



ANDREW M. CUOMO  
Governor

**NYSERDA**

RICHARD L. KAUFFMAN  
Chair

DOREEN M. HARRIS  
Acting President and CEO

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**Contractor Guidance on  
EmPower NY and Assisted Home Performance Work in COVID Hot Spots and Red  
Zones  
10/23/20**

In response to concerns about increases in COVID-19 hot spots or clusters within communities and regions of New York, Executive Order 202.68 mandated the New York State Department of Health (DOH) to determine the areas of the State that require enhanced public health restrictions due to a hot spot or cluster of COVID-19 cases. Once identified, DOH will classify the area based on the risk for compromising the State's containment of the COVID-19 virus as part of the Cluster Action Initiative, with severe risk being identified as a "red zone"; moderate risk identified as an "orange zone"; and precautionary risk identified as a "yellow zone." Information on the Cluster Action Initiative can be found online at <https://forward.ny.gov/cluster-action-initiative>.

Empire State Development (ESD) has issued guidance for [Executive Order 202.68](#) that identifies construction as an essential business allowed to remain open in any red zone. According to the guidance: "construction projects may continue, but any work that can be done remotely such as office-based work must proceed remotely, to the extent practicable. Employees/personnel who are not directly involved in in-person work at the business location/construction site are prohibited." ESD's guidance can be found online at <https://esd.ny.gov/ny-cluster-action-initiative-guidance>.

**Program Expectations**

With respect to the EmPower and Assisted Home Performance projects in State identified hot spots, all previous DOH, ESD, and NYSERDA guidance on COVID-safe work still applies. Given the dynamic nature of the COVID hot spots, contractors should check the status of job sites before going into the field and where a job site is located in a red zone, the Contractor may consider holding or not commencing work until the area exits the red zone. To find a COVID hot spot zone by address, please visit: <https://covidhotspotlookup.health.ny.gov/#/home>.

Until further notice, NYSERDA will institute the following measures for projects occurring in cluster areas, including red zones:

1. Projects in process can proceed as planned, with the consent of both the customer and contractor. NYSERDA will continue to allow for extensions on project deadlines if a customer or contractor elects to hold work until the status of the area changes.
2. Expect that contractors conduct any work that can be done remotely to proceed remotely, to the extent practical and within program guidelines.
3. NYSERDA will continue to assign new EmPower jobs for customers located in red zones to maintain a pipeline of projects for participating contractors; however, contractors may choose not to commence field work until the status for the area

- changes. NYSERDA will continue to allow for extensions on project deadlines.
4. Where a health or safety issue exists with an in-process or a newly assigned project, contractors should proceed with the work necessary to remediate the health or safety issue, regardless of the location of the job site.

### Implications for Future Work

This guidance on work in COVID cluster zones remains in effect until further notice. NYSERDA will monitor developments in the public health situation and will communicate any changes to this guidance, if and when necessary. If you have any questions, please reach out to [support.residential@nyserda.ny.gov](mailto:support.residential@nyserda.ny.gov) and we will forward questions to the appropriate NYSERDA staff member for follow-up. Thank you for your patience and understanding during this difficult time, and please know we are here to assist you.

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#### New York State Energy Research and Development Authority

##### Albany

17 Columbia Circle, Albany, NY 12203-6399  
(P) 1-866-NYSERDA | (F) 518-862-1091

[nyserda.ny.gov](http://nyserda.ny.gov) | [info@nyserda.ny.gov](mailto:info@nyserda.ny.gov)

##### Buffalo

726 Exchange Street  
Suite 821  
Buffalo, NY  
14210-1484  
(P) 716-842-1522  
(F) 716-842-0156

##### New York City

1359 Broadway  
19th Floor  
New York, NY  
10018-7842  
(P) 212-971-5342  
(F) 518-862-1091

##### West Valley Site

Management Program  
9030-B Route 219  
West Valley, NY  
14171-9500  
(P) 716-942-9960  
(F) 716-942-9961



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