

Detailed ERC Qualification Report 2020

Prepared For:

**(Redacted & Redacted Corp, Redacted Storage LLC, Redacted LLC,
REDACTED)**

Passed on March 27th, 2020, the CARES Act enacted the Employee Retention Credit (ERC) which is a refundable payroll tax credit against certain employment taxes for eligible employers whose businesses have been negatively affected by the COVID-19 pandemic to help keep employees on payroll. For 2020, the ERC is equal to 50 percent of qualified wages paid to employees, up to a limit of \$10,000 of qualified wages per employee per year. For 2021, the credit is equal to 70 percent of qualified wages paid to employees, up to a limit of \$10,000 of qualified wages per employee per quarter. Recovery startup businesses are eligible for the ERC during quarters three and four in an amount up to \$50,000 per quarter.

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Eligibility

Redacted & Redacted Corp, Redacted Storage LLC, REDACTED, and Redacted LLC are aggregated entities and qualify for the ERC according to the CARES Act as modified by the Taxpayer Certainty and Disaster Tax Relief Act of 2020 due to local, State, and Federal restrictions because of Covid-19. Gross revenue and employee counts were combined for the purpose of determining eligibility for ERC credits. Redacted & Redacted Corp, Redacted Storage LLC, REDACTED, and Redacted LLC experienced a more than nominal impact to our operations due to full and partial suspension as determined by the Government Orders Test.

Overview

Redacted & Redacted Corp, Redacted Storage LLC, REDACTED, and Redacted LLC have warehouse, retail, and office locations in New York and Delaware. We provide retail, auction, and storage services to prospective clients located in New York and Delaware and in other cities, states, and countries.

Business Suspension Details

Delaware

On March 12th, 2020, Governor John Carney issued a Declaration of a State of Emergency due to the public health threat of COVID-19, which became effective at 8:00 a.m. E.D.T on March 13, 2020. See Exhibit A. On March 18th, the second modification was made that placed restrictions on the operation of certain businesses. See Exhibit B. Governor Carney established essential and non-essential business in his fourth modification. See Exhibit C. On March 24th, Governor Carney modified the order a fifth time and required all individuals to shelter in place of residence until May 15. All travel, including travel on foot, bike or public transit, was prohibited except for essential travel or travel for minimum basic operations. See Exhibit D. The order was further modified a tenth time on April 6th to state that Non-Essential Businesses shall not transact business via curbside pickup. See Exhibit E. The Declaration of a State of Emergency due to the public health threat of COVID-19 was renewed every month in 2020. See Exhibit F and G. On May 8th, the Governor announced a rolling reopening plan. It encouraged staff to continue to work at home when possible and advised us to use downtime to thoroughly clean our establishments. See Exhibit H.

New York

On March 7th, 2020, Governor Andrew Cuomo issued Executive Order Number 202, declaring a state of Emergency for the entire State of New York and provided a 10-point New York on Pause plan. See Exhibit I. Effective March 22nd, the Governor issued Executive Order 202.6 that required all non-essential businesses to close in-office personnel functions statewide. See Exhibit J. Governor Cuomo issued Executive Order 202.10 on March 23rd which prohibited non-essential gatherings of individuals of any size for any reason. See Exhibit K. On Thursday, May 14, Governor Cuomo signed Executive Order No. 202.31 effective May 15th, which extended the stay-at-home orders, or New York on PAUSE but

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allowed curbside or in-store pickup or drop off. See Exhibit L. Executive Order No. 202.38 was issued on June 7th which allowed local governments in Phase Two regions to bring non-essential employees back to work beginning two weeks after such region has met the metrics to reopen Phase Two. See Exhibit M. Governor Cuomo extended the State of Emergency declaration in New York City throughout all of 2020. Interim Guidance on executive orders issued for gatherings, public spaces, and public and private sector entities during the covid-19 outbreak can be found in Exhibit N. Guidance for determining whether a business enterprise is subject to a workforce reduction under executive order 202.6 can be found here <https://esd.ny.gov/guidance-executive-order-2026>. The Reopening New York guidance was issued on May 15th and can be found in Exhibit O.

Business Suspension Impacts

Redacted & Redacted Corp and REDACTED provides retail and auction of redacted and redacted. Redacted & Redacted Corp's business model depends on clients who purchase from our retail locations. Many of these clients closed their establishments and therefore made little to no purchases. Products that were purchased were limited to curbside pickup only. For 2020, we endured a full shutdown of operations from March 20th until June 16th due to local and State mandates and Stay Home, Stay Safe orders. We endured a partial shutdown of operations from March 7th until December 31st due to local and State mandates and Stay Home, Stay Safe orders.

Redacted LLC provides auctions of redacted and redacted. Our business model depends on live event auctions. These live event auctions were suspended, and prospective clients could no longer attend live auctions.

Redacted Storage LLC provides storage of products for businesses. Prospective clients could not attend live auctions which resulted in reduction of storage services.

Marketing opportunities for new business were reduced or cancelled due to Stay Home, Stay Safe orders and trade shows were cancelled due to local and State restrictions. We increased sanitation of existing offices, which further restricted our active operations and caused partial shutdowns due to cleaning requirements. We were required to offer curb side pickup only and were subject to holding online auctions as gatherings were restricted. Our occupancy was restricted, and social distancing was mandated. We were required to reduce interpersonal contact. Supply Chain was impacted as it was extremely difficult or impossible to obtain materials and supplies. We inspect and review products before sale but were not able to do so due to travel restrictions which made it difficult for us to bring in new products. Shipping of available materials was delayed, and material costs increased due to Federal, State and local restrictions. Virtual equipment had to be purchased and several operations that were handled on-site transitioned to virtual operations, causing the business to be unable to function in a comparable manner as it did prior to Federal, State and local restrictions and Stay Home, Stay Safe orders. Several software integration projects were suspended.

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Nominal Impacts

From 2019 to 2020, our Redacted sector experienced a more than nominal impact to our operations. 2019 total income for this sector was \$8,310,648.00 which is more than 10% of our total revenue.

For Q2, revenue for this sector from 2019 was \$3,437,346 but dropped to \$1,435,879 for 2020 which is a decline of 58% which is a more than nominal impact to our operations.

From 2019 to 2020, our Store sector experienced a more than nominal impact to our operations. 2019 total income for this sector was \$7,979,115.00 which is more than 10% of our total revenue.

For Q4, revenue for this sector from 2019 was \$2,400,446 but dropped to \$1,943,048 for 2020 which is a decline of 19% which is a more than nominal impact to our operations.

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State of Delaware

Executive Department Dover



DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, the Centers for Disease Control and Prevention has determined that a novel coronavirus ("COVID-19") presents a serious public health threat, and that this threat is likely to impact the State of Delaware; and

WHEREAS, the Delaware Department of Health & Social Services' Division of Public Health (DPH) has determined that it is vital for the State of Delaware to prepare for the possible community transmission of COVID-19 and take steps to avoid the transmission of the virus, which may include avoiding public gatherings; and

WHEREAS, it is in the best interests of the State to protect its citizens from a potential public health emergency that could threaten the lives of those who live and work here; and

WHEREAS, the predicted public health threat created by COVID-19 will likely continue to create dangerous and potentially life-threatening public health conditions and may result in additional public safety responses.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare a State of Emergency in Delaware. This State of Emergency will be effective as of Friday, March 13, 2020 at 8:00 a.m. E.S.T., and shall continue until terminated as provided under state law. The nature of the emergency is the public health threat from the COVID-

19. Along with such other actions authorized by Title 20, Chapter 31 of the Delaware Code, I specifically direct and authorize:

1. All departments and agencies of the State of Delaware shall assist in response and recovery activities, as directed by and in coordination with the Delaware Emergency Management Agency (DEMA), in consultation with the Secretary of the Department of Safety and Homeland Security (DSHS), necessary in those areas affected by the COVID-19. Further, DEMA is authorized to enact the Delaware Emergency Operations Plan.
2. The Delaware National Guard shall take precautionary or responsive actions directed by the Director of DEMA, in consultation with the Secretary of DSHS, upon request by local authorities.
3. Pursuant to the authority provided in Title 20, Chapter 31 of the Delaware Code, DPH, in consultation with DEMA and the Secretary of DSHS, shall consider responsive actions with respect to facility closures, isolation and quarantine measures, including quarantine of individuals or groups of individuals, and such

other measures as they deem necessary to protect the health and safety of the public. DPH is authorized to purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents, health care supplies or medical supplies.

4. As of Friday, March 13, 2020 at 8:00 a.m. E.S.T., and until further notice, there are no driving restrictions in effect in the State.
5. As of Friday, March 13, 2020 at 8:00 a.m. E.S.T., all public meetings of executive branch public bodies governed by 29 Del. C. §§10001 et. seq. (including boards, commissions, task forces, and any other similar public body) may be conducted electronically, either by means of telephone conference call or video-conference call. The technology used must permit members of the public body to hear the comments of and speak to all those participating, and members of the public to hear the comments of and speak to such members of the public body contemporaneously. Public participants must also be permitted to electronically access presentation materials and submit questions or comments. During any public meeting conducted by electronic means, each member of the public body will identify him or herself before speaking so that members of the public are able to hear the comments of the members of the public body. Notice requirements of public meetings will continue as required by law and will include the electronic information necessary for participation. Meetings already noticed shall be updated as soon as practicable with the information necessary for members and the public to participate electronically.
6. Given that Delaware has evidence of the presence of COVID-19, it is important that social events be held safely to prevent the spread of infection. Proper precautions are essential. Event hosts should review the potential risks and cancel all "non-essential mass gatherings" of 100 people or more. CDC event guidance strongly emphasizes that those at highest risk (over age 60 and with chronic health conditions) not attend large gatherings. Large gatherings, if held, should provide the following: adequate space allowing 6 feet between individuals; adequate air flow; warm water and soap along with hand sanitizer stations; signage that emphasizes that ill individuals not attend; and a process in place to manage an ill individual safely. As of Friday, March 13, 2020 at 8:00 a.m. E.S.T., DPH and DEMA are authorized to cancel gatherings should it be deemed necessary for public health reasons, and such cancellation shall not constitute a taking and shall not entitle the owner or organizer to just compensation.
7. Schools are encouraged to review activities that bring attendees in close proximity to each other based upon the CDC's guidance for social events. Schools should have a rigorous cleaning process and emphasize that sick students and staff stay home. DPH is not recommending that school facilities close at this time, but DPH will continue to coordinate closely with school district leadership to prevent community spread of the COVID-19.
8. Facilities serving older adults, including skilled nursing facilities, assisted living facilities, hospice providers, and rehabilitation facilities with older patients should:
 - a. Screen and restrict access by those who meet the following: 1) signs or symptoms of a respiratory infection such as cough, fever, shortness of breath or sore throat; 2) in the last 14 days had contact with someone with a confirmed diagnosis of COVID-19, or 3) are ill with respiratory illness.
 - b. All individuals permitted to enter the facility must wash hands upon entry; if soap and water are not available, alcohol-based sanitizer may be used.
 - c. Make online methods of face-to face communication and phone calls available.
 - d. Facility staff should be restricted from international travel and should be monitored if they have travelled out of the country in the last 14 days.
 - e. Staff should be monitored if they have been in contact with someone who is under investigation for COVID-19 or have traveled out of state.
 - f. Staff should be monitored if they are showing any signs of respiratory infection such as fever, cough or sore throat.
 - g. Any staff member who has these signs or symptoms should not go to work. Any staff that develop these signs or symptoms on the job should immediately stop working, put on a face mask, and self-isolate at home.

- h. Staff who develop these signs and symptoms should inform the infection preventionist and contact their primary care doctor, as well as the Division of Public Health at 1-866-408-1899 for next steps.
 - i. Nursing homes should increase availability of alcohol-based hand sanitizers, tissues, no-touch receptacles for disposal, and facemasks at entrances, waiting rooms, and resident check-ins.
 - J. Signage should be increased for vigilant infection prevention.
 - k. Properly clean, disinfect, and limit sharing of medical equipment between residents and areas of the facility.
9. No entity doing business in this state shall engage in price gouging as a result of this public health emergency, which shall mean an excessive price increase of goods or services offered for sale beyond the sale price in the usual course of business immediately prior to the date of this state of emergency, unless the increase is attributable to additional costs imposed on the supplier of such goods or services, such price not to increase more than 10% from the cost customarily applied in the usual course of business prior to this state of emergency. A violation of this paragraph shall be deemed an unlawful practice under § 2513 of Title 6 of the Delaware Code and a violation of Subchapter II of Chapter 25 of Title 6.
10. State employees shall refrain from any business travel out of state. If you are scheduled for business travel that you feel is essential, please notify your supervisor.
11. The Department of Health and Social Services and the Department of Safety and Homeland Security are exempted from 29 Del. C. Chap. 69 for purposes of purchasing materials necessary for responding to this public health emergency.
12. I reserve the right to take or direct state or local authorities to take, without issuance of further written order, any other necessary actions authorized by Title 20, Chapter 31 of the Delaware Code to respond to this emergency.

APPROVED this 12th day of March 2020 at 3:00 p.m.


Governor

Exhibit B

State of Delaware



Executive Department
Dover

**SECOND MODIFICATION OF THE DECLARATION OF A STATE OF
EMERGENCY FOR THE
STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT**

WHEREAS, the Centers for Disease Control and Prevention has determined that a novel coronavirus ("COVID-19") presents a serious public health threat; and

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a State of Emergency due to the public health threat of COVID-19, which became effective as of 8:00 a.m. E.D.T. on March 13, 2020; and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Amended Modification to the State of Emergency declaration to advise that the Centers for Disease Control and Prevention (CDC) issued new guidance for large events and mass gatherings, recommending that organizers halt gatherings of 50 people or more for the next eight weeks due to the public health threat of COVID-19, including conferences, social events, concerts and other types of assemblies; and

WHEREAS, events of any size should be continued only if they can be carried out with adherence to guidelines for protecting vulnerable populations, including proper hand hygiene and adequate social distancing; and

WHEREAS, as of Friday, March 13, 2020 at 8:00 a.m. E.S.T., the Department of Health & Social Services' Division of Public Health (DPH) and Delaware Emergency Management Agency (DEMA) were authorized to cancel gatherings should it be deemed necessary for public health reasons, and such cancellation shall not constitute a taking and shall not entitle the owner or organizer to just compensation; and

WHEREAS, in the interests of protecting the citizens of this state from this public health threat, by law the Governor is authorized to issue a proclamation to suspend the provisions of any regulatory statute prescribing the procedures for conducting state business where strict compliance with the statute may hinder necessary action in coping with the emergency.

NOW THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware

Code, do hereby declare that the State of Emergency that I issued on March 12, 2020 at 3:00 p.m. E.D.T. and the First Amended Modification of the State of Emergency I issued on March 16, 2020 at 2:00 p.m. E.D.T., shall remain in effect until further notice, with the following modifications:

1. Effective March 16, 2020 at 8:00 p.m. E.D.T., organizers and sponsors of public gatherings of 50 or more people shall cancel the gatherings immediately and not reschedule them until after May 15, 2020, or the public health threat of COVID-19 has been eliminated.
2. Effective March 16, 2020 at 8:00 p.m. E.D.T., all restaurants, bars and taverns shall only provide food and beverage service through take-out, drive through, hotel room service and off premises delivery. No indoor or outdoor seating for food or beverage service, including the use of outdoor patios, is permitted. This restriction shall not apply to food service provided within hospitals to hospital staff/employees, patients and-patient visitors.
3. Effective March 16, 2020 at 8:00 p.m. E.D.T., all casinos operating in the state shall cease gaming operations.
4. Effective March 19, 2020 at 8:00 a.m. E.D .T., owners and operators of bowling alleys, concert events, movie theaters, sports facilities, fitness centers, and health spas shall cease operations.
5. Owners and operators of places that will continue to be open to the public are strongly encouraged to ensure that no more than 50 people are present in the space at the same time and provide the precautions recommended by the CDC on COVID -19, including hand hygiene and social distancing. This does not include private businesses.
6. No senior center, nursing home/retirement facility, assisted-living facility etc. shall knowingly permit a gathering of more than 10 persons that includes any person aged 60 or over or any person with an underlying health condition that puts any person in attendance at increased risk if exposed to COVID-19. Individuals who are at higher risk for severe illness, including those age 60 or older with underlying health conditions, are strongly encouraged to avoid gatherings of more than 10 persons unless the CDC COVID-19 guidelines can be followed, including at senior centers, nursing home/retirement facilities and assisted living facilities.
7. DEMA and DPH are authorized to cancel gatherings should it be deemed necessary for public health reasons.
8. The Delaware Secretary of Labor is authorized to develop emergency rules, amending the Delaware Unemployment Insurance Code, effective Monday, March 16, 2020, such emergency rules to remain in effect until the State of Emergency declaration has been rescinded. These rules should enhance the flexibility of the unemployment insurance program in response to COVID-19, and alleviate some of the burden of temporary layoffs, isolation, and quarantine by ensuring unemployment benefits are available to individuals whose employment has been impacted directly by COVID-19.
9. Effective March 18, 2020 at 8:00 p.m. E.D.T., all Title 24 statutory requirements that patients present in-person before telemedicine services may be provided are suspended. Further, requirements that the patient must be present in Delaware at the time the telemedicine services are provided are suspended, so long as the patient is a Delaware resident. Any out of state healthcare provider who would be permitted to provide telemedicine services in Delaware if they were licensed under Title 24 may provide telemedicine services to a Delaware resident if they hold an active license in another jurisdiction. The Delaware Board of Medical Licensure

and Discipline's Regulation 19 regarding restrictions on the use of telemedicine is suspended.

10. Effective March 18, 2020 at 8:00 p.m. E.D.T., notwithstanding paragraph 2 above or any statute or regulation to the contrary, while the State of Emergency is in effect, any restaurant, brewpub, tavern or taproom with a valid on-premise license to sell alcoholic beverages may sell alcoholic beverages as part of transactions for take-out food or drive through food service, as long as the cost for alcohol does not exceed 40% of the establishment's total sales transaction; this temporary authorization will cease immediately when the State of Emergency is rescinded. All other rules and regulations regarding the takeout of alcoholic beverages shall apply, including that the container must be securely closed. In addition, upon the rescission of this State of Emergency, any on-premise license to sell alcoholic beverages that was temporarily suspended by order of the Delaware Office of Alcoholic Beverage Control Commissioner pursuant to this State of Emergency will be reactivated immediately without further requirement.
11. Any entity that remains open is strongly encouraged to have hand sanitizers or hand washing stations available for its employees and patrons.
12. This Declaration of a State of Emergency has the force and effect of law. Any failure to comply with the provisions contained in a Declaration of a State of Emergency constitutes a criminal offense. 20 Del. C. §§ 3115 (b); 3116(9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

APPROVED this 18th day of March 2020 at 2:00 p.m.


Governor

State of Delaware



Executive Department
Dover

FOURTH MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has determined that a novel coronavirus ("COVID-19") presents a serious public health threat, and

WHEREAS, the Delaware Department of Health & Social Services' Division of Public Health ("DPH") has determined that it is vital for the State of Delaware to prepare for and to take action in response to the community transmission of COVID-19 and to take steps to avoid the transmission of the virus, which may include avoiding public gatherings and assembly; and

WHEREAS, it is in the best interests of the State to protect its citizens from a potential public health emergency that could threaten the lives of those who live and work here; and

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a State of Emergency due to the public health threat of COVID-19, which became effective as of 8:00 a.m. E.D.T. on March 13, 2020 (the "COVID-19 State of Emergency"); and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Modification to the COVID-19 State of Emergency declaration to advise that the CDC issued new guidance for large events and mass gatherings, recommending that organizers halt gatherings of 50 people or more for the

next eight weeks due to the public health threat of COVID-19, including conferences, social events, concerts and other types of assemblies; and

WHEREAS, the CDC also recommends that events of any size should continue only if they can be carried out with adherence to guidelines for protecting vulnerable populations, including proper hand hygiene and adequate social distancing; and

WHEREAS, as of Friday, March 13, 2020 at 8:00 a.m. E.D.T., DPH and Delaware Emergency Management Agency ("DEMA") were authorized to cancel gatherings should it be deemed necessary for public health reasons, and such cancellation shall not constitute a taking and shall not entitle the owner or organizer to just compensation; and

WHEREAS, on March 18, 2020 at 2:00 p.m. E.D.T., I issued the Second Modification to the COVID-19 State of Emergency declaration that modified the limitations on public gatherings of 50 or more people and, among other things, placed certain restriction on the operation of certain businesses and facilities in the State of Delaware; and

WHEREAS, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification to the State of Emergency declaration to close all Delaware beaches, except to persons using the beaches for exercise or to walk their dogs, subject to certain precautions recommended by the CDC on COVID-19, which became effective as of 5:00 p.m. E.D.T.; and

WHEREAS, it is in the interests of protecting the citizens and residents of Delaware from the public health threat posed by COVID-19; and

WHEREAS, pursuant to Title 20, Section 3116(b)(13) of the Delaware Code, the Governor of the State of Delaware has the power to take such other actions as the Governor reasonably believes necessary to help maintain life, health, property or public peace during this State of Emergency; and

WHEREAS, I reasonably believe that it is necessary to control and direct within the State of Delaware the operation of certain businesses, organizations, and enterprises necessary to maintain life, health, property or public peace during the State of Emergency.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, in an effort to control and prevent the spread of COVID-19 within the State of Delaware, do hereby order:

1. Effective March 24, 2020 at 8:00 a.m. E.D.T., and until further notice, State offices will remain open, except that all State of Delaware employees able to telecommute are required to telecommute (work from home) wherever possible, in accordance with Department of Human Resource's guidance: <https://www.udhr.deaware.gov/personnel/faq/DHR-COVID19-FAQ-Stateofficeaware-03112020.pdf>, which may be updated from time to time. State of Delaware employees unable to telecommute should report to their normal place of work at the start of their shift.
2. The statutory time periods for responses to requests for public records made pursuant to 29 Del. C. § 10003 and for the filing of and response to petitions filed pursuant to 29 Del. C. § 10005 (e), whether such requests or petitions are presently pending or submitted hereafter, are hereby extended until 15 business days following the termination of any active Declaration of a State of Emergency.
3. I hereby designate certain businesses, establishments, and enterprises operating within the State of Delaware as "Essential Businesses" and "Non-Essential Businesses."
4. In addition to a delegation of authority to issue emergency regulations consistent with the State of Emergency and Delaware law, the Division of Small Business shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list of "Essential Businesses" and "Non-Essential Businesses" and should consider information from the U.S. Department of Homeland Security,

Cybersecurity & Infrastructure Security Agency's Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response.

5. Responsibilities of Essential Businesses: "Essential Businesses" as defined herein shall follow the coronavirus guidelines for public safety enumerated by the CDC and **DPH**, including to:

- a. Implement flexible and non-punitive sick-leave policies to facilitate compliance with this Order, such policies should follow any guidance from the U.S. CDC and DPH regarding COVID-19.
- b. Exclude employees who (a) have been diagnosed with COVID-19, (b) are reasonably suspected to have COVID-19, or (c) have symptoms of acute respiratory illness, such as fever, cough, or shortness of breath, shall stay home and not come to work until they are free of fever (100.4 °F [38.0 °C] or greater using an oral thermometer), signs of a fever, and any other symptoms of acute respiratory illness for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (*e.g.* cough suppressants), these employees should notify their supervisor and stay home if they are sick;
- c. Exclude employees who reside or intimately interact with persons who (a) have been diagnosed with COVID-19, (b) are reasonably suspected to have COVID-19, or (c) have symptoms of acute respiratory illness, such as fever, cough, or shortness of breath, should stay at home and notify their supervisor of their situation;
- d. Exclude individuals at highest risk of poor outcomes such as those over age 60 and those with chronic underlying conditions from on-premises work (with the exception of healthcare workers);
- e. Separate sick employees from other individuals immediately;
- f. Prohibit employees who have been told they must be isolated or quarantined from on-premises work until cleared by DPH or a medical professional;
- g. Hand wash with warm water and soap when entering and leaving worksite;
- h. Have hand sanitizer or handwashing stations readily available for all employees throughout the day;
- i. Enforce cough and sneeze hygiene;
- J. Follow all State and CDC guidelines and recommendations for social distancing, especially that there must be 6 feet of space between employees at all times (the exception being healthcare workers using appropriate PPE);
- k. Follow all State and CDC guidelines and recommendations for environmental cleaning;
- l. Teleworking must be maximized;
- m. Visitors are not allowed inside worksites unless they are providing essential services.

- n. Participate and encourage employees to abide by the Governor's shelter in place policies as enumerated in the forthcoming Fifth Modification to the COVID-19 State of Emergency declaration, including limitations on driving for essential travel only.
 - o. All businesses deemed essential by this order shall be subject to inspection by appropriate state officials as necessary. Should any individual company or group of companies be found to not be making best efforts to enforce the standards enumerated in part (a) for their workforce, they will be subject to immediate closure until the State of Emergency is lifted.
6. Definition of Essential Businesses: Essential Businesses are businesses that employ or utilize the following workers:

a. HEALTHCARE / PUBLIC HEALTH

1. Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response.
2. Caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists).
3. Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).
4. Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers).
5. Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, PPE, medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.
6. Public health / community health workers, including those who compile, model, analyze and communicate public health information.
7. Blood and plasma donors and the employees of the organizations that operate and manage related activities.
8. Workers that manage health plans, billing, and health information, who cannot practically work remotely.
9. Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and

communicating public health information, who cannot practically work remotely.

10. Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely.
11. Workers conducting research critical to COVID-19 response.
12. Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely.
13. Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters.
14. Pharmacy employees necessary for filling prescriptions.
15. Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers.
16. Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident.
17. Any other workers or support staff related to the delivery of medical, dental, veterinarian, or similar services.

b. LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

1. Personnel in emergency management, law enforcement, emergency management systems, fire, and corrections, including front line and management.
2. Emergency Medical Technicians.
3. 911 call center employees.
4. Fusion Center employees.
5. Hazardous material responders from government and the private sector.
6. Workers, including contracted vendors, who maintain digital systems infrastructure supporting law enforcement and emergency service operations.

c. FOOD AND AGRICULTURE

1. Workers supporting groceries, pharmacies and other retail that sells food and beverage products.
2. Restaurant carry-out and quick serve food operations, including carry-out and delivery food employees.
3. Food manufacturer employees and their supplier employees-to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.
4. Farm workers to include those employed in animal food, feed, and

ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically.

5. Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs.
6. Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor- managed inventory controllers and blockchain managers.
7. Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
8. Company cafeterias or in-plant cafeterias used to feed employees of Essential Businesses.
9. Workers in food testing labs in private industries and in institutions of higher education.
10. Workers essential for assistance programs and government payments.
11. Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
12. Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce.
13. Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products.
14. Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution.

d. ENERGY

1. ELECTRICITY INDUSTRY:

- a. Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians .
- b. Workers needed for safe and secure operations at nuclear generation.
- c. Workers at generation, transmission, and electric blackstart facilities.
- d. Workers at Reliability Coordinator (RC), Balancing Authorities

- (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities.
- e. Mutual assistance personnel.
 - f. IT and OT technology staff - for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management.
 - g. Vegetation management crews and traffic workers who support.
 - h. Environmental remediation/monitoring technicians.
 - 1. Instrumentation, protection, and control technicians.

2. **PETROLEUM INDUSTRY:**

- a. Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport.
- b. Crude oil storage facilities, pipeline, and marine transport
- c. Petroleum refinery facilities.
- d. Petroleum security operations center employees and workers who support emergency response services.
- e. Petroleum operations control rooms/centers.
- f. Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing.
- g. Onshore and offshore operations for maintenance and emergency response.
- h. Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them.

3. **NATURAL AND PROPANE GAS INDUSTRY:**

- a. Natural gas transmission and distribution pipelines, including compressor stations.
- b. Underground storage of natural gas.
- c. Natural gas processing plants, and those that deal with natural gas liquids.
- d. Liquefied Natural Gas (LNG) facilities.
- e. Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls.
- f. Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation.
- g. Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls.

- h. Propane gas service maintenance and restoration, including call centers.
 - 1. Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing.
 - J. Propane gas storage, transmission, and distribution centers.
- e. **WATER AND WASTEWATER:** Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:
- a. Operational staff at water authorities.
 - b. Operational staff at community water systems.
 - c. Operational staff at wastewater treatment facilities.
 - d. Workers repairing water and wastewater conveyances and performing required sampling or monitoring.
 - e. Operational staff for water distribution and testing.
 - f. Operational staff at wastewater collection facilities.
 - g. Operational staff and technical support for SCADA Control systems.
 - h. Chemical disinfectant suppliers for wastewater and personnel protection.
 - 1. Workers that maintain digital systems infrastructure supporting water and wastewater operations.

f. TRANSPORTATION AND LOGISTICS:

- 1. Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel).
- 2. Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- 3. Public transit workers.
- 4. Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment.
- 5. Maritime transportation workers - port workers, mariners, equipment operators.
- 6. Truck drivers.
- 7. Automotive repair and maintenance facilities.
- 8. Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations.
- 9. Postal and shipping workers, to include private companies.
- 10. Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables

operations that encompass movement of cargo and passengers.

11. Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management.
12. Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers.

g. PUBLIC WORKS:

1. Workers who support the operation, inspection, and maintenance of essential dams, locks and levees.
2. Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
3. Workers such as plumbers, electricians, HVACR technicians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences.
4. Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications.
5. Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste.

h. COMMUNICATIONS AND INFORMATION TECHNOLOGY:

1. COMMUNICATIONS:

- a. Maintenance of communications infrastructure, including privately owned and maintained communication systems, supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment.
- b. Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting.
- c. Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities.
- d. Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables.

- e. Installation, maintenance and repair technicians that establish, support or repair communication service as needed.
- f. Central office personnel to maintain and operate central office, data centers, and other network office facilities.
- g. Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting.
- h. Dispatchers involved with communication service repair and restoration.

2. INFORMATION TECHNOLOGY:

- a. Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center.
- b. Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators.
- c. Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure.
- d. Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel.
- e. Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing.
- f. Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries.
- g. Support required for continuity of services, including janitorial /cleaning personnel.

i. OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS:

- 1. Workers to ensure continuity of building functions.
- 2. Security staff to maintain building access control and physical security

measures.

3. Elections personnel.
4. Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks.
5. Trade Officials (FTA negotiators; international data flow administrators).
6. Weather forecasters.
7. Workers that maintain digital systems infrastructure supporting other critical government operations.
8. Workers at operations centers necessary to maintain other essential functions.
9. Workers who support necessary credentialing, vetting and licensing operations for transportation workers.
10. Customs workers who are critical to facilitating trade in support of the national emergency response supply chain.
11. Educators and other necessary to support public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing.
12. Hotel Workers and any staff necessary to ensure the safe and proper management of hotel properties, and other forms of lodging and related support staff.

J. MANUFACTURING :

1. Workers necessary for the manufacturing of materials, goods, products, or similar distribution.

k. HAZARDOUS MATERIALS:

1. Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits.
2. Workers who support hazardous materials response and cleanup.
3. Workers who maintain digital systems infrastructure supporting hazardous materials management operations.

I. FINANCIAL SERVICES AND INSURANCE:

1. Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities).
2. Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored car carriers).

3. Workers who support financial operations, such as those engaged in the selling, trading, or marketing of securities, those engaged in giving advice on investment portfolios, and those staffing data and security operations centers.
4. Workers engaged in the underwriting, selling, marketing, or brokering of insurance, and any workers who support those activities or who associated with the investigation and fulfillment of insurance claims.

m. CHEMICAL:

1. Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers , food and food additives, pharmaceuticals, textiles, and paper products.
2. Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items.
3. Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products.
4. Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/ or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections.
5. Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing.

n. DEFENSE INDUSTRIAL BASE:

1. Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers .
2. Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing

materials and services to the Department of Defense, and government-owned/contractor- operated and government- owned/government-operated facilities.

o. CONSTRUCTION:

1. Workers who are engaged in the construction of residential, non-residential structures, or infrastructure, and any workers who provide critical maintenance to residential or non-residential structures.
2. Businesses that supply materials and hardware to those engaged in the construction of residential or non-residential structures.
3. Workers involved in activities related to the design and apportionment of residential and non-residential structures.

p. NECESSARY PRODUCTS RETAILERS: Retailers that sell or provide Necessary Products. Such Necessary Products shall include:

1. Medical and hygiene supplies.
2. Dry goods.
3. Agricultural supplies (commercial and residential).
4. Pet and animal food and supplies.
5. Hardware.
6. Products and technological equipment or the maintenance of such products or equipment necessary for people to work from home;
7. Alcohol, beer and wine, and any wholesalers or distributors of those products; and
8. Any other household consumer products or other products necessary to maintain the safety, sanitation, and essential operations of residences.

q. NECESSARY RETAIL AND SERVICES ESTABLISHMENTS:

1. Businesses that sell or supply Necessary Products Retailers or other Necessary Services Establishments.
2. Businesses that ship, sell, or deliver groceries, food, goods or services directly to residences, Necessary Products Retailers or other Necessary Services Establishments, and businesses that may act as wholesalers to those retail establishments.
3. Appliance repair, electricians, exterminators, home repair, plumbers, or any other service providers who provide services or equipment that is necessary to maintaining the safety, sanitation, and essential operation of residences, Necessary Products Retailers, or Necessary Services Establishments.
4. Automobile and bicycle repair facilities or those engaged in the sale or distribution of equipment or parts necessary for the repair of automobiles and bicycles.
5. Lawn and garden retail facilities or those engaged in the distribution of

- lawn and garden product.
6. Businesses that sell or distribute gasoline or road-use diesel in any form.
 7. Businesses that provide for the warehousing and storage of large quantities of goods.
 8. Courier or other express delivery services and any postal services.
 9. Businesses that provide support services for the scientific, technical, or information technology fields.
 10. Certain outdoor recreational activities such as marinas and similar facilities.
 11. Educational institutions (subject to the requirements of the social distancing requirements of the prior modified declarations of the COVID-19 State of Emergency, which requirements are not affected here).
 12. Houses of worship and other place of religious expression or fellowship (subject to the requirements of existing emergency orders, which requirements are not affected by this Order).
 13. Social service providers.
 14. Home-based care for senior, adults, or children.
 15. Residential facilities and shelters for seniors, adults or children.
 16. Childcare facilities.
 17. Chiropractic care facilities.
 18. Physical therapy facilities.
 19. Banks, credit unions, insurance providers, or other financial institutions.
 20. Professional services, such as legal, registered agent, or accounting services and associated support services.
 21. Businesses providing temporary employment placement services.
 22. Laundromats provided they limit occupancy to less than 10 people in the facility and require social-distancing among patrons, dry cleaners or other laundry service providers.
 23. Hotel and commercial lodging.
 24. Taxi or for hire transportation (provided that ride-sharing services are not permitted).
 25. Business, professional, labor, or other similar businesses that act in an organizing capacity, provided they attempt to limit large gatherings to less than 10 members in person.
 26. Pet sitters.

r. **OPEN AIR RECREATION FACILITIES** appropriate to engaging in outdoor activity (provided they are appropriate to comply with social distancing requirements of my prior modified declarations of the COVID-19 State of Emergency), such recreation facilities including but not limited to State and local parks or other open air recreation facilities, but specifically excluding swimming facilities.

7. **Non-Essential Businesses:** "Non-Essential Businesses" as used herein means:
1. Hospitality and Recreation Facilities, including but not limited to:
 - a. indoor community and recreation centers.
 - b. casinos and racetracks.
 - c. sporting facilities (professional and amateur), including but not limited to indoor skating rinks (ice and non-ice), martial arts studios, dance studios, indoor tennis and similar indoor athletic facilities.
 - d. gyms, including yoga, barre and spin facilities.
 - e. hair salons, barber shops, nail salons, and spas.
 2. Concert halls and venues;
 3. Theaters and performing arts venues;
 4. Sporting event facilities and venues;
 5. Golf courses and shooting ranges, except golf courses and shooting ranges are excluded from Non-Essential Businesses if they conform with the social distancing requirements of my prior modified declarations of the COVID-19 State of Emergency;
 6. Realtors of both residential and non-residential properties and associated industries, except that Realtors are permitted to work from home to the extent feasible, to do all necessary showings to perspective buyers/lessors, and to take any action necessary to complete any sales or rentals in progress prior to this Modification of the State of Emergency;
 7. Certain Business support services, including customer service call centers and telemarketing operations;
 8. Shopping malls, except a shopping mall may be excluded from Non-Essential Business if public access is required so that the public can access any Necessary Retail and Services Establishments located within or adjacent to the shopping mall. In such cases, any public access is subject to the social distancing requirements of my prior modified declarations of the COVID-19 State of Emergency; and
 9. Retail stores not included within the definition of Essential Businesses.

8. **Closure of Non-Essential Businesses.**

All physical locations of Non-Essential Businesses within the State of Delaware shall be closed until after May 15, 2020, or the public health threat of COVID-19 has been eliminated, effective 8:00 a.m. E.D.T. on Tuesday, March 24, 2020, except that Non-Essential Business may continue to offer goods and services over the internet.

9. **Enforcement.** This Order has the force and effect of law. Any failure to comply with the provisions contained in a Declaration of a State of Emergency or any modification

to a Declaration of the State of Emergency constitutes a criminal offense. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

APPROVED this 22nd day of March 2020 at 4:00 p.m.


Governor

State of Delaware



FIFTH MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has determined that a novel coronavirus ("COVID-19") presents a serious public health threat; and

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a Declaration of a State of Emergency due to the public health threat of COVID-19, which became effective as of 8:00 a.m.

E.D.T. on March 13, 2020; and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Modification of the Declaration of a State of Emergency to advise that the CDC issued new guidance for large events and mass gatherings, including conferences, social events, concerts and other types of assemblies; and

WHEREAS, on March 18, 2020 at 2:00 p.m. E.D.T., I issued the Second Modification of the Declaration of a State of Emergency to further restrict events and gatherings; to restrict food service to only take-out or delivery; to close casinos, bowling alleys, concert venues, movie theaters, sports facilities, fitness centers and health spas; to ensure additional precautions in nursing homes, retirement facilities, or assisted-living facilities; to promote authority to the Delaware

Emergency Management Agency and the Division of Public Health to cancel any gatherings for public health reasons; to authorize the Secretary of Labor to develop emergency rules relating to unemployment insurance; to address requirements for telemedicine services; and to address the sale of alcoholic beverages; and

WHEREAS, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification of the Declaration of a State of Emergency to close all Delaware beaches, except to persons using the beaches for exercise or to walk their dogs, subject to certain precautions recommended by the CDC on COVID-19, which became effective as of 5:00 p.m. E.D.T.; and

WHEREAS, on March 22, 2020 at 4:00 p.m. E.D.T., I issued the Fourth Modification of the Declaration of a State of Emergency; and

WHEREAS, because of the risk of the rapid spread of the virus, and the need to protect all Delaware citizens, especially health care providers and citizens most vulnerable to the virus, additional efforts are needed to mitigate community spread of COVID-19; and

WHEREAS, it is critical to ensure that law enforcement and public and private health resources not be unnecessarily diverted from responding to COVID-19-related issues and maintaining public safety and health; and

WHEREAS, Delawareans should refrain from organizing or attending social gatherings of any size, except for regular interactions with immediate family members, members of the same household, caregivers, or individuals with whom you have a close personal relationship; and

WHEREAS, requiring all individuals located in Delaware to shelter in place-that is, to stay at home or at their place of residence-except with respect to certain essential activities and to work to provide essential business and government services, is in the interests of preserving public safety and health and limiting community spread of COVID-19.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, do hereby declare that the Declaration of a State of Emergency, as modified through the First Modification, the Second Modification, the Third Modification, and the Fourth Modification shall remain in effect until further notice, with the following modifications:

1. **Shelter in place of residence.** Effective March 24, 2020 at 8:00 a.m. E.D.T., with the exceptions as outlined below, all individuals currently living within the State of Delaware are ordered to shelter in place, at their home or place of residence except as permitted in this Fifth Modification of the Declaration of a State of Emergency. To the extent individuals are using shared or outdoor space when outside their residence, they must at all times and as much as reasonably possible maintain social distancing of at least six feet from any other person, consistent with the Social Distancing Requirements set forth in this Fifth Modification of the Declaration of a State of Emergency and with the guidelines set by the CDC. All persons may leave their homes or places of residence only for Essential Activities or Essential Travel, as defined below.
2. Individuals experiencing homelessness are strongly urged to find shelter, and government agencies are urged to take steps needed to provide shelter for those individuals , in accordance with CDC guidance. Homeless individuals are otherwise not subject to this shelter in place order.
3. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their homes and stay at a safe alternative home or residence.
4. Individuals at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residences to the extent possible except as necessary to seek medical care.

Nothing in this Fifth Modification of the Declaration of a State of Emergency prevents DEMA from issuing and enforcing isolation and quarantine orders pursuant to 20 Del. C.

§ 3136 or DPH from issuing and enforcing isolation and quarantine orders pursuant to 16 Del. C. § 505.

5. For purposes of this Fifth Modification of the Declaration of a State of Emergency, homes and residences include hotels, motels, shared rental units, shelters and similar facilities.
6. **Prohibited and permitted travel.** All travel (including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, and public transit), except Essential Travel or travel for Essential Activities, as defined below, is prohibited. Passengers traveling by public transit must comply with Social Distancing Requirements to the greatest extent feasible.
7. **Leaving your home or residence for Essential Activities is permitted.** Individuals may only leave their residence to carry out Essential Activities or Essential Travel. For purposes of this Order, Essential Activities are defined as follows:
 - a. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
 - b. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, food supplies, dry goods, pet supplies and any other household consumer products, and

products necessary to maintain the safety, sanitation, and essential operation of residences.

- c. To engage in outdoor activity, providing the individuals comply with Social Distancing Requirements, as defined below, such as, by way of example and without limitation, walking, running, biking, or fishing. Individuals may go to public parks and open outdoor recreation areas (except beaches, which may be used only as described in my Third Modification of the Declaration of a State of Emergency).
- d. To perform work permitted by the Fourth Modification of the Declaration of a State of Emergency.
- e. To care for a family member, friend, or pet in another household, and to transport family members, friends, pets, or livestock as allowed by this Order.

8. **Leaving your home or residence for Essential Travel is permitted.** For the purposes of this Order, Essential Travel includes travel for any of the purposes set forth in this paragraph. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements.

- a. Any travel related to the provision of or access to Essential Activities or Minimum Basic Operations.
- b. Travel to care for elderly persons, minors, dependents, persons with disabilities, other vulnerable persons, pets, or livestock.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and for receiving any other related services.
- d. Travel to return to a place of residence in Delaware from outside the jurisdiction.

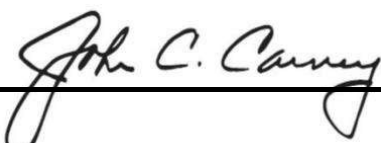
- e. Travel required or authorized by a law enforcement officer or court order.
 - f. Travel required for non-residents to return to their place of residence outside the State.
9. **Social distancing measures are required.** For the purposes of this Order, "Social Distancing Requirements" include maintaining at least six-foot social distancing from individuals, washing hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (not with hands), regularly cleaning high-touch surfaces, and not shaking hands. These requirements incorporate any subsequent guidance from the CDC issued after the issuance of this Order.
10. **Minimum Basic Operations.** For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with the Fourth Modification of the Declaration of a State of Emergency and Social Distancing Requirements, to the extent possible, while carrying out such operations:
- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.
 - b. The minimum necessary activities to facilitate employees of the business being able to work remotely or continue to work remotely from their residences.
11. **Intent of this Order.** The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the extent feasible, while enabling essential services to continue, in order to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform essential services, or to otherwise facilitate Essential Activities and Minimum

Basic Operations necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements. All provisions of this Fifth Modification of the Declaration of a State of Emergency should be interpreted to effectuate this intent.

12. **Testing:** All COVID-19 testing shall be made available to those persons who meet criteria for such testing as established and modified from time to time, by the CDC. All health care providers, facilities and entities that decide to offer testing shall make that testing available to any person presenting at the testing site who meets the CDC criteria without regard to that person's ability to pay, type of health insurance, or participation in any particular provider network. Health care providers shall provide testing to the extent that testing costs are not covered by the payments by individuals and health insurance carriers and will be covered by Delaware's Health Care Connection Program.

13. **Enforcement.** This Order has the force and effect of law. Any failure to comply with the provisions contained in a Declaration of a State of Emergency or any modification to a Declaration of a State of Emergency constitutes a criminal offense. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

APPROVED this 22d day of March 2020 at 4:02 p.m.



Governor

State of Delaware



Executive Department
Dover

TENTH MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has determined that a novel coronavirus ("COVID-19") presents a serious public health threat, and has advised the public that asymptomatic individuals may be carriers of the COVID-19 virus and may unknowingly spread the virus to other individuals in close proximity, and therefore, social distancing is required to help mitigate the individual exposure to (and community spread of) the COVID-19 virus; and

WHEREAS, it is in the best interests of the State to protect its citizens from a public health emergency that could threaten the lives of those who live and work here; and

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a State of Emergency due to the public health threat of COVID-19, which became effective as of 8:00 a.m. E.D.T. on March 13, 2020 (the "COVID-19 State of Emergency"); and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Modification to the COVID-19 State of Emergency declaration to advise that the CDC issued new guidance for large events

and mass gatherings, recommending that organizers halt gatherings of 50 people or more for the next eight weeks due to the public health threat of COVID-19, including conferences, social events, concerts and other types of assemblies; and

WHEREAS, on March 18, 2020 at 2:00 p.m. E.D.T., I issued the Second Modification to the COVID-19 State of Emergency declaration that modified the limitations on public gatherings of 50 or more people and, among other things, placed certain restrictions on the operation of certain businesses and facilities in the State of Delaware; and

WHEREAS, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification to the COVID-19 State of Emergency declaration to close all Delaware beaches, except to persons using the beaches for exercise or to walk their dogs, subject to certain precautions recommended by the CDC on COVID-19, which became effective as of 5:00 p.m. E.D.T.; and

WHEREAS, on March 23, 2020 at 4:00 p.m. E.D.T. and 4:02 p.m. E.D.T., respectively, I issued the Fourth and Fifth Modifications to the COVID-19 State of Emergency declaration to close all non-essential businesses in Delaware, except those that can offer goods and services on the Internet, and to order a Shelter in Place for Delaware residents; and

WHEREAS, on March 24, 2020 at 4:00 p.m. E.D.T., I issued the Sixth Modification to the COVID-19 State of Emergency declaration to provide a moratorium on evictions and foreclosure proceedings to enable Delawareans to shelter in place safely, extended the presidential primary, provided for absentee balloting during the COVID-19 crisis, provided for a modified state procurement process, and placed a moratorium on cancellation of insurance policies for delay in premium payments caused by the economic uncertainty; and

WHEREAS, on March 29, 2020 at 4:30 p.m. E.D.T., I issued the Seventh Modification to the COVID-19 State of Emergency declaration to provide for the self-quarantine of travelers from areas severely impacted by COVID-19 outside the State of Delaware into the State; and

WHEREAS, on March 30, 2020 at 5:00 p.m. E.D.T., I issued the Eighth Modification to the State of Emergency declaration to permit a comprehensive approach to the provision of childcare in the State of Delaware during the State of Emergency to support essential workers; and

WHEREAS, on April 1, 2020 at 3:00 p.m. E.D.T., I issued the Ninth Modification to the COVID-19 State of Emergency declaration to put further restrictions on social gatherings, limiting to fewer than 10 persons, to restrict the number of patrons that may visit businesses facilities at one time to a percentage of fire occupancy requirements in order to enforce social distancing requirements, and to mark check-out aisles for proper social distancing; and

WHEREAS, it is necessary to further restrict the operation of businesses within the State of Delaware that continue to operate to ensure adequate social distancing and proper hygiene to adequately protect life and health in light of the public health threat posed by COVID-19; and

WHEREAS, since the issuance of my Fourth Modification to the COVID-19 State of Emergency, the CDC has issued further guidance for the COVID-19 crisis, including the CDC' s "Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019" that recommends, among other things, states implement social distancing policies for businesses to use flexible worksites (telework/work-from-home), flexible hours, increasing social distancing between employees and customers, downsizing operations, and providing services remotely; and

WHEREAS, person-to-person contact increases the risk of transmitting COVID-19, and in order to promote the safety and protection of the civilian population, it is necessary to adopt measures that reduce the number of in-person meetings; and

WHEREAS, a Delaware public corporation may have provided notice of an annual or special meeting of stockholders to be held at a physical location prior to the time at which the extent of the public health threat of COVID-19 became apparent; and

WHEREAS, as a result of travel bans in place in several states, a public corporation may wish to

change a meeting noticed for a physical location to one held by remote communication; and

WHEREAS, it is currently advisable for a public corporation to change a stockholder meeting noticed for a physical location to one held solely by remote communication in order to promote the safety, health and wellbeing of participants; and

WHEREAS, I wish to facilitate changing stockholder meetings currently noticed for a physical location to meetings conducted solely by remote communication to the extent that it is permitted by law while the State of Emergency is in effect; and

WHEREAS, § 222(c) of Title 8 of the Delaware Code allows for adjournments of stockholder meetings, but does not address the method of adjournment of a meeting noticed for a physical location in the case of a public health threat and concomitant restrictions on personal mobility and travel; and

WHEREAS, § 232 of Title 8 of the Delaware Code provides that notice of stockholder meetings may be given by mail, courier service or electronic mail, but also suggests that there may be other means by which notice may be given effectively to stockholders; and

WHEREAS, during the COVID-19 pandemic, the Securities and Exchange Commission is allowing reporting companies to provide certain notices to stockholders via the companies' required public filings and a press release.

NOW, THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, in an effort to control and prevent the spread of COVID-19 within the State of Delaware, do hereby order that the COVID-19 State of Emergency, as modified by the First through Ninth Modifications, shall remain in effect until further notice, with the following modifications:

1. UPDATING PROVISIONS OF THE FOURTH MODIFICATION OF THE COVID-19 STATE OF EMERGENCY: *[Substantive changes made since the Fourth Modification are italicized]*

- a. Effective April 7, 2020, at 8:00 p.m. E.D.T., Paragraphs 4, 6, and 7 of the Fourth

Modification to the COVID-19 State of Emergency declaration are modified as expressly set forth in Paragraphs l.b, l.c, l.d, l.e and l.f. herein. For any matters addressed by both the Fourth and Tenth Modifications to the COVID-19 State of Emergency declaration, the provisions of this Tenth Modification of the COVID-19 State of Emergency declaration shall control.

b. Paragraph 4 of the Fourth Modification to the COVID-19 State of Emergency declaration is replaced entirely with the following: In addition to a delegation of authority to issue emergency regulations consistent with the State of Emergency and Delaware law, the Division of Small Business shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this list of "Essential Businesses," "Non-Essential Businesses," *and "Limited Operation Non-Essential Businesses."* *In making its determinations, the Division of Small Businesses will not consider a NAICS code that is modified after March 12, 2020 when the COVID-19 State of Emergency declaration was issued.*

c. Paragraph 6.b. of the Fourth Modification to the COVID-19 State of Emergency declaration is hereby modified by adding the following:

7. Military Personnel; and

8. Any State of Delaware contracted vendor who supports law enforcement, military personnel and emergency service operations.

d. Paragraph 6.p.8. of the Fourth Modification to the COVID-19 State of Emergency declaration is hereby stricken in its entirety.

e. Paragraph 6.q.12 of the Fourth Modification to the COVID-19 State of Emergency declaration is stricken, and replaced with the following:

12. Houses of worship and other places of religious expression or fellowship, which shall comply with all social distancing requirements set forth in the COVID-19 State of Emergency declaration and all modifications, including

attendance of no more than 10 people for in-person services under any circumstances. Houses of worship are strongly encouraged to transition any in-person services to remote services broadcast by telephone or video.

f. Paragraph 7. of the 4th Modification to the COVID-19 State of Emergency declaration is stricken and replaced with the following:

7. **Non-Essential Businesses**: Non-Essential Businesses as used herein means:

1. Hospitality and Recreation Facilities, *which shall include without limitation*:
 - a. Indoor community and recreation centers;
 - b. Casinos and racetracks;
 - c. Sporting facilities and venues (professional and amateur), including but not limited to *arcades, bowling alleys*, indoor skating rinks (ice and non- ice), martial arts studios, dance studios, indoor tennis and similar indoor athletic facilities;
 - d. Gyms, including yoga, barre and spin facilities and other indoor fitness facilities;
 - e. *Swimming facilities (public or community); f Indoor play areas;*
 - g. Concert halls and venues;
 - h. Theaters and performing arts venues;
 - i. Zoos; and
 - j. *Museums;*
2. Hair salons, barber shops, nail salons, and spas;
3. *Pawn shops;*
4. *Door to door solicitations;*
5. *Customer service call centers and telemarketing operations;*
6. *Shopping malls*, except that Essential Businesses and Limited Operation Non-Essential Businesses *that are directly accessible through stand-alone exterior access points may remain open, subject to applicable requirements;*
7. *Electronics retailers;*
8. *Video, video game, or computer game rental or similar retail;*
9. *Craft or hobby retailers;*
10. *Libraries and bookstores;*
11. *Ice cream, water ice, custard, or similar shops (except for service by drive- thru), and ice cream trucks;*
12. *All licensed childcare facilities not designated as Emergency Childcare Sites by the Eighth Modification of-the COVID-19 State of Emergency;*
13. *All other businesses not included within the definitions of Essential Businesses or Limited Operation Non-Essential Businesses.*

g. Paragraph 8. of the 4th Modification to the COVID-19 State of Emergency declaration is stricken in its entirety.

2. CLOSURE OF NON-ESSENTIAL BUSINESSES: *Except as otherwise provided herein, all physical locations of Non-Essential Businesses and Limited Operation Non-Essential Businesses within the State of Delaware shall be closed until after May 15, 2020, or the public health threat of COVID-19 has been eliminated, **effective 8:00 p.m. E.D.T. April 7, 2020.** Such businesses may continue to offer goods and services over the Internet or by phone. *Non-Essential Businesses shall not transact business via curbside pickup. All Non-Essential or Limited Operation Non-Essential Businesses with employees or customers on the premises must also comply with the Responsibilities of Essential Businesses set forth in Paragraph 5 of the Fourth Modification to the COVID-19 State of Emergency declaration. Any business that fails to comply with the Declaration of a State of Emergency or any modification thereto, or that encourages or facilitates unauthorized interstate travel, shall be deemed in violation of the State of Emergency orders and subject to enforcement action.**

3. LIMITED OPERATION NON-ESSENTIAL BUSINESSES: Limited Operation Non-Essential Businesses may operate as follows:

a. Commercial Lodging is hereby closed to leisure guests from the date of this Order until after May 15, 2020, or the public health threat of COVID-19 has been eliminated, whichever is later. As used herein, Commercial Lodging shall include hotels, motels, inns, short-term accommodations, vacation homes, or condo rentals (such as Airbnb, VRBO, HomeAway or any other vacation or overnight accommodation rental), and other lodgings providing overnight accommodation. Commercial Lodging may only take reservations from Essential Guests.

i. Essential Guests means:

1. Workers of an Essential Business whose work requires them to be in Delaware;

2. Persons placed by the DHSS, DEMA, FEMA, or other government agency or healthcare provider;
3. Persons acting as caretakers (ex. for family members) and who need the lodging to be near the person for whom they are caring;
4. Persons affected by domestic violence;
5. Section 8 residents;
6. Staff/personnel necessary to operate the lodging facility;
7. Travelers stranded by travel restrictions or who are currently residing in Commercial Lodging;
8. Journalists using Commercial Lodging due to their employment (not for personal use);
9. Persons displaced from their homes (ex. by fire, construction or renovation, or other extenuating circumstances), who are homeless, or who otherwise genuinely have no other viable place of residence;
10. Persons in Commercial Lodging in compliance with a court order.

ii. Essential Guests shall not include:

1. Those present for vacation or recreational use;
2. Any other use not within the definition of Essential Guests.

iii. All restaurants, bars, or other food and beverage service in Commercial Lodging shall operate only by take-out, room service or off premises delivery. No indoor or outdoor seating for food or beverage service, including the use of outdoor patios, is permitted;

iv. Fitness centers, pools, spas, or other similar amenities, and all indoor places of congregation, including conference rooms or meeting facilities, must be closed.

b. Campgrounds are closed, except solely for Essential Guests, who must comply with social distancing requirements set forth in the COVID-19 State of Emergency declaration and all modifications;

c. Automobile and other motor vehicle dealers may remain open only by appointment with no more than two appointments per half hour;

d. Dentist offices, by appointment only;

e. Repair shops for computers, household appliances, or otherwise, by appointment

only;

f. Bicycle repair facilities or those engaged in the sale or distribution of equipment or parts necessary for the repair of bicycles, by appointment only;

g. Firearms dealers may conduct sales of firearms, ammunition, and other goods directly related to responsible firearm storage and maintenance, by appointment only, with no more than two appointments per half hour, and dealers are limited to operating during normal working hours they operated on prior to the State of Emergency;

h. Shooting ranges may continue to operate if they conform to social distancing requirements of the COVID-19 State of Emergency declaration and all modifications;

1. Golf courses may continue operation with the following restrictions:

i. Clubhouses, indoor areas where people congregate, and locker rooms (with the exception of bathrooms) must be closed. Any food service must comply with the restrictions on restaurants set forth in the State of Emergency declaration and all modifications;

ii. Golf courses are prohibited from providing guests with motorized carts, golf bag carts, pencils, scorecards, or snack carts;

iii. Golf courses must monitor tee times and players to ensure adequate social distancing, and must raise flagsticks and holes to prevent players from touching cups;

iv. Players are prohibited from accessing neighboring properties to retrieve stray balls.

J. Realtors of both residential and non-residential properties and associated industries, except that Realtors are permitted to work from home to the extent feasible, to do all necessary showings to perspective buyers/lessors, and to take any action necessary to complete any sales or rentals in progress prior to the Fourth Modification of the State of Emergency.

4. REMOTE MEETINGS OF STOCKHOLDERS:

a. With respect to a corporation subject to the reporting requirements of § 13(a) or §

15(d) of the Securities Exchange Act of 1934, as amended, and the rules and regulations promulgated thereunder:

i. if, as a result of the public health threat caused by the COVID-19 pandemic or the COVID-19 outbreak in the United States, the board of directors wishes to change a meeting currently noticed for a physical location to a meeting conducted solely by remote communication, it may notify stockholders of the change solely by a document publicly filed by the corporation with the Securities and Exchange Commission pursuant to § 13, § 14 or § 15(d) of such Act and a press release, which shall be promptly posted on the corporation's website after release; and

ii. if it is impracticable to convene a currently noticed meeting of stockholders at the physical location for which it has been noticed due to the public health threat caused by the COVID-19 pandemic or the COVID-19 outbreak in the United States, such corporation may adjourn such meeting to another date or time, to be held by remote communication, by providing notice of the date and time and the means of remote communication in a document filed by the corporation with the Securities and Exchange Commission pursuant to § 13, § 14 or § 15(d) of such Act and a press release, which shall be promptly posted on the corporation's website after release.

b. Should a provision contained in Section 4.a. of this Tenth Modification to the COVID-19 State of Emergency be held invalid under the Constitution of the State

of Delaware, to violate Delaware law or to be unenforceable in any respect, such invalidity, violation or unenforceability shall not affect any other provision of Section 4.a. or of the remainder of this Tenth Modification, and the Tenth Modification shall be construed as if the offending provision had never been included.

5. ELECTIONS: Notwithstanding any provision of the COVID-19 State of Emergency or any modification, Section A.5 of the Sixth Modification to the COVID-19 State of Emergency (pertaining to the expansion of qualifications for absentee voting) shall remain in effect until expressly rescinded, which will in no event occur prior to June 16, 2020.

6. INSURANCE: Pursuant to the authority provided in 20 Del. C. § 3116(a)(2), requirements for the provision of telemedicine and telehealth under Title 24 of the Delaware Code that require both audio and visual technology are suspended, which will allow the use of non-smart phone or landline connections.

7. MISCELLANEOUS:

a. The Eighth Modification of the Declaration of the State of Emergency, dated March 30, 2020, is modified by adding a new sentence to the end of Paragraph 2.b. as follows: "This requirement shall not apply to hospitals that are subject to the requirements of EMTALA."

b. Paragraph 7.d. of the Fifth Modification of the Declaration of the State of Emergency, dated March 22, 2020, is expressly modified by the terms of this Tenth Modification.

8. ENFORCEMENT. This Order has the force and effect of law. Any failure to comply with the provisions contained in a Declaration of a State of Emergency or any modification to a

Declaration of the State of Emergency constitutes a criminal offense. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

APPROVED this 6th day of April 2020 at 6:00 p.m.


Governor

State of Delaware



Executive Department
Dover

SECOND EXTENSION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE

DUE TO A PUBLIC HEALTH THREAT

WHEREAS, in connection with the serious public health threat from the novel coronavirus ("COVID-19") that has impacted the State of Delaware, I issued a Declaration of a State of Emergency for the entire state at 3:00 p.m. on March 12, 2020; and

WHEREAS, during the past fifty-seven days, I have issued Fifteen Modifications to the State of Emergency declaration to, among others things, limit social gatherings to fewer than 10 persons, close places of public accommodation, restrict beach access, close childcare to all but emergency care, restrict business operations to essential businesses only with non-essential businesses either closed or remote working only, order a shelter in place for all Delawareans, close table service in restaurants and bars, close commercial lodging to leisure guests, place a moratorium on evictions and foreclosure proceedings, require travelers from out of state to self- quarantine upon arrival in the state, require individuals to wear cloth face coverings both inside

essential businesses and outside when social distancing is difficult, permit minimum business transactions to begin the slow process of reopening the economy, and a number of additional measures designed to protect the public health, safety and welfare of Delawareans during the COVID-19 pandemic; and

WHEREAS, after fifty-seven days, the State of Delaware continues to face a serious public health threat from COVID-19 and the harm to life remains; and

WHEREAS, pursuant to Delaware's emergency management statutes, a State of Emergency proclaimed by the Governor may not continue for more than 30 days without being renewed; and

WHEREAS, I extended the State of Emergency for an additional 30 days on April 10, 2020; and

WHEREAS, I find that the conditions necessitating a State of Emergency continue to exist and require that the State of Emergency remains in effect.

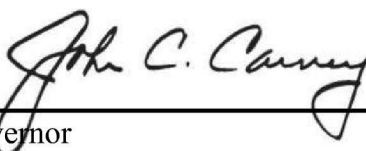
NOW THEREFORE, I, JOHN C. CARNEY, hereby declare:

1. The State of Emergency due to COVID-19, first declared March 12, 2020 and subsequently modified as set forth above is extended, effective immediately.

2. Pursuant to Title 20, Chapter 31 of the Delaware Code, all provisions of the State of Emergency and its Fifteen Modifications that restrict activities until after May 15, 2020 (including: event gatherings; beach closures; travel limitations and business closings) are hereby modified to restrict operations until after May 31, 2020, or the public health threat from COVID- 19 has been eliminated, whichever is later.

3. All other provisions of the State of Emergency and its Modifications currently in place shall remain in full force and effect until terminated in accordance with state law.

APPROVED this 8th day of May 2020 at 12:30 p.m.


Governor

State of Delaware



Executive Department Dover

TERMINATION OF STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, on March 12, 2020, I issued a State of Emergency due to the public health threat of COVID-19 which became effective as of 8:00 a.m. E.D.T. on March 13, 2020 (the "COVID-19 State of Emergency"); and

WHEREAS, since that time, I have modified the COVID-19 State of Emergency to address the public health threat caused by COVID-19 by increasing or removing restrictions as the facts and circumstances warranted with several modifications and related orders, following guidance from the Centers for Disease Control and Prevention (CDC) and the Delaware Division of Public Health; and

WHEREAS, in compliance with state law, I extended the COVID-19 State of Emergency every thirty days since it was signed on March 12, 2020; and

WHEREAS, as of June 30, 2021, the State has thus far administered over one million doses of COVID-19 vaccines to individuals that live, work, and are educated in Delaware, and has deemed all individuals ages 12 and older eligible to receive the vaccine; and

WHEREAS, throughout the pandemic, Delaware's preventative measures, the cooperation of Delawareans, and our vaccination efforts have dramatically reduced COVID-19 cases in this State, greatly reducing the loss of life; and

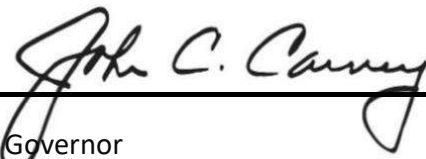
WHEREAS, Delaware now has the tools to prevent, control and treat COVID-19 infection, serious illness, and hospitalization, and it is no longer necessary to continue the Governor's emergency orders, first signed on March 12, 2020, to the extent that the conditions necessitating continuance of the COVID-19 State of Emergency

WHEREAS, to prevent the spread of the highly transmissible variants of the coronavirus to those not vaccinated and to continue to vaccinate Delawareans, I am issuing contemporaneously a limited State of Public Health Emergency declaration.

NOW THEREFORE, I, JOHN C. CARNEY, do hereby declare that:

1. My declaration of a State of Emergency for the State of Delaware dated March 12, 2020 to become effective on March 13, 2020 at 8:00 a.m. E.D.T., including all its related orders, is hereby terminated as of Tuesday, July 13, 2021 at 12:01 a.m. E.D.T.

APPROVED this 12th day of July 2021 at 1:00 p.m.


Governor

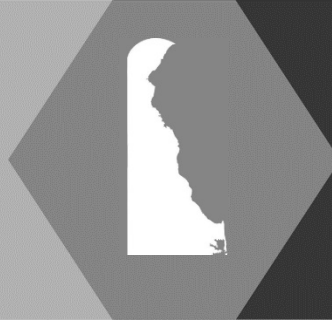


Exhibit H

Delaware's Phase 1 reopening guidance is divided into three parts:

GENERAL GUIDANCE

This guidance applies to individuals and business regardless of where they are going or what type of business they are visiting.

INDUSTRY GUIDANCE

This guidance applies to specific businesses within a particular industry. It should be followed closely by all businesses within those industries and by all customers when they frequent those businesses.

INDIVIDUAL BUSINESS GUIDANCE

This refers to guidance that specific businesses may seek out on a case-by-case basis. It may be related to questions over what type of industry guidance they should be following (for instance, if they think they may fall into more than one industry group}, or whether they have a situation that merits unique consideration. This level of guidance will not be covered by this document, and should rather be handled by reaching out directly to the Division of Small Business via email at covid19faq@delaware.gov.

PART 1: GENERAL GUIDANCE

The following is general guidance that applies to all individuals and businesses during the Phase 1 reopening. During this phase, strict social distancing must be observed. Great care must still be paid to limit the spread of the virus in order to prevent outbreaks because infection rates, while slowing, remain high. This broad guidance is as follows:

GENERAL GUIDANCE: INDIVIDUALS

- **Cloth face coverings must be worn** in accordance with the State of Emergency Order.
- Individuals must regularly **wash their hands** according to Division of Public Health guidance, and must stay home when sick.
- At all times, individuals who are not part of a household should **maximize physical distance from others and remain six (6) feet apart**.
- **All individuals, WHEN IN PUBLIC** (e.g., parks, outdoor recreation areas, shopping areas), **should maximize physical distance from others**. Social settings of more than 10 people, where appropriate distancing may not be practical, must be avoided (e.g. receptions, trade shows).
- The **number of individuals in a particular location will be strictly controlled** in order to make sure that safe social distancing is maintained. Some of these limits are addressed for individual industries in the industry guidance, but where it is not otherwise stated, **the upper limit is 30% of fire code occupancy** (excluding staff).
- **Fully unenclosed outdoor gatherings of up to 250 people** are permitted if public health precautions are in place to protect against spread of COVID-19 (*see guidance: de.gov/outdoorgatherings*).
- In the interest of preserving public health, **leisure travel should be avoided, but may resume as long as this general guidance is strictly adhered to** by all commercial lodging facilities.
- **ALL VULNERABLE INDIVIDUALS** should continue to shelter in place. Members of households with vulnerable residents should be aware that by returning to work or other environments where distancing is not practical, they could carry the virus back home. Precautions should be taken to isolate from vulnerable residents.

PART 1: GENERAL GUIDANCE

The following is general guidance that applies to all individuals and businesses during the Phase 1 reopening. During this phase, strict social distancing must be observed. Great care must still be paid to limit the spread of the virus in order to prevent outbreaks because infection rates, while slowing, remain high. This broad guidance is as follows:

GENERAL GUIDANCE: BUSINESSES

- Businesses are responsible to follow the **Responsibilities for all Businesses**, set forth in the State of Emergency Order.
 - Employers should **close COMMON AREAS** where personnel are likely to congregate and interact, or enforce strict social distancing protocols.
 - **Employees and customers have a responsibility to self-quarantine if they have a reason to expect that they may be ill or may have come into contact with COVID-19.** Employees who are symptomatic must not physically return to work until cleared by DPH.
 - Employers are encouraged to **continue to have staff work from home whenever possible.** Employees who have been working from home throughout this crisis should continue working from home unless there is a substantive change to business operations in Phase 1 (e.g. a business was closed, but now it's open).
 - **All surfaces touched by customers**, including doors, restrooms, and point of sale infrastructure **must be disinfected using an EPA-approved disinfectant** every 15 minutes to 2 hours.
 - All employees required to go to work should perform a daily health check as **prescribed by the Delaware Division of Public Health.**
-
- All employees should **wash hands regularly with soap and water throughout the work day, and in particular after any time they come into contact with a customer.** Hand sanitizer should be used to supplement hand washing throughout the day. Employees must also **social distance from each other while working.** This can be accomplished through spacing or moving workstations, staggering shifts or other means.
 - Businesses must make **hand sanitizer or handwashing stations readily available for all employees, patrons, and visitors** throughout the business' location, including at each entry and exit at a minimum. Hand sanitizer must be composed of at least sixty percent (60%) ethanol or seventy percent (70%) isopropanol.
 - Downtime should be given between shifts and after closing for **thorough cleanings of an establishment** at a minimum after each day.
 - Employers must **post signs on how to stop the spread of COVID-19, hand hygiene, and properly wear a cloth face covering.** *Download signs: de.gov/bizsigns*

Part 2: Industry Guidance

The following is guidance for certain areas of the Delaware economy where risk of transmission may be high due to number of people, distance or other factors. Broadly, this refers to areas like public entertainment, dining, retail, personal care services, and other consumer facing segments. Governor Carney appointed several Sector Captains to work with both industry leaders and public health officials to develop this specific guidance. If a business is unsure if it falls into one of these industries, it should send an email to covid19faq@delaware.gov. The Division of Small Business shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to this Phase 1 Reopening Plan.

Q&A

What is a gathering?

- A gathering refers to social settings where appropriate social distancing (six feet separation) may not be practical, such as receptions, trade shows, or similar events. The gathering limits do not apply to the number of people in a facility at any one time, for instance a retail store may have more than ten people and not be considered a gathering.

Who qualifies as a vulnerable individual?

- Individuals over the age of 65 or with an underlying health condition qualify as vulnerable and should continue to shelter in place at this time. This includes people with a chronic lung disease or moderate to severe asthma, people with a serious heart condition, people who are immunocompromised (many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications), people with severe obesity (body mass index of 40 or higher), and people with diabetes. Individuals who regularly come into close contact with these vulnerable populations should also take enhanced precautions.

RETAIL

The following guidance is for businesses primarily engaged in retail services with the general public. This includes, but is not limited to, grocery, pharmacies, clothing, shoe, jewelry, sporting goods, books, florists, and department stores. In addition to the general guidance, the industry specific guidance for this sector falls into two categories:

1. Guidance for interactions between employees and other employees or vendors, and
2. Guidance for interactions between employees and customers.

Employees

- Close common areas such as breakrooms, cafeterias .
- Prohibit gatherings or meetings of 10 or more during work hours.
- Employees should be permitted to take breaks or lunch outside, in their office or personal workspace, or other areas where proper social distancing is possible.
- Restrict interactions between employees and outside visitors or delivery drivers; implement touchless receiving practices if possible.
- Adjust training/onboarding practices to limit number of people involved and allow appropriate spacing. The use of video and audio training is encouraged.
- Discourage the use of shared phones, desks, workstations, radios, wearable technology. If these are unavoidable, they must be cleaned after each use.
- Install physical barriers, such as sneeze guards and partitions, and change layout of workspaces to ensure all individuals remain at least 6 feet apart

Customer Control

- Stores may permit entrance up to 30% of their fire code occupancy. The responsibility of strictly enforcing this lies with the store owner/manager.
- Signage required at entrances and high traffic areas alerting staff and customers of occupancy limits, physical distancing requirements, and face covering policy.
- Retailers, especially essential businesses, are encouraged to establish specific hours for high-risk populations.
- Mark six feet of spacing in check-out lines.
- Ensure six feet of space between cashiers.



New York State on PAUSE

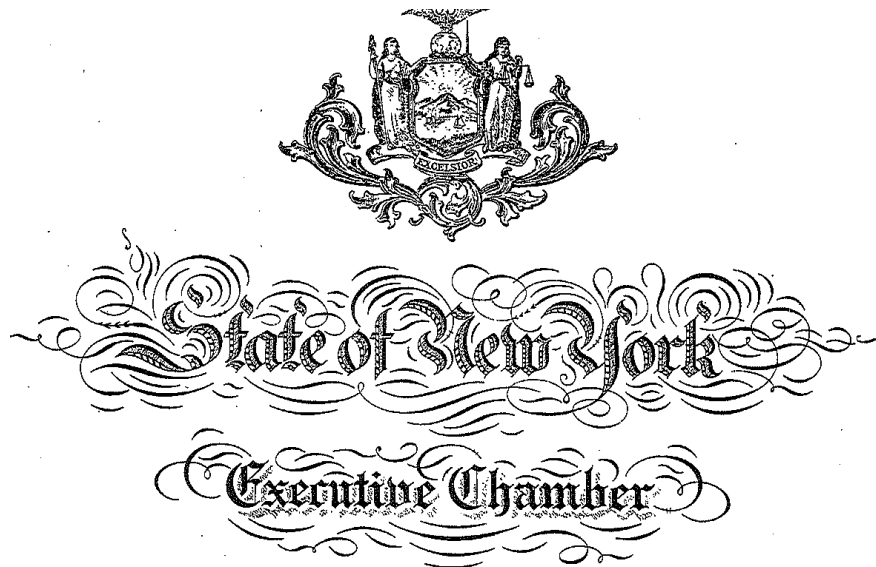
Governor Cuomo announced the "New York State on PAUSE" executive order, a 10-point policy to assure uniform safety for everyone.

The 10-point NYS on PAUSE plan is as follows:

1. Effective at 8PM on Sunday, March 22, all non-essential businesses statewide will be closed;
2. Non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) are canceled or postponed at this time;
3. Any concentration of individuals outside their home must be limited to workers providing essential services and social distancing should be practiced ;
4. When in public individuals must practice social distancing of at least six feet from others;
5. Businesses and entities that provide other essential services must implement rules that help facilitate social distancing of at least six feet;
6. Individuals should limit outdoor recreational activities to non-contact and avoid activities where they come in close contact with other people;
7. Individuals should limit use of public transportation to when absolutely necessary and should limit potential exposure by spacing out at least six feet from other riders;
8. Sick individuals should not leave their home unless to receive medical care and only after a telehealth visit to determine if leaving the home is in the best interest of their health;
9. Young people should also practice social distancing and avoid contact with vulnerable populations; and
10. Use precautionary sanitizer practices such as using isopropyl alcohol wipes

Department of Health

<https://coronavirus.health.ny.gov/new-york-state-pause>



N o. 202.6

EXECUTIVE ORDER

**Continuing Temporary Suspension and Modification of Laws
Relating to the Disaster Emergency**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

WHEREAS, in order to facilitate the most timely and effective response to the COVID 19 emergency disaster, it is critical for New York State to be able to act quickly to gather, coordinate, and deploy goods, services, professionals, and volunteers of all kinds; and

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 17, 2020 the following:

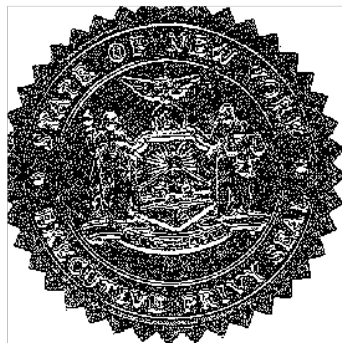
- Section three of the Public Officer's Law shall not apply to an individual who is deemed necessary to hire or to engage in a volunteer capacity to provide for an effective and efficient emergency response, for the duration of such emergency;
- Subparagraph (i) of subdivision 1 of section 73 of the Public Officers Law Section shall not apply to any person who is hired, retained, appointed, or who volunteers in any way to assist New York State in its response to the declared emergency;
- Subparagraph 5 of section 73 of the Public Officers Law Section shall not apply to a state officer or employee,

or a volunteer who is facilitating contributions or donations to assist New York State in its response to the declared emergency;

- Subparagraph 8 of section 73 of the Public Officers Law Section 73(8) and section 74 of the Public Officer's Law shall not apply to volunteers or contractors who assist New York State in its response, provided that any recusals shall be adhered to if determined necessary by the appointing entity;
- Legislative Law Section 1-M is suspended to the extent that any agency may receive a donation in kind or otherwise, in any amount from any source, provided such donation is made to the State and is administered by a state agency in furtherance of the response effort;
- State Finance Law Section 11, to the extent necessary to facilitate an efficient and effective New York State emergency disaster response, shall not apply to any state agency efforts to further the response to the declared emergency;

NOW, THEREFORE, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of Executive Order through April 17, 2020:

- Effective on March 20 at 8 p.m.: All businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 50% no later than March 20 at 8 p.m. Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions. This includes essential health care operations including research and laboratory services; essential infrastructure including utilities, telecommunication, airports and transportation infrastructure; essential manufacturing, including food processing and pharmaceuticals; essential retail including grocery stores and pharmacies; essential services including trash collection, mail, and shipping services; news media; banks and related financial institutions; providers of basic necessities to economically disadvantaged populations; construction; vendors of essential services necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses; vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and provide for the health, safety and welfare of the public;
- Any other business may be deemed essential after requesting an opinion from the Empire State Development Corporation, which shall review and grant such request, should it determine that it is in the best interest of the state to have the workforce continue at full capacity in order to properly respond to this disaster. No later than 5 p.m. on March 19, 2020, Empire State Development Corporation shall issue guidance as to which businesses are determined to be essential.



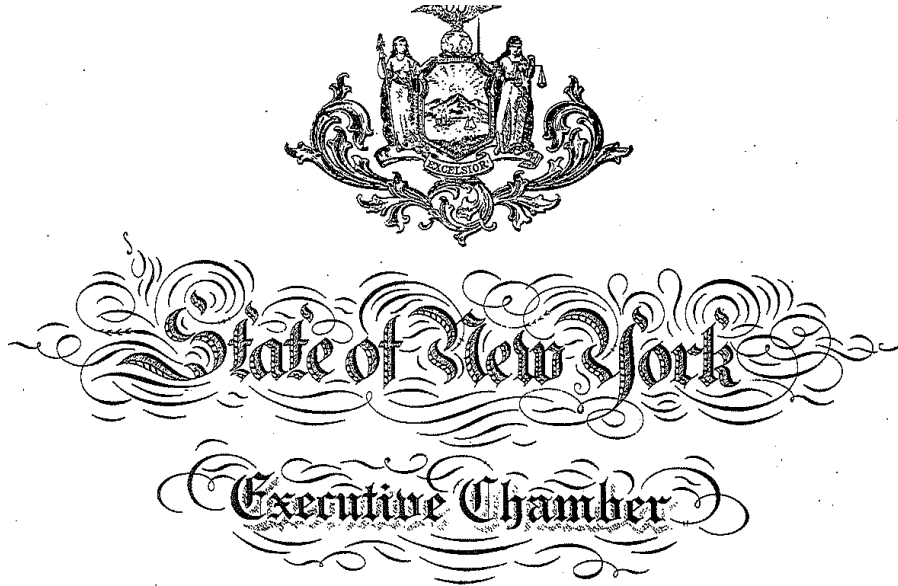
BY THE GOVERNOR

Me. _____

Secretary to the Governor

G I V E N under my hand and the Privy Seal of the
State in the City of Albany this
eighteenth day of March in the year
two thousand twenty.

A handwritten signature in black ink, appearing to read "Andrew Cuomo", written over a white rectangular background.



No. 202.10

EXECUTIVE ORDER

**Continuing Temporary Suspension and Modification of Laws Relating to the
Disaster Emergency**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York;

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to be continue;

WHEREAS, ensuring the State of New York has adequate bed capacity, supplies, and providers to treat patients affected with COVID-19, as well as patients afflicted with other maladies, is of critical importance; and

WHEREAS, eliminating any obstacle to the provision of supplies and medical treatment is necessary to ensure the New York healthcare system has adequate capacity to provide care to all who need it;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through April 22, 2020 the following:

- Section 2803 of the Public Health Law, and Parts 400, 401, 405, 409, 710, 711 and 712 of Title 10 of the NYCRR, to the extent necessary to permit and require general hospitals to take all measures necessary to increase the number of beds available to patients, in accordance with the directives set forth in this Executive Order;
- Section 3001, 3005-a, 3008, and 3010 of the Public Health Law to the extent necessary to modify the definition of "emergency medical services" to include emergency, non-emergency and low acuity medical assistance; to

eliminate any restrictions on an approved ambulance services or providers operating outside of the primary territory listed on such ambulance service's operating certificate with prior approval by the Department of Health; to permit the Commissioner of Health to issue provisional emergency medical services provider certifications to qualified individuals with modified certification periods as approved; and to allow emergency medical services to transport patients to locations other than healthcare facilities with prior approval by Department of Health;

- Section 3002, 3002-a, 3003, and 3004-a of Public Health Law to the extent necessary to allow any emergency medical treatment protocol development or modification to occur solely with the approval of the Commissioner of Health;
- Sections 405.13 and 755.4 of Title 10 of the NYCRR to the extent necessary to permit an advanced practice registered nurse with a doctorate or master's degree specializing in the administration of anesthesia administering anesthesia in a general hospital or free-standing ambulatory surgery center without the supervision of a qualified physician in these health care settings;
- Paragraph 1 of Section 6542 of the Education Law and Subdivisions (a) and (b) of Section 94.2 of Title 10 of the NYCRR to the extent necessary to permit a physician assistant to provide medical services appropriate to their education, training and experience without oversight from supervising physician without civil or criminal penalty related to a lack of oversight by a supervising physician;
- Paragraph 1 of Section 6549 of the Education Law and Subdivisions (a) and (b) of Section 94.2 of Title 10 of the NYCRR to the extent necessary to permit a specialist assistant to provide medical services appropriate to their education, training and experience without oversight from a supervising physician without civil or criminal penalty related to a lack of oversight by a supervising physician;
- Subdivision (3) of Section 6902 of Education Law, and any associated regulations, including, but not limited to, Section 64.5 of Title 10 of the NYCRR, to the extent necessary to permit a nurse practitioner to provide medical services appropriate to their education, training and experience, without a written practice agreement, or collaborative relationship with a physician, without civil or criminal penalty related to a lack of written practice agreement, or collaborative relationship, with a physician;
- Subdivision (15) of section 3001, and Sections 800.3, 800.15 and 800.16 of Title 10 of the NYCRR with approval of the department, to the extent necessary to define "medical control" to include emergency and non-emergency direction to all emergency medical services personnel by a regional or state medical control center and to permit emergency medical services personnel to operate under the advice and direction of a nurse practitioner, physician assistant, or paramedic, provided that such medical professional is providing care under the supervision of a physician and pursuant to a plan approved by the Department of Health;
- Subdivision (2) of section 6527, Section 6545, and Subdivision (1) of Section 6909 of the Education Law, to the extent necessary to provide that all physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered professional nurses and licensed practical nurses shall be immune from civil liability for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State's response to the COVID-19 outbreak, unless it is established that such injury or death was caused by the gross negligence of such medical professional;
- Any healthcare facility is authorized to allow students, in programs to become licensed in New York State to practice as a healthcare professional, to volunteer at the healthcare facility for educational credit as if the student had secured a placement under a clinical affiliation agreement, without entering into any such clinical affiliation agreement;
- Notwithstanding any law or regulation to the contrary, health care providers are relieved of recordkeeping requirements to the extent necessary for health care providers to perform tasks as may be necessary to respond to the COVID-19 outbreak, including, but not limited to, requirements to maintain medical records that accurately reflect the evaluation and treatment of patients, or requirements to assign diagnostic codes or to create or maintain other records for billing purposes. Any person acting reasonably and in good faith under this provision shall be afforded absolute immunity from liability for any failure to comply with any recordkeeping requirement. In order to protect from liability any person acting reasonably and in good faith under this provision, requirements to maintain medical records under Subdivision 32 of Section 6530 of the Education Law, Paragraph (3) of Subdivision (a) of Section 29.2 of Title 8 of the NY CRR, and Sections 58-1.11, 405.10, and 415.22 of Title 10 of the NYCRR, or any other such laws or regulations are suspended or modified to the extent necessary for health care providers to perform tasks as may be necessary to

respond to the COVID-19 outbreak;

- Section 405.45 of Title 10 of the NYCRR to the extent necessary to permit the Commissioner of Health to designate a health care facility as a trauma center, or extend or modify the period for which a health care facility may be designated as a trauma center, or modify the review team for assessment of trauma center;
- Sections 800.3, 800.8, 800.9, 800.10, 800.12, 800.17, 800.18, 800.23, 800.24, and 800.26 of Title 10 of the NYCRR to the extent necessary to extend all existing emergency medical services provider certifications for one year; to permit the Commissioner of Health to modify the examination or recertification requirements for emergency medical services provider certifications; to suspend or modify, at the discretion of the Commissioner of Health, any requirements for the recertification of previously certified emergency medical services providers; and, at the discretion of the Commissioner of Health, develop a process determined by the Department of Health, to permit any emergency medical services provider certified or licensed by another State to provide emergency medical services within New York state; at the discretion of the Commissioner of Health, to suspend or modify equipment or vehicle requirements in order to ensure sustainability of EMS operations;
- Paragraph (6) of subdivision (b) of part 405.4 of Title 10 of the NYCRR to the extent necessary to remove limits on working hours for physicians and postgraduate trainees;
- Subparagraph (ii) of paragraph (2) of subdivision (g) of 10 N.Y.C.R.R. section 405.4, to the extent necessary to allow graduates of foreign medical schools having at least one year of graduate medical education to provide patient care in hospitals, is modified so as to allow such graduates without licenses to provide patient care in hospitals if they have completed at least one year of graduate medical education;
- Subdivision (e) of section 405.2 of Title 10 of the NYCRR, to the extent necessary to permit general hospitals affected by the disaster emergency to maintain adequate staffing;
- Subdivision (b) of section 405.3 of Title 10 of the NYCRR, to the extent necessary to allow general hospitals to use qualified volunteers or personnel affiliated with different general hospitals, subject to the terms and conditions established by the Commissioner of Health;
- Section 3507 of the Public Health Law and Part 89 of Title 10 of the NYCRR to the extent necessary to permit radiologic technologists licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
- Sections 3502 and 3505 of the Public Health Law and Part 89 of Title 10 of the NYCRR to the extent necessary to permit radiologic technologists licensed and in current good standing in any state in the United State to practice in New York State without civil or criminal penalty related to lack of licensure;
- Sections 8502, 8504, 8504-a, 8505, and 8507 of the Education Law and Subpart 79-4 of Title 8 of the NYCRR, to the extent necessary to allow respiratory therapists licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;
- Section 6502 of the Education Law and 8 NYCRR 59.8, to the extent necessary to allow physician's assistants licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
- Section 6502 of the Education Law and 8 NYCRR 59.8, to the extent necessary to allow registered professional nurses, licensed practical nurses and nurse practitioners licensed and in current good standing in New York State but

not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;

- Subdivision (2-b) of Section 4002 of the Public Health Law to the extent necessary to allow a hospice residence to designate any number of beds within such facility as dually certified inpatient beds;
- Title V of Article 5 of the Public Health Law and subparts 19 and 58 of Title 10 of the NYCRR, to the extent necessary to allow laboratories holding a Clinical Laboratory Improvement Acts (CLIA) certificate and meeting the CLIA quality standards described in 42 CFR Subparts H, J, K and M, to perform testing for the detection of SARS-CoV-2 in specimens collected from individuals suspected of suffering from a COVID-19 infection;
- Article 139 of the Education Law, Section 576-b of the Public Health Law and Section 58-1.7 of Title 10 of the NYCRR, to the extent necessary to permit registered nurses to order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing; and
- Subdivision (1) of Section 6801 of the Education Law, Section 6832 of the Education Law and Section 29.7(a)(21)(ii)(b)(4) of Title 8 of the NYCRR, to the extent necessary to permit a certified or registered pharmacy technician, under the direct personal supervision of a licensed pharmacist, to assist such licensed pharmacist, as directed, in compounding, preparing, labeling, or dispensing of drugs used to fill valid prescriptions or medication orders for a home infusion provider licensed as a pharmacy in New York, compliant with the United States Pharmacopeia General Chapter 797 standards for Pharmaceutical Compounding - sterile preparations, and providing home infusion services through a home care agency licensed under Article 36 of the Public Health Law.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through April 22, 2020:

Any healthcare facility is authorized to allow students, in programs to become licensed in New York State to practice a healthcare professional, to volunteer at the healthcare facility for educational credit as if the student had secured a placement under a clinical affiliation agreement, without entering into any such clinical affiliation agreement;

The Commissioner of Health is authorized to direct, and shall so direct, all general hospitals, ambulatory surgery centers, office-based surgery practices and diagnostic and treatment centers to increase the number of beds available to patients, including by canceling all elective surgeries and procedures, as the Commissioner of Health shall define. General hospitals shall comply with such order by submitting COVID-19 Plans to the New York State Department of Health (NYSDOH), on a schedule to be determined by NYSDOH, to accomplish this purpose;

- The Commissioner of Health is authorized to suspend or revoke the operating certificate of any general hospital should they be unable to meet the requirements of the necessary capacity directives; and notwithstanding any law to the contrary the Commissioner may appoint a receiver to continue the operations on 24 hours' notice to the current operator, in order to preserve the life, health and safety of the people of the State of New York.
- No pharmacist shall dispense hydroxychloroquine or chloroquine except when written as prescribed for an FDA-approved indication; or as part of a state approved clinical trial related to COVID-19 for a patient who has tested positive for COVID-19, with such test result documented as part of the prescription. No other experimental or prophylactic use shall be permitted, and any permitted prescription is limited to one fourteen day prescription with no refills.
- Any licensed health insurance company shall deliver to the Superintendent, no later than March 24, 2020 a list of all persons who have a professional licensure or degree, whether physician's assistant, medical doctor, licensed registered nurse, licensed nurse practitioner or licensed practical nurse, and whether or not the person has a currently valid, or recently (within past five years) expired license in the state of New York. The Department of Financial Services shall poll such individuals to determine whether or not such professionals would serve in the COVID-19 response effort.
- Non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) are canceled or postponed at this time.



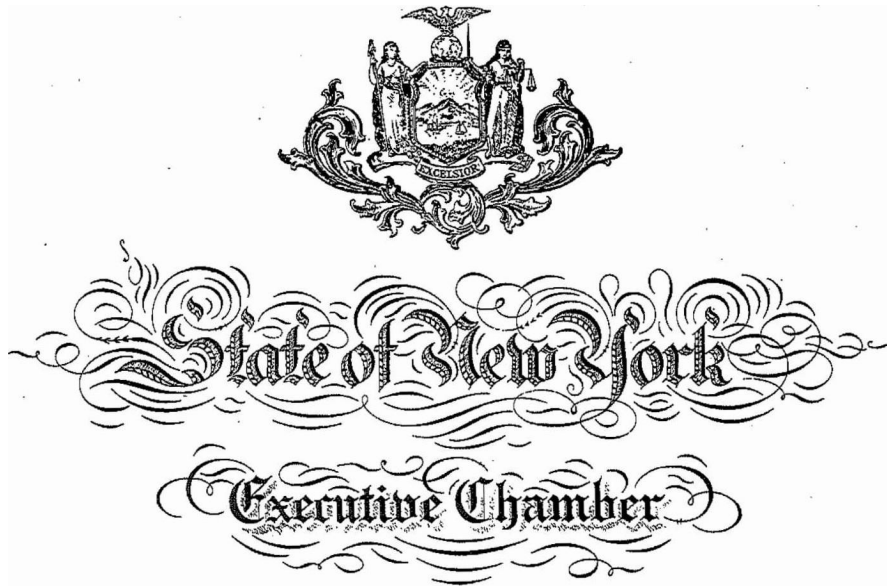
GIVEN under my hand and the Privy Seal of the
State in the City of Albany this twenty-
third day of March in the year two
thousand twenty.

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "M. ...", written over a horizontal line.

Secretary to the Governor

A handwritten signature in black ink, appearing to be "Andrew Cuomo", written over a horizontal line.



No. 202.31

EXECUTIVE ORDER

Continuing Temporary Suspension and Modification of Laws

Relating to the Disaster Emergency

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through June 13, 2020 the following:

- Subdivisions (1), (2), and (3) of Section 594 of the Labor Law are suspended to the extent necessary to prevent forfeiture of effective benefit days to provide claimants with temporary relief from serving forfeit day penalties during the COVID-19 disaster emergency; and
- Section 240.35 of the penal law, to the extent it is inconsistent with any directive requiring an individual wear a face covering in public or otherwise.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I hereby issue the following directives for the period from the date of this Executive Order through the date so designated below:

- Executive Order 202.28, which extended the provisions of Executive Orders 202.3, 202.4, 202.S, 202.6,

202.7, 202.8, 202.10, 202.11, 202.13, and 202.14 which each closed or otherwise restricted public or private businesses or places of public accommodation, and which required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations, games, meetings or other social events), which together constitute New York On PAUSE, is hereby continued until 11:59 p.m. on May 28, 2020, unless later amended or extended by a future Executive Order;

- o Provided, however, that effective at 12:01 a.m. on May 15, 2020 that the reductions and restrictions on the in-person workforce at non-essential businesses or other entities shall no longer apply to Phase One industries
 - Construction, Agriculture, Forestry, Fishing and Hunting, Retail - (Limited to curbside or in-store pickup or drop off); Manufacturing and Wholesale Trade;
- o Such businesses or entities must be operated subject to the guidance promulgated by the Department of Health;
- o Only those businesses or entities in a region that meets the prescribed public health and safety metrics, as determined by the Department of Health, will be eligible for reopening;

- o As of May 14, 2020 the regions are: Finger Lakes, Central New York, Mohawk Valley, Southern Tier and the North Country regions comprising the counties of: Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates Cayuga, Cortland, Madison, Onondaga, Oswego, Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie, Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, and St. Lawrence. Any additional regions which meet the criteria after such date will be deemed to be incorporated into this Executive Order without further revision and will be permitted to re-open phase one industries, subject to the same terms and conditions.
- o All enforcement mechanisms by state or local governments shall continue to be in full force an effect until June 13, 2020 unless later extended or amended by a future Executive Order.

- The directive contained in Executive Order 202.15 authorizing the Department of Taxation and Finance to accept digital signatures in lieu of handwritten signatures on documents related to the determination or collection of tax liability, is hereby modified to authorize such acceptance for the duration of the disaster emergency.

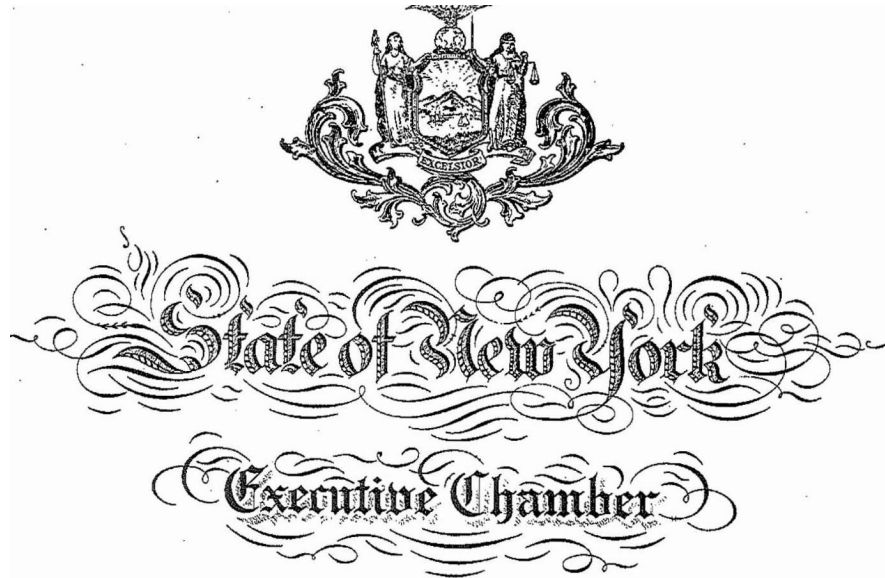
- The directive contained in Executive Order 202.3 which closed movie theaters until further notice and was later extended by Executive Order 202.14 and EO 202.28, is hereby modified to provide that a drive-in movie theater, shall not be required to close, but shall be treated as any other business per Executive Order 202.6, which designated certain businesses as essential or non-essential and subjected such businesses to in-person presence restrictions in the workplace.



G I V E N under my hand and the Privy Seal of the
State in the City of Albany this
fourteenth day of May in the year two
thousand twenty.

BY THE GOVERNOR

Ne. C -- _____
Secretary to the Governor



No. 202.38

EXECUTIVE ORDER

**Continuing Temporary Suspension and Modification of Laws
Relating to the Disaster Emergency**

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law, do hereby continue the suspensions and modifications of law, and any directives, not superseded by a subsequent directive, made by Executive Order 202 and each successor Executive Order up to and including Executive Order 202.14, as continued as contained in Executive Order 202.27 and 202.28 until July 6, 2020; and

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I do hereby issue the following directives for the period from the date of this Executive Order through July 6, 2020:

- Consistent with Center for Disease Controls and Prevention and New York State Department of Health Guidance, commercial building owners, retail store owners and those authorized on their behalf to manage public places within their buildings and businesses (collectively "Operators") shall have the discretion to require individuals to undergo temperature checks prior to being allowed admittance. Further, Operators shall have the discretion to deny admittance to (i) any individual who refuses to undergo such a temperature check and (ii) any individual whose temperature is above that proscribed by New York State Department of Health Guidelines. No Operator shall be subject to a claim of violation of the covenant of quiet enjoyment, or frustration of purpose, solely due to their enforcement of this directive. This directive shall be applied in a manner consistent with the American with Disabilities Act and any provision of either New York State or New York City Human Rights Law.

- The directive contained in Executive Order 202.3, as extended, that required any restaurant or bar to cease serving patrons food or beverage on-premises, is hereby modified to the extent necessary to allow a restaurant or bar to serve patrons food or beverage on-premises only in outdoor space, provided such restaurant or bar is in compliance with Department of Health guidance promulgated for such activity.
- Executive Order 202.35 which continued the directive of Executive Order 202.33 is hereby modified to permit any non-essential gatherings for houses of worship at no greater than 25% of the indoor capacity of such location, provided it is in a geographic area in Phase 2 of re-opening, and further provided that social distancing protocols and cleaning and disinfection protocols required by the Department of Health are adhered to.
- Upon the resumption of on-premises outdoor service of food and beverages at the licensed premises of restaurants and bars, to facilitate compliance with social distancing requirements in connection with such service, notwithstanding any provision of the Alcoholic Beverage Control Law, restaurants or bars in the state of New York shall be permitted to expand the premises licensed by the State Liquor Authority to use (a) contiguous public space (for example, sidewalks or closed streets) and/or (b) otherwise unlicensed contiguous private space under the control of such restaurant or bar, subject to reasonable limitations and procedures set by the Chairman of the State Liquor Authority and, with respect to (a) the use of public space, subject to the reasonable approval of the local municipality, and all subject to the guidance promulgated by the Department of Health.



GIVEN under my hand and the Privy Seal of the
 State in the City of Albany this sixth
 day of June in the year two thousand
 twenty.

**Interim Guidance on Executive Orders Issued for Gatherings,
Public Spaces, and Public and Private Sector Entities During the
COVID-19 Outbreak**

Revi

sed March 19, 2020

Background: In December 2019, a new respiratory disease called Coronavirus Disease 2019 (COVID-19) was detected in China. COVID-19 is caused by a virus (SARS-CoV-2) that is part of a large family of viruses called coronaviruses. Recently, community-wide transmission of COVID-19 has occurred in the United States, including New York where the number of both persons under investigation and confirmed cases are rapidly increasing. To reduce the community-wide transmission of COVID-19, Governor Andrew M. Cuomo has issued orders designed to decrease the density of people in the most populous, common areas and locations of the state (e.g. gatherings, public spaces, and businesses).

Large Gatherings and Public Spaces Restriction: Effective Monday, March 16, 2020 at 8:00PM, any gathering or event with fifty (50) or more participants at any location in New York was directed to be postponed or cancelled.¹

Occupancy Restriction: For gatherings or events with fewer than fifty (50) participants, the private and public operators of the establishment or the organizers of the event must operate at no more than 50% of their maximum occupancy.² For the purposes of this guidance, maximum occupancy is defined as the maximum number of persons permitted in any part of a premise - or entirety of a premise depending upon the physical layout - at any given time.

Certain Business Restrictions: Effective Monday, March 16, 2020 at 8:00PM, certain businesses with high traffic from the public were directed to cease or restrict operations.³ Specifically, all restaurants and bars shall only serve food and beverages for off-premise consumption through take-out, delivery, or drive-through. All casino and video lottery gaming must cease operations. Also, all gyms, fitness centers and classes, and movie theaters must cease operations.

¹ Governor Andrew M. Cuomo. Executive Order 202.3. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2023-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

² Governor Andrew M. Cuomo. Executive Order 202.1. March 12, 2020. Accessed at <https://www.governor.ny.gov/news/no-2021-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

³ Governor Andrew M. Cuomo. Executive Order 202.3. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2023-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

Effective Thursday, March 19, 2020 at 8:00PM, all large indoor shopping malls must close their interior common areas to the public.⁴ Stores with external entrances may remain open, subject to the occupancy restrictions. Further, all places of public amusement must be closed to the public, including but not limited to amusement parks, carnivals, water parks, aquariums, zoos, arcades, fairs, children's play center, funplexes, theme parks, bowling alleys, and family and children's attractions. This

provision does not apply to public parks and open recreation areas.

In-Person Workforce Reductions: Effective Tuesday, March 17, 2020, all local governments were directed to allow non-essential personnel, as determined by the local government, to be able to work from home or take leave without charging accruals, except for personnel who are essential to the COVID-19 emergency response.⁵ Local governments should reduce their entire in-person workforce by no less than 50%. State government is subject to the same reduction.

Effective Friday, March 20, 2020 at 8:00PM, all businesses and not-for-profit organizations must use telecommuting or alternative work-from-home options, to the extent possible.⁶ All non-essential businesses and organizations must reduce the in- person workforce at any given work site or location by 50% at any given time. This will increase to 75% as announced by the Governor on Thursday, March 19, 2020.

Exclusions for Essential Services or Functions: Public and private sector organizations that provide essential services or functions are exempt from the above restrictions and reductions. However, to the extent practicable, these entities should implement reasonable measures to increase social distancing and reduce the density of people congregated in any given location. For the purposes of this guidance, essential services are considered:

- Health Care
 - o Hospitals
 - o Clinics
 - o Emergency Medical Services
 - o Residential Health Care Facilities, such as Nursing Homes
 - o Mental Health and Addiction Service Providers
 - o Senior and Assisted Care Programs and Services
 - o Home Health Care Programs and Services

⁴ Governor Andrew M. Cuomo. Executive Order 202.5. March 18, 2020. Accessed at <https://www.governor.ny.gov/news/no-2025-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

⁵ Governor Andrew M. Cuomo. Executive Order 202.4. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2024-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

⁶ Governor Andrew M. Cuomo. Executive Order 202.6. March 18, 2020. Accessed at <https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

- o Research and Laboratory Services
- o Physician Offices
- o Dentist Offices
- o Veterinary Clinics
- Essential Infrastructure
 - o Public and Private Utilities, such as Gas, Electric, Steam, Fuel, Water, and Sewer

- o Telecommunication and Data Centers
 - o Transportation, such as Airplanes and Airports, Trains and Railway Stations, Subways and Subway Terminals, Buses and Bus Terminals, For Hire Vehicles, and Garages
 - o Defense, including United States Military and National Security Operations
- Essential Manufacturing and Supporting Supply Chain
 - o Food Production and Processing, such as Farms and Agricultural Cultivation
 - o Pharmaceuticals
 - o Chemicals
 - o Microelectronics/Semi-Conductors
 - o Medical Equipment and Supplies
 - o Safety and Sanitary Products
 - o Paper Products
- Essential Retail
 - o Grocery Stores and Farmers Markets
 - o Pharmacies
 - o Restaurants Take-Out, Delivery, and Drive-Thru Service, but Not Dine-In Service
 - o Gas Stations and Convenience Stores
 - o Hardware and Building Stores
- Essential Services
 - o Trash Collection and Waste Management
 - o Recycling Operations
 - o Mail and Shipping Services
 - o Warehouse, Fulfillment, and Distribution Centers
 - o Laundromats and Dry Cleaning
 - o Funeral Homes, Crematoriums, and Cemeteries
 - o Storage for Essential Businesses
- News Media
 - o Print and Digital
- Financial Institutions
 - o Banks
 - o Insurance
 - o Accounting
 - o Payroll
- Providers of Basic Necessities to Economically Disadvantaged
 - o Shelters
 - o Food Banks
 - o Human Service Providers Who Provide Direct Care for State-Licensed or - Funded Voluntary Programs and State-Licensed Residential Facilities, as well as Community Shelter, Child Care, and Other Critical Service Operations
- Construction
 - o Skilled Trades, such as Electricians, Plumbers, Carpenters
 - o Firms Supporting Essential Infrastructure, Emergency, or Safety Projects
- Essential Service Providers for Safety, Sanitation, Essential Operations of

Residences and Essential Businesses

- o Building Maintenance and Property Management, Both Employed by Building Owner/Operator and Vendor
- o Building Cleaning and Janitorial Services
- o General Maintenance
- o Law Enforcement
- o Fire Prevention and Response
- o Building Code Enforcement
- o Security and Building Access, such as Guards and Door Staff
- o Emergency Management and Response
- o Automotive Repair
- o Animal Maintenance and Management
- Essential Services or Products Necessary to Ensure Continuing Operations of Government Agencies and Provision of Public Health, Safety, and Welfare
 - o Logistics
 - o Technology Support
 - o Child Care Programs and Services
 - o Government Owned- or Leased-Buildings

Note: Pursuant to prior Governor actions and announcements, educational institutions, including public pre-kindergarten through 12th grade schools, colleges, and universities, have ceased in-person instruction, but would otherwise be considered essential.⁷ Houses of worship are subject to a maximum of 50 congregants or half of the maximum occupancy of the space, whichever is fewer. Finally, as abovementioned, bars can only continue service for off-premise consumption.⁸

⁷ Governor Andrew M. Cuomo. Executive Order 202.4. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2024-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency> .

⁸ Governor Andrew M. Cuomo. Executive Order 202.3. March 16, 2020. Accessed at <https://www.governor.ny.gov/news/no-2023-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency> .

Waivers: Any other business or not-for-profit organization seeking to be deemed an essential service or function and therefore waived from the restrictions and reductions should consult Empire State Development Corporation guidance at <https://esd.ny.gov/guidance-executive-order-2026> and submit any questions at <https://esd.ny.gov/covid-19-help>.

For further information, please visit:

New York State Department of Health's COVID-19 Webpage
<https://www.health.ny.gov/diseases/communicable/coronavirus/>

Centers for Disease Control and Prevention Webpage:
<https://www.cdc.gov/coronavirus/2019-ncov/>

The Novel Coronavirus Hotline can be reached 24/7 at 1-888-364-3065.

Exhibit O



Reopening New York

Office-Based Work Guidelines for Employers and Employees



NEW YORK STATE

These guidelines apply to all business activities where the core function takes place within an office setting that have been permitted to reopen as well as to office-based businesses statewide that were previously permitted to operate as essential. This guidance may apply – but is not limited – to businesses and entities in the following sectors: Professional services, nonprofit, technology, administrative support, and higher education administration (excluding full campus reopening). Please note that these guidelines may also apply to business operating parts of their business functions under different guidelines (e.g. front office for a construction company). See Interim COVID-19 Guidance for Office-Based Work for full details.

During the COVID-19 public health emergency, all operators of office workspaces should stay up to date with any changes to state and federal requirements related to office workspaces and incorporate those changes into their operations. This guidance is not intended to replace any existing applicable local, state, and federal laws, regulations, and standards.

	Mandatory	Recommended Best Practices
Physical Distancing	<ul style="list-style-type: none"> ✓ In Phase II, III, and IV, limit the total number of occupants at any given time to no more than 50% of the maximum occupancy for a particular area as set by the certificate of occupancy. ✓ A distance of at least 6 ft. must be maintained amongst all individuals at all times, unless safety of the core activity requires a shorter distance. ✓ Any time workers or visitors must come within 6 ft. of another person, acceptable face coverings must be worn (ensuring that mouth and nose are covered). Individuals must be prepared to don a face covering if another person unexpectedly comes within 6 ft. ✓ Prohibit the use of tightly small spaces (e.g. elevators, vehicles) by more than one individual at time, unless all individuals are wearing face coverings. If occupied by more than one person, keep occupancy under 50% of maximum capacity. ✓ Shared workstations (e.g. "hot-desks") must be cleaned and disinfected between users. ✓ Reduce interpersonal contact and congregation through various methods (e.g. adjusting workplace hours, limiting in-person presence to necessary staff, shifting design, reducing on-site workforce, staggering arrival/departure times to reduce congestion in lobbies/elevators). ✓ If non-essential amenities/communal areas remain open, make hand sanitizer or disinfecting wipes available next to equipment near such amenities (e.g. vending machines, communal coffee stations). 	<ul style="list-style-type: none"> ✓ Modify or reconfigure the number of workstations and employee seating areas and desks for their workers, so that workers are at least 6 ft. apart in all directions (e.g. side-to-side and when facing one another) and are not sharing workstations without cleaning and disinfection between use. ✓ Implement strict clean-desk policies, so that non-essential items are stored in enclosed cabinets or drawers, rather than on desks. ✓ Limit use of shared workstations (e.g. "hot-desks"), when feasible. ✓ Leverage technology, such as room sensors and real-time dashboards, to quantify and display utilization of spaces throughout the office. ✓ Mark 6 ft. distance circles around workstations and other common stationary work areas. ✓ Reduce bi-directional foot traffic by posting signs with arrows in narrow aisles, hallways, or spaces. ✓ Use tele- or video-conferencing for employee meetings whenever possible. In-person meetings should be held in open, well-ventilated spaces with appropriate social distancing among participants. ✓ Limit on-site interactions (e.g. designate an egress for individuals leaving their shifts and a separate ingress for individuals starting shifts) and movements (e.g. workers should remain near workstations as often as possible). ✓ Mark tables in meeting rooms with appropriate distance markers. ✓ Limit occupancy or close non-essential amenities that do not allow for social distancing protocols.

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Reopening New York

Office-Based Work Guidelines for Employers and Employees



These guidelines apply to all business activities where the core function takes place within an office setting that have been permitted to [reopen](#) as well as to office-based businesses statewide that were previously permitted to operate as essential. This guidance may apply – but is not limited – to businesses and entities in the following sectors: Professional services, nonprofit, technology, administrative support, and higher education administration (excluding full campus reopening). Please note that these guidelines may also apply to business operating parts of their business functions under different guidelines (e.g. front office for a construction company). See Interim COVID-19 Guidance for Office-Based Work for full details.

During the COVID-19 public health emergency, all operators of office workspaces should stay up to date with any changes to state and federal requirements related to office workspaces and incorporate those changes into their operations. This guidance is not intended to replace any existing applicable local, state, and federal laws, regulations, and standards.

	Mandatory	Recommended Best Practices
Physical Distancing (cont'd)	<ul style="list-style-type: none"> ✓ Non-essential common areas (e.g. gyms, pools, game rooms) may reopen in accordance with any applicable industry-specific guidance. 	<ul style="list-style-type: none"> ✓ Stagger worker schedules to observe social distancing for any gathering. ✓ Consider limiting all non-essential travel. ✓ Post social distancing markers using tape or signs that denote 6 ft. of spacing in commonly used and other applicable areas (e.g. clock in/out stations, health screening stations, restrooms).
Protective Equipment	<ul style="list-style-type: none"> ✓ Provide workers with an acceptable face covering at no-cost to the employees/contractors and have an adequate supply of coverings in case of need for replacement. ✓ Acceptable face coverings include but are not limited to cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, and face shields. ✓ Clean, replace, and prohibit sharing of face coverings. Consult the CDC guidance for additional information on cloth face coverings and other types of personal protective equipment (PPE), as well as instructions on use and cleaning and disinfection. ✓ Train workers on how to don, doff, clean and disinfect (as applicable), and discard PPE (training should be extended to contractors if the building managers/owners supply contractors with PPE). ✓ Must advise workers and visitors to wear face coverings in common areas including elevators, lobbies, and when traveling around the office. ✓ Limit the sharing of objects, such as tools, laptops, notebooks, telephones, touchscreens, and writing utensils, as well as the touching of shared surfaces; or, require workers to wear gloves when in contact with shared objects or frequently touched surfaces; or, require workers to perform hand hygiene before and after contact. 	<ul style="list-style-type: none"> ✓ Maintain adequate supply of face coverings, masks and other required PPE should a worker need a replacement, or should a visitor be in need.

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Reopening New York

Office-Based Work Guidelines for Employers and Employees



These guidelines apply to all business activities where the core function takes place within an office setting that have been permitted to reopen as well as to office-based businesses statewide that were previously permitted to operate as essential. This guidance may apply – but is not limited – to businesses and entities in the following sectors: Professional services, nonprofit, technology, administrative support, and higher education administration (excluding full campus reopening). Please note that these guidelines may also apply to business operating parts of their business functions under different guidelines (e.g. front office for a construction company). See Interim COVID-19 Guidance for Office-Based Work for full details.

During the COVID-19 public health emergency, all operators of office workspaces should stay up to date with any changes to state and federal requirements related to office workspaces and incorporate those changes into their operations. This guidance is not intended to replace any existing applicable local, state, and federal laws, regulations, and standards.

	Mandatory	Recommended Best Practices
Hygiene, Cleaning, and Disinfection	<ul style="list-style-type: none"> ✓ Adhere to hygiene, cleaning, and disinfection requirements from the Centers for Disease Control and Prevention (CDC) and Department of Health (DOH) and maintain cleaning logs on site that document date, time, and scope of cleaning. ✓ Provide and maintain hand hygiene stations in office, including handwashing with soap, running warm water, and disposable paper towels, lined garbage can, as well as an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not feasible. ✓ Provide and encourage participants to use cleaning and disinfecting supplies before and after use of shared and frequently touched surfaces, followed by hand hygiene. ✓ Ensure that equipment is regularly cleaned and disinfected, including at least as often as employees and contractors change workstations, using Department of Environmental Conservation (DEC) products identified by the Environmental Protection Agency (EPA) as effective against COVID-19. ✓ Regularly clean and disinfect the site and more frequently clean and disinfect high risk areas used by many individuals and for frequently touched surfaces. ✓ Rigorous cleaning and disinfection must occur at least after each shift, daily, or more frequently as needed. ✓ Regularly clean and disinfect the location or facility and conduct more frequent cleaning and disinfection for high risk areas used by many individuals (e.g. restrooms) and for frequently touched surfaces. 	<ul style="list-style-type: none"> ✓ Avoid use of furniture that is not easily cleaned and disinfected (e.g. cloth fabric sofas). ✓ Wherever possible, increase ventilation of outdoor air (e.g. opening windows and doors) while maintaining safety precautions.



Reopening New York

Office-Based Work Guidelines for Employers and Employees



These guidelines apply to all business activities where the core function takes place within an office setting that have been permitted to reopen as well as to office-based businesses statewide that were previously permitted to operate as essential. This guidance may apply – but is not limited – to businesses and entities in the following sectors: Professional services, nonprofit, technology, administrative support, and higher education administration (excluding full campus reopening). Please note that these guidelines may also apply to business operating parts of their business functions under different guidelines (e.g. front office for a construction company). See Interim COVID-19 Guidance for Office-Based Work for full details.

During the COVID-19 public health emergency, all operators of office workspaces should stay up to date with any changes to state and federal requirements related to office workspaces and incorporate those changes into their operations. This guidance is not intended to replace any existing applicable local, state, and federal laws, regulations, and standards.

	Mandatory	Recommended Best Practices
Hygiene, Cleaning, and Disinfection (cont'd)	<ul style="list-style-type: none"> ✓ Provide cleaning and disinfection of exposed areas in the event that an individual is confirmed to have COVID-19, with such cleaning and disinfection to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. elevators, lobbies, building entrances, badge scanners, restrooms handrails, door handles, vending machines, communal coffee stations). ✓ Prohibit shared food and beverages among employees. 	
Communication	<ul style="list-style-type: none"> ✓ Affirm you have reviewed and understand the state-issued industry guidelines, and that you will implement them. ✓ Post signage inside and outside of the office location to remind personnel and customers to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols. ✓ Train all personnel on new protocols and frequently communicate safety guidelines. ✓ If a worker or visitor was in close or proximate contact with others at the office location and tests positive for COVID-19, immediately notify and cooperate with state and local health departments with contact tracing efforts, including notification of potential contacts, such as workers, visitors, and/or customers (if known) who had close or proximate contact with the individual, while maintaining confidentiality required by state and federal law and regulations. 	<ul style="list-style-type: none"> ✓ Develop webpages, text and email groups, and social media campaigns to provide information to workers, customers, and visitors that include instructions, training, signage, and information. ✓ Work with building management to help facilitate any building-wide communications. ✓ Post signage inside and outside of the building to remind individuals to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols. ✓ Establish a communication plan for employees and visitors with a consistent means to provide updated information. ✓ Provide building managers/owners a list of essential visitors expected to enter the building.

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