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The Building Trades Employers Association has been in constant discussions with the Governor's Office and Mayor's Office in order to determine how contractors should proceed with the various Executive Orders set forth by NYS Empire State Development Corporation and NYC Department of Buildings. Here is what we know as of the date of this publication.

We will continue these efforts in coordination with our Member Associations and report them to you through reports of this nature which you can find on the website we set up to focus on information relating to the Coronavirus. Please go to www.bteany.com/covid19/ where these updates will be posted and for other critical information designed for contractors.

Questions?

Please submit any questions you may have and the BTEA will make every effort to get them answered and report it to the membership. Forward those questions to: dranshte@bteany.com

Disclaimer

The information included in this BTEA Publication is for advisory purposes only. Please contact your attorney and other business advisors for legal advice.

What Energy Construction Projects Are Considered Essential?

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Q: If my business supports construction and other projects within the energy industry, which projects are considered essential?

A: For this critical infrastructure sector, essential projects will be considered necessary if they are needed to respond to the COVID-19 public health emergency, provide support for basic human services (e.g. health, safety, housing, food, and other components of well-being), or proceed to a point where the project can be safely suspended. These activities must continue to comply with current guidance for maintaining a clean and safe work environment, as well as appropriate social distancing, as issued by the Department of Health. Please consult the below chart for a general reference for the energy industry

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**Empire State
Development**

<p>Essential Those activities necessary to respond to the COVID-19 state emergency or to provide basic human services (e.g. food, shelter, safety, health & well-being)</p>	<p>Utility Operations & Maintenance and Capital Plan Activities for:</p> <ul style="list-style-type: none"> • Existing power generation (including existing energy storage & EV infrastructure) • Utility scale new power generation for projects with an inservice date of September 1 or sooner • Existing fuel supply • Transmission and distribution infrastructure, including for maintenance, resilience, reliability and demand response • Ensuring safe and reliable service to customers <p>Energy Construction Activities Related to: Existing or expanding grid or other critical infrastructure, including but not limited to service of:</p> <ul style="list-style-type: none"> • Transit Facilities • Health care facilities • Affordable housing • Homeless shelters • New renewable generation or energy storage that are necessary to the continued operation of any of the above
<p>Non-Essential All other activities</p>	<p>Energy efficiency in existing buildings – all sectors</p> <ul style="list-style-type: none"> • New power generation – except the above essential • New energy storage – except the above essential • New construction – except the above essential • New EV infrastructure
<p>Emergency Health and safety</p>	<ul style="list-style-type: none"> • Projects necessary to protect health and safety of building occupants, utility customers, or the public including continuation of existing work to extent necessary to create a safe site

You can view ESD's full list of Frequently Asked Questions for Determining Whether a Business is Subject to a Workforce Reduction Under Recent Executive Order Enacted to Address COVID-19 Outbreak here: https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_033120.pdf



NYC DOB Process for Notification of Emergency Work or Ongoing Essential Work

The following guidelines have been set forth in [Buildings Bulletin 2020-004](#) and [Service Notice: COVID 19 Response: Suspension of Work](#).

If your site needs more time to complete emergency work, make your site secure or make the site safe; your applicant of record should submit the scope of work through the DOB Now portal. The operations to secure a site are listed here: [Buildings Bulletin 2015-029](#)

For non-essential work sites that have applies for a variance through the ESD website and have been approved, the approval for that site should also be uploaded by the applicant of record through the DOB now portal: www.nyc.gov/dobnow

More guidance is contained in the DOB document "FAQs: Essential and Non-Essential Construction In New York City During the Covid-19 New York State Emergency" found here: [FAQs](#)