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aid in coping with such disaster, do hereby continue the suspensions and modifications of law, and any directives, as superseded by a subsequent directive, made by Executive Order 202.15, through 202.21, and including 202.29, as contained in Executive Order 202.29 until July 7, 2020, and further, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through July 7, 2020 the following:

- Sections 2018-a and 2018-b of the Education Law, to the extent necessary to allow any absentee ballot for an election held on June 9, 2020 and received by mail in the office of the clerk of the school district or designee of the trustees or school board not later than June 16, 2020 to be canvassed for such election. No ballots for such election shall be accepted by the clerk of the school district or designee of the trustees or school board after 5 p.m. on June 9, 2020 except those received by mail in accordance with this provision. Any receptacle used for hand delivery of absentee ballots in such election shall be closed and removed at 5 p.m. on June 9, 2020; The ballots therein shall remain unopened pending delivery of mailed ballots, and shall be removed and canvassed after 5 p.m. on June 16, 2020;

- Section 3012(d) of the Education Law and Subpart 30-3 of Title 8 of the NYCRR, to the extent necessary to exempt school districts from completing annual professional performance reviews of classroom teachers and building principals during the 2019-20 school year without withholding any apportionment of funds for the general support of public schools for which a school district is otherwise entitled, and

- Sections §§2509, 2573, 3012 and 3014 of the Education Law, to the extent necessary to allow a board of education or the trustees of a common school district, only upon specific agreement, to appoint on tenure those classroom teachers and building principals recommended by the superintendent of schools who are in the final year of the probationary period, have received the previous requisite annual professional performance review ratings pursuant to §3012-d of the education law and would have been in their discretion qualified for appointment on tenure based upon past performance, notwithstanding that their annual professional performance review had not been completed and they had not received the necessary effectiveness rating for the 2019-20 school
year, or to allow such board of education or trustees of a common school district to extend such
determination for an additional year.

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 7,
2020:

- The directive contained in Executive Order 202.38, that allowed 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, is modified to
  explicitly limit such activity to those regions that are in Phase 2 of the re-opening.

- The directive contained in Executive Order 202.4, as extended, that required local governments to
  allow non-essential personnel to be able to work from home or take leave without charging
  accruals, and required such number of non-essential personnel to total no less than 50% of the total
  number of employees across the entire workforce of such local government or political subdivision,
  is hereby modified to apply only to local governments that have met the prescribed public health
  and safety metrics to be eligible for Phase Two reopening, provided such local governments in
  Phase Two regions may bring non-essential employees back to work beginning two weeks after
  such region meets the metrics to reopen Phase Two.

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

BY THE GOVERNOR.

Secretary to the Governor