the ever-changing landscape of the laws during the COVID-19 pandemic and its interplay with any other local, state or federal laws. For more information, please contact an experienced member of KD's Labor & Employment Law Practice Group.

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